

IN THE COURT OF APPEAL OF NEW ZEALAND

**CA701/2015
[2016] NZCA 262**

BETWEEN

BARRY EDWARD BRILL
Applicant

AND

**LABOUR INSPECTOR (MELISSA ANN
MACRURY)**
Respondent

Court: Randerson, Stevens and Miller JJ

Counsel: Appellant (in person)
S McKechnie for Respondent

Judgment: 15 June 2016 at 4.00 pm
(On the papers)

JUDGMENT OF THE COURT

A We grant leave to appeal from the Employment Court on the following question:

In terms of s 234(2) of the Employment Relations Act 2000, what must the Labour Inspector prove to establish that any officer, director, or agent of the company has directed or authorised the default in payment of the minimum wages or holiday pay or both?

B The application for an extension of time is granted.

REASONS OF THE COURT

(Given by Miller J)

[1] We need not give reasons for granting leave to appeal from the Employment Court.¹ So far as the extension of time is concerned, there is force in the respondent's contention that the delay is insufficiently explained, but the appeal raises an important and arguable question and the delay is not so extensive as to justify refusing an extension in the circumstances.

Solicitors:
Crown Law, Wellington for Respondent

¹ *Labour Inspector (Melissa Ann MacRury) v Cypress Villas Ltd* [2015] NZEmpC 157.