

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2015] NZERA Auckland 1  
5533789

BETWEEN JAMES DENYER (LABOUR  
INSPECTOR)  
Applicant

AND BEAGLE BROTHERS  
LIMITED T/A GENJI  
PONSONBY  
Respondent

Member of Authority: Vicki Campbell  
Representatives: James Denyer for Applicant  
No appearance for Respondent  
Investigation Meeting: On the papers  
Determination: 5 January 2015

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**DETERMINATION OF THE AUTHORITY**

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- A. Beagle Brothers Limited trading as Genji Ponsonby is ordered to comply with the determination of the Authority dated 23 October 2014 and pay all sums outstanding within seven (7) days of the date of this determination.**
- B. In addition to the amounts payable under the compliance order the respondent is ordered to pay a further \$71.56 being the filing fee in respect of this application for a compliance order within seven (7) days of the date of this determination.**

### **Employment relationship problem**

[1] On 23 October 2014 the Authority determined the respondent, Beagle Brothers Limited trading as Genji Ponsonby (Beagle Brothers) owed monies claimed by the Labour Inspector being<sup>1</sup>:

- a) \$6,587.56 for outstanding wages and holiday pay for Ms Junxia Dong; and
- b) \$4,001.40 for outstanding wages and holiday pay for Mr Julius Manching.

[2] The Authority further ordered the respondent to pay:

- a) interest on the above amounts;
- b) a penalty of \$12,000;
- c) \$71.56 as reimbursement of the costs of the application.

[3] All sums were to be paid to the Labour Inspector within 14 days of the date of the determination, that is, by 6 November 2014.

[4] On 9 December 2014 the Labour Inspector filed a statement of problem in the Authority seeking an order that the respondent comply with the Authority's determination and seeking payment of all sums ordered.

[5] The respondent has failed to file a statement in reply and has failed to respond to correspondence from the Authority to it. The conduct of the respondent in failing to respond in any way is consistent with its complete failure to engage in other matters already determined by the Authority and matters currently awaiting investigation and determination.

[6] The Authority is satisfied it has done everything it can reasonably do to advise the respondent of this claim.

### **Determination**

[7] I am satisfied that Beagle Brothers has not complied with the terms of the Authority's determination of 23 October 2014. Beagle Brothers is to pay the following sums to the Labour Inspector within seven (7) days of the date of this determination:

- a) \$6,587.56 gross in outstanding wages and holiday pay plus interest to be calculated at the rate of 5% per annum from 23 October 2014 to the date of payment for the use of Ms Junxia Dong ;

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<sup>1</sup> [2014] NZERA Auckland 434.

- b) \$4,001.40 gross in outstanding wages and holiday pay plus interest to be calculated at the rate of 5% per annum from 23 October 2014 to the date of payment for the use of Mr Manching;
- c) \$12,000 penalty; and
- d) \$71.56 being the filing fee in respect of the determination.

**Costs**

[8] Beagle Brothers is ordered to reimburse the Labour Inspector the \$71.56 filing fee in respect of this application for a compliance order.

[9] The above amounts are to be paid by Beagle Brothers to the Labour Inspector within seven (7) days of the date of this determination.

**Further non-compliance**

[10] The Authority's orders may be the subject of a further application for compliance in the Employment Court which is empowered to impose penalties for continuing non-compliance which include imprisonment, fines and the sequestration of property.

Vicki Campbell  
Member of the Employment Relations Authority