**IN THE EMPLOYMENT RELATIONS AUTHORITY**
**AUCKLAND**

AA 300/10
5305139

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| BETWEEN | DAVID MYATT, LABOUR INSPECTOR<br>Applicant |
| AND | ANTIPODEAN GROWERS LIMITED<br>Respondent |

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| Member of Authority: | Robin Arthur |
| Representatives: | Applicant in person<br>No appearance for Respondent |
| Investigation Meeting: | 28 June 2010 |
| Determination: | 28 June 2010 |

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## DETERMINATION OF THE AUTHORITY

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[1] Labour Inspector David Myatt has applied for an order requiring Antipodean Growers Limited (AGL) to comply with the orders made in Authority determination AA 153/10 (1 April 2010).

[2] By that determination the Authority ordered AGL to pay:

(i) $9766.89 for holiday pay due to former employee Santokh Singh; and

(ii) $11,229.48 for holiday pay due to former employee Surinder Singh; and

(iii) Interest on the sums of holiday pay due to these two former employee, calculated at the rate of four percent from 12 November 2009 to the date of payment; and

(iv) $4000.00 as a penalty for breaches of the Holidays Act 2003; and

(v) $140.00 in reimbursement to the Labour Inspector for the fees to lodge applications in the Authority for the two former employees.

[3] AGL has not responded to the application for compliance orders. Neither has it appeared or been represented at today's investigation meeting. AGL remains registered with the Companies Office and I directed the Labour Inspector to serve the Notice of Investigation Meeting at AGL's registered office, the residential address given for its directors on Companies Office records, and at the offices of the firm of solicitors to which AGL director Noel McKenzie had previously referred enquiries by the Inspector. Under oath, the Inspector confirmed service was effected two weeks ago. I have exercised powers under clause 12 of Schedule 2 of the Employment Relations Act 2000 (the Act) to proceed to determine the Inspector's application as AGL has shown no good cause for failing to attend or be represented.

[4] The Inspector also confirmed he had sent AGL a copy of the determination but the amounts ordered by the Authority had not been paid.

**Compliance order**

[5] Under s137 and s138 of the Employment Relations Act 2000 (the Act) I order AGL to comply with the orders made in Authority determination AA 153/10 by no later than 12 July 2010.

[6] Should AGL fail to comply with the orders made within the time given, the orders for payments may be enforced in the District Court (under s141 of the Act) or further orders sought in the Employment Court (under s138(6) and s140(6) of the Act) for exercise of its powers to sequester property, impose fines up to $40,000 and imprison defaulters.

[7] I also order AGL to reimburse the Inspector a further $70 for the fee for lodging the application for a compliance order.

Robin Arthur
Member of the Employment Relations Authority