

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA
TAIMAHI ŌTAUTAHU ROHE**

[2022] NZERA 681
3175403

BETWEEN THOMAS OWEN STEWARD
Applicant

AND COGITO LIMITED
First Respondent

JOHN LAUCLAN
LAWRENCE
Second Respondent

Member of Authority: Antoinette Baker

Representatives: John Farrow, counsel for the Applicant
Andrew Marsh, counsel for the Respondent

Investigation Meeting: On the papers

Determination: 20 December 2022

DETERMINATION OF THE AUTHORITY

[1] The parties have resolved this matter on their own terms, and this was recorded in a Consent Determination of the Authority dated 29 September 2022 (the Consent Order). Those terms included the agreement that the issuing of a Compliance Order was to be deferred until today, 20 December 2022.

Compliance Order

[2] Section 137(1)(b) of the Employment Relations Act 2000 provides the power to order a Compliance Order where any person has not observed or complied with any order or determination of the Authority which includes a Consent Order.

[3] I am satisfied that the respondents have not complied with the Consent Order. The Respondents are to immediately comply with the following:

- a. Cogito Limited and John Lachlan Lawrence are to comply with the Record of Settlement dated 17 February 2022 and specifically:
 - i. Cogito Limited and John Lachlan Lawrence are to pay \$22,000.00 to Thomas Owen Steward;
 - ii. Cogito Limited and John Lachlan Lawrence are to pay \$5,000.00 to Thomas Owen Steward being the consideration agreed to defer the issue of this Compliance Order until today;
 - iii. Cogito Limited and John Lachlan Lawrence are to pay interest on the sum of \$22,000.00 calculated from 17 May 2022 to the date of this Compliance Order calculated under Money Claims Act 2016 being \$329.22¹;
 - iv. Cogito Limited and John Lachlan Lawrence are to pay Thomas Owen Steward \$750.00 towards his legal costs.

[4] Should the Respondents fail to comply with the compliance order set out at [3], the applicant is entitled to pursue the breach in the Employment Court or the District Court. The Employment Court has powers to impose a fine not exceeding \$40,000, order property to be sequestered, or impose a sentence of imprisonment not exceeding 3 months². Alternatively, a certificate of determination may be obtained from the Authority and enforcement obtained in the District Court.

Antoinette Baker
Member of the Employment Relations Authority

¹ <https://www.justice.govt.nz/fines/civil-debt-interest-calculator/>

² Section 139 and 140(6) Employment Relations Act 2000.