

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2012] NZERA Auckland 311
5389438

BETWEEN

SONYA ELNASCHIE
AND KENNETH HICK
Applicants

AND

TAIRUA DIVE & FISHINN
(2008) LIMITED t/a TAIRUA
FISHINN & HUNTING
Respondent

Member of Authority: K J Anderson

Representatives: Sonya Elnaschie, Advocate for the Applicants
No representation for the Respondent

Investigation: On the papers

Date of Determination: 10 September 2012

DETERMINATION OF THE AUTHORITY

The Claims

[1] The applicants, Ms Sonya Elnaschie and Mr Kenneth Hick, claim wage arrears in the gross sums of \$735.00 for Ms Elnaschie and \$1,015.00 for Mr Hick. On 19 July 2012, the applicant's *Statement of Problem* was forwarded to Mr Anthony Lanzi, who appears (from the Companies Register) to be the managing director of the respondent. The Authority has not received a statement in reply. On 27 August 2012, the Authority attempted to engage Mr Lanzi in a conference call scheduled for 3 September 2012. Unfortunately, via an emailed response to the Authority on 27 August 2012, Mr Lanzi informed, in graphic language, that the applicants could join the other creditors and he inferred that he is bankrupt.

Determination

[2] On the basis of the information contained in the statement of problem and that obtained from Ms Elnaschie during the conference call with her on 3 September 2012, I am satisfied that the applicants are entitled to be paid the monies claimed. Indeed, the written evidence available shows that Mr Lanzi accepts that he owes the applicants the arrears of wages claimed and on numerous occasions, he gave an undertaking that payment would forthcoming. But the undertakings given by Mr Lanzi have not been honoured.

[3] Tairua Dive & Fishinn (2008) Limited is ordered to pay outstanding arrears of wages of the gross sum of \$735.00 to Ms Sonya Elnaschie.

[4] Tairua Dive & Fishinn (2008) Limited is ordered to pay outstanding arrears of wages of the gross sum of \$1,015.00 to Mr Kenneth Hick.

[5] The above sums are to be paid to the applicants not later than 28 days from the date of this determination; plus the application fee of \$71.56 paid to the Applicants.

[6] I also direct that pursuant to Reg 26 of the Employment Relations Authority Regulations 2000, the applicants be provided with a certificate of determination, sealed with the seal of the Authority, recording that Tairua Dive & Fishinn (2008) Limited is ordered to pay to Ms Elnaschie the gross sum of \$735.00; and to Mr Hicks, the gross sum of \$1,015.00, plus total costs of \$71.56.

K J Anderson
Member of the Employment Relations Authority