

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2010] NZEMPC89
ARC 88/09**

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

BETWEEN MARK JAMES POULTER
Plaintiff

AND ANTIPODEAN GROWERS LIMITED
Defendant

Hearing: Hearing: by memorandum filed 5 July 2010

Judgment: 16 July 2010

JUDGMENT OF JUDGE M E PERKINS AS TO QUANTUM

[1] On 17 June 2010 I issued a judgment in favour of Mr Poulter who had challenged the determination of the Employment Relations Authority (the Authority) successfully.

[2] The matter proceeded by way of formal proof but at the hearing Mr Poulter had not properly quantified his claim. In particular, the total amount he was claiming was partially affected by limitation. I accordingly allowed him time to file a memorandum calculating his arrears of wages from 23 June 2003 and also to provide a calculation of interest on the basis of the applicable NZ 90-day bill rate plus two percent as prescribed in cl 14 of schedule 3 of the Employment Relations Act 2000 (the Act).

[3] Mr Poulter has now filed a memorandum setting out his calculations.

[4] So far as compensation is concerned I have already awarded the sum of \$20,000 to Mr Poulter. I accept his calculation of wages owing from 23 June 2003 to 30 June 2009 and the interest calculations he has made. Accordingly, in respect of wages and interest to 30 June 2009 there will be judgment for a further sum of \$113,739. He is also entitled to interest on the wages of \$85,640 from 30 June 2009 to 16 July 2010 at the NZ 90-day bill rate applying for that period being 3.25 percent plus two percent. This further interest is \$4,693.19.

[5] Mr Poulter is also entitled to recover the disbursements which he has properly incurred in these proceedings. He is claiming a sum of \$877.50 for periodic legal advice he has taken even though he conducted the proceedings himself. I regard that claim as reasonable. In addition he has had to pay a filing fee of \$200. He is awarded judgment for those two further amounts.

[6] If any costs award was made against Mr Poulter in the proceedings before the Authority that costs award is set aside.

[7] In summary the total amount for which judgment is entered in favour of Mr Poulter is calculated as follows:

a) Compensation	20,000.00
b) Wages and interest 23 June 2003 to 30 June 2009	113,739.00
c) Interest July 2009 to 16 July 2010	4,693.19
d) Disbursements	<u>1,077.50</u>
TOTAL	\$139,509.69

M E Perkins
JUDGE

Judgment signed at 11.30 am on 16 July 2010