

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 374/08
5099832**

BETWEEN JATCOM PRINTING LIMITED T/A
THE PUKEKOHE PRINTING WORKS
Applicant

AND ANTON TALJAARD (LABOUR
INSPECTOR)
Respondent

Member of Authority: Leon Robinson

Representatives: Annie Sullivan for Applicant
Kristin Howard for Respondent

Investigation Meeting: Consideration on Papers

Determination: 31 October 2008

DETERMINATION OF THE AUTHORITY

The application

[1] The applicant Jatcom Printing Limited t/a The Pukekohe Printing Works (“Jatcom”) applies to the Authority to reopen an investigation concluded by determination dated 30 October 2007¹. That determination ordered Jatcom to pay to the Labour Inspector arrears of wages, interest and a penalty. The Authority subsequently issued a compliance order in respect of that determination by a further determination dated 20 February 2008². The application to reopen investigation was lodged on 27 May 2008.

[2] Ms Sullivan a director of Jatcom makes the application to reopen on these grounds:-

¹ unreported, AA341/07, 30 October 2007, L Robinson

² unreported, AA55/08, 20 February 2008, L Robinson

I believe the Tribunal(sic) erred when making its decision, and not all our evidence was considered, in particular, doubt was cast on our record keeping. I have since checked with our legal advisor and have been told that we are not obliged to use any particular payroll system.

[3] Ms Sullivan lodges an affidavit in support of the application. She deposes as to the dictionary meaning of "produce" in relation to wage records. She gives evidence of the transfer of Jatcom's holiday pay details from Printcost to Excel spreadsheet and says "we believe that this complies with the legislation current at the time". Ms Sullivan further says requests for information were complied with and have always been available for inspection. Ms Sullivan further says the rate of interest awarded to the Labour Inspector was excessive. Finally Ms Sullivan provides a schedule of payments made to the complainant employee.

[4] I have read the Labour Inspector's affidavit and commend Ms Howard for the quality assistance she provides the Authority. I mean no disrespect in not answering the very good submissions made on behalf of the Labour Inspector.

[5] There is nothing in Ms Sullivan's application or in her affidavit which provides any basis for me to reopen the investigation I have previously concluded. There are no grounds on which I can properly exercise the discretion to reopen. Accordingly, I decline to do so. **The application to reopen investigation is refused.**

Costs

[6] In the event that costs are sought, I invite the parties to resolve the matter between them, but failing agreement, Ms Howard may lodge a memorandum making a case for costs within 14 days of the date of this determination.

Leon Robinson
Member of Employment Relations Authority