

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 302
5411178

BETWEEN JAMES DENYER, LABOUR
 INSPECTOR
 Applicant

A N D SCORPION LIQUOR (2006)
 LIMITED
 Respondent

Member of Authority: T G Tetitaha

Representatives: Applicant in Person
 S Sing, Advocate for Respondent

Investigation Meeting: On the papers

Date of Determination: 16 July 2013

DETERMINATION OF THE AUTHORITY

- A. An order requiring the respondent to comply with the determination dated 11 December 2012 within 28 days of the date of this determination.**
- B. An order for the respondent to pay \$71.56 to the applicant being the filing fee in respect of the compliance order (clause 15, Schedule 2 of the Act).**

Employment relationship problem

[1] A determination of the Authority was issued on 11 December 2012 between the parties. The determination made the following orders:

- (a) An order that the respondent pay to the applicant the sum of \$3,417.12 being wage arrears of \$3,024 and holiday pay of \$393.12 (s.131);

(b) An order for interest on the judgment sum set out in para.(a) at the rate of 5% per annum, calculated from 6 March 2012 until payment (clause 11, Schedule 2 of the Act);

(c) Imposition of a penalty of \$1,000 (s.229(3)). The Authority orders payment of the whole penalty to the applicant (s.136(2));

(d) An order for the respondent to pay \$71.56 to the applicant being the Authority's filing fee (clause 15, Schedule 2 of the Act).

[2] A copy of the determination dated 11 December 2012 was served on the respondent on 11 December 2012. The respondent failed to pay the moneys owed under the above orders specified therein.

[3] The applicant applied for a compliance order on 20 February 2013.

[4] On 3 April 2013 a teleconference was attended by both parties. By consent, the respondent was granted three months to make payment of the outstanding moneys under the above determination. The final date for payment was 3 July 2013. The file would then be referred back to the Authority member to determine the compliance order application on the papers.

[5] The respondent failed to make payment of the outstanding moneys under the above determination by the due date.

[6] On 4 July 2013, a support officer in the Authority followed up with the respondent regarding payment. The respondent was advised the matter would be referred back to the Authority member for determination of the compliance order application. The respondent did not reply.

[7] Given the above, the Authority determines a compliance order pursuant to s.137 of the Employment Relations Act 2000 (the Act) shall issue. The respondent is directed to comply with the compliance order within 28 days. The applicant is entitled to recover its filing fee.

T G Tetitaha
Member of the Employment Relations Authority