

**IN THE EMPLOYMENT COURT
AUCKLAND**

**AC 21B/06
ARC 12/03**

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

BETWEEN JUDI DAWN PRINS AND FRANCISCUS
CORNELIUS JOHANNES PRINS
Plaintiffs

AND TIROHANGA GROUP LIMITED
(FORMERLY TIROHANGA RURAL
ESTATES LIMITED)
Defendant

Appearances: by memoranda of submissions filed on 14 August 2006

Judgment: 18 August 2006

SUPPLEMENTARY JUDGMENT OF CHIEF JUDGE GL COLGAN

[1] The plaintiffs submit that the Court has made an accidental slip in expressing the way interest is to be calculated in the judgment and asks that it be recalled and the slip corrected.

[2] At paragraph [82] of the principal judgment delivered on 10 May 2006 I allowed interest at the statutory rate taking the 90-day bill rate as being that applicable on the last day of the plaintiffs' employment, 30 November 2001. Mr Drake for the plaintiffs points out that the statutory power in clause 14(1) of Schedule 3 to the Employment Relations Act 2000 specifies the 90-day bill rate as being that "*as at the date of the order*".

[3] Mr Menzies, counsel now acting for Tirohanga Group, highlights other words in clause 14(1), the phrase "*not exceeding*" that rate, and submits that because the interest awarded did not exceed the maximum, there had been no accidental slip or omission in the judgment.

[4] I consider that Mr Drake is correct that my intention was to direct payment of interest at the maximum statutory rate but that I omitted to do as the statute directs, to fix that rate as at the date of the order. It follows that the judgment should be corrected so that paragraph 82 should now read:

[82] The plaintiffs are entitled to interest at the statutory rate (the 90-day bill rate plus 2 percent as at the date of this judgment, 10 May 2006) on Mrs Prins's compensation for lost income, the relocation and temporary accommodation compensation and arrears of holiday pay. That interest will continue to accrue until the payment to the plaintiffs of those principal sums by the defendant.

GL Colgan
Chief Judge

Judgment signed at noon on Friday 18 August 2006

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