

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 530
5431983

BETWEEN COLM BUFFINI
Applicant

AND NZ TAX RETURNS LIMITED
Respondent

Member of Authority: R A Monaghan
Representatives: A Goldstone, advocate for applicant
No appearance for respondent
Investigation meeting: On the papers
Determination: 18 November 2013

DETERMINATION OF THE AUTHORITY

- A. NZ Tax Returns Limited is ordered to pay to Colm Buffini the sum of \$5,500.**
- B. Payment is to be made by the close of business 7 days from the date of this determination.**
- C. NZ Tax Returns Limited is ordered to contribute to Mr Buffini's costs in the sum of \$575.**

Employment relationship problem

[1] In a determination dated 4 January 2013¹ I found NZ Tax Returns Limited (TRL) was Mr Buffini's employer, and ordered it to pay him the sum of \$2,000 in respect of his unjustified dismissal. In a second determination, also dated 4 January 2013 but arising out of another employment relationship problem between the parties,² I ordered TRL to contribute to Mr Buffini's costs in the sum of \$875. In a determination dated 14 February 2013,³ which followed the determination that Mr

¹ *Buffini v NZ Tax Returns Limited & Anor* [2013] NZERA Auckland 4

² *NZ Tax Returns Limited v Buffini* [2013] NZERA Auckland 5

³ *Buffini v NZ Tax Returns Limited & Anor* [2013] NZERA Auckland 48

Buffini's dismissal was unjustified, I ordered TRL to contribute to Mr Buffini's costs in the sum of \$2,625.

[2] Mr Buffini says none of these sums has been paid. He seeks an order that TRL comply with the Authority's determinations by paying him the sum of \$5,500, being the total of the three orders.

[3] Mr Buffini also seeks a further order for costs in respect of the present application.

No appearance by respondent

[4] TRL did not lodge a statement in reply, did not respond to the timetable I set for providing evidence in respect of Mr Buffini's claims and did not respond to my proposal that the matter be heard on the papers.

[5] I am satisfied that the statement of problem and the Authority's communication was received by the respondent. As no good cause for the failures to respond was provided, I proceed under Schedule 2, clause 12 of the Employment Relations Act 2000.

Orders

[6] I am satisfied that the amounts in the orders remain unpaid. The effluxion of time, the lack of response by TRL to Mr Goldstone's direct approaches regarding payment, the lack of response to the proceeding in the Authority, and the absence of any reason for the failures to pay mean I order that TRL:

- (i) pay to Mr Buffini the sum of \$5,500; and
- (ii) make the payment by the close of business 7 days from the date of this determination.

Costs

[7] Mr Buffini sought an order for the costs of this application in the sum of \$575. The sum is modest and I award it on the basis that it includes reimbursement of the Authority's filing fee.

[8] TRL is therefore ordered to contribute to Mr Buffini's costs in the sum of \$575.

R A Monaghan

Member of the Employment Relations Authority