

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 180/09
5159120**

BETWEEN JAMES DENYER, LABOUR
 INSPECTOR
 Applicant

AND REVOLUTION INT
 PRODUCTIONS
 LIMITED
 Respondent

Member of Authority: Marija Urlich

Representatives: Applicant, in person
 Daniel Hunt for Respondent

Investigation Meeting: 11 June 2009

Determination: 12 June 2009

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Labour Inspector James Denyer makes application for a compliance order against the respondent Revolution Productions Int Limited. Compliance is sought with determination AA 60/09 dated 24 February 2009.

Non-compliance

[2] In paragraph [20] of determination AA 60/09 Revolution Production Int Ltd was ordered to pay the following sums:

- a. *\$4545.56 to the Labour Inspector for the use of Gavin Newton; and*
- b. *\$2000 into the Authority*

[3] At paragraph [21] of the same determination Revolutions Productions Int Ltd was ordered to pay the Labour Inspectorate \$70 in respect of the filing fee.

[4] Mr Hunt acknowledged Revolution Productions Int Limited has not complied with the determination AA60/09. He said this has occurred because the respondent currently cannot afford to pay the ordered sums. In support he presented correspondence from the respondent's bank advising the management of its accounts had been referred to a debt management team. Earlier correspondence from the respondent to the Authority foreshadowed this parlous financial situation. He requests the Authority order payment by instalments over a 12 month period commencing 20 July 2009 pursuant to section 138(4A) Employment Relations Act 2000. He says the respondent will be able to meet instalment payments because a funding stream will be brought on in two weeks time when a new production is due to commence.

[5] Mr Denyer did not oppose the instalment payment request.

[6] I am satisfied that the financial position of the respondent requires an order for the instalment payment of sums outstanding pursuant to section 138(4A) of the Employment Relations Act 2000. That order is made in the following terms:

- (i) commencing 20 July 2009, and on the 20th of each subsequent month, for the next 11 months, Revolution Productions Int Ltd is to pay the sum of \$378.79 to the Labour Inspectorate for the use of Gavin Newton, total owed being \$4545.56;**
- (ii) commencing 20 July 2009, and on the 20th of each subsequent month, for the next 11 months, Revolution Productions Int Ltd is to pay the sum of \$5.83 to the Labour Inspectorate, total owed being \$70;**
- (iii) commencing 20 July 2009, and on the 20th of each subsequent month, for the next 11 months, Revolution Productions Int Ltd is to pay the sum of \$166.66 to the Authority, total owed being \$2000;**

[7] The Authority's orders may be the subject of further application by the Labour Inspectorate for compliance in the Employment Court. The Court is empowered to

impose penalties for continuing non-compliance which include imprisonment, a fine not exceeding \$40,000 or the sequestration of property.

Orders

[8] Revolution Productions Int Limited is ordered to comply with determination AA 60/09 in terms of the directed repayment schedule set out in paragraph [6] above.

[9] The Labour Inspector is entitled to an award of costs to reimburse the \$70 filing fee incurred in lodging this application.

[10] Revolution Productions Int Limited is ordered to pay \$70 to the Labour Inspectorate.

Marija Urlich

Member of the Employment Relations Authority