

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2014] NZEmpC 133
ARC 45/14**

IN THE MATTER OF an application for penalty for breach of
compliance order

BETWEEN JAMES DENYER, LABOUR
INSPECTOR
Plaintiff

AND SCORPION LIQUOR (2006)
LIMITED
Defendant

Hearing: 24 July 2014
(Heard at Auckland)

Appearances: SM Carr, counsel for Plaintiff
No appearance for Defendant

Judgment: 24 July 2014

ORAL JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] This is an application for a fine to be imposed on the defendant for its failure to comply with a compliance order made by the Employment Relations Authority under s 137 of the Employment Relations Act 2000.¹

[2] There has been no appearance at today's hearing on behalf of the defendant but that is understandable in the following circumstances.

[3] Mrs Carr advised the Court that the company has been in communication with the Labour Inspector through counsel and has assured the Labour Inspector of its intention to meet its obligations. To that end, the company has provided a solicitor's undertaking that it will pay immediately the sum of \$1,000 to the Labour

¹ *James Denyer, Labour Inspector v Scorpion Liquor (2006) Limited* [2012] NZERA Auckland 448.

Inspector from funds held in a solicitor's trust account. The Labour Inspector is confident of being able to settle the balance of the amounts due to him under the Authority's determination by 12 August 2014.

[4] In these circumstances, I will adjourn the current applications to 10 am on Friday 15 August 2014. If the matter is settled to the plaintiff's satisfaction before then, advice to the Registry to this effect and the withdrawal of the proceeding will mean that no hearing is required on that date.

[5] So that the defendant is aware of what is happening, I direct that a copy of this judgment be sent to the solicitors representing it in this matter, Swarbrick Beck Mackinnon, and also to counsel instructed, Mr Simon Lance.

[6] I reserve questions of costs and make no order for costs on today's hearing.

GL Colgan
Chief Judge

Judgment delivered orally at 10.40 am on Thursday 24 July 2014