

**IN THE EMPLOYMENT COURT OF NEW ZEALAND  
CHRISTCHURCH**

**I TE KŌTI TAKE MAHI O AOTEAROA  
ŌTAUTAHI**

**[2025] NZEmpC 35  
EMPC 6/2024**

IN THE MATTER OF            an application for a compliance order  
AND IN THE MATTER OF    an application for substituted service  
BETWEEN                      GARY-LEIGH GEORGE COTTON  
   Plaintiff  
AND                                DARCEE PATRICK GOSLING  
   Defendant

Hearing:                      On the papers

Appearances:                L Anderson, advocate for plaintiff

Judgment:                    7 March 2025

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**INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH  
(Application for substituted service)**

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[1] Garry Cotton was successful in three Employment Relations Authority determinations involving Darcee Gosling. On 16 March 2022, the Authority determined that Mr Cotton was employed by Mr Gosling and was unjustifiably dismissed and disadvantaged by him.<sup>1</sup> Financial remedies were ordered to be paid by Mr Gosling to Mr Cotton.

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<sup>1</sup> *Cotton v Gosling* [2022] NZERA 90 (Member Beck).

[2] On 12 April 2022, the Authority dealt with costs arising from its earlier determination.<sup>2</sup> Mr Gosling was ordered to pay Mr Cotton costs of \$2,250 and to reimburse the filing fee in the Authority of \$71.56.

[3] On 11 May 2023, the Authority made a compliance order against Mr Gosling which required him within 28 days to pay to Mr Cotton the financial remedies previously awarded by the Authority.<sup>3</sup> Interest was awarded together with costs of a further \$750. The further filing fee of \$71.56 was ordered to be reimbursed. Mr Gosling has not paid Mr Cotton, meaning the Authority's compliance order has not been complied with.

[4] Mr Cotton has applied to the Court for sanctions to be imposed on Mr Gosling to enforce the Authority's compliance order. The application is made under s 140(6) of the Employment Relations Act 2000.

[5] Mr Cotton's advocate, Mr Anderson, has been attempting unsuccessfully to serve the application under s 140(6) for some time and has applied for substituted service. The application is supported by an affidavit. The steps taken were extensive.

[6] Attempts to serve Mr Gosling at residential addresses in South Canterbury failed. A bailiff was unsuccessful in serving other enforcement action on him. I am satisfied that Mr Gosling knows efforts are being made to locate him and that he is avoiding service.

[7] The Employment Court may order substituted service under reg 28(2)(a)(iv) of the Employment Court Regulations 2000.

[8] I am satisfied that it is appropriate to grant the application for substituted service. I order that:

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<sup>2</sup> *Cotton v Gosling* [2022] NZERA 139 (Member Beck).

<sup>3</sup> *Cotton v Gosling* [2023] NZERA 238 (Member Doyle).

- (a) Service on Mr Gosling is to be affected by the publication of an approved notice on two occasions, one week apart, in a newspaper available in South Canterbury.
- (b) The public notice in [8](a) must be in a form approved by the Registrar and give notice of the date of hearing of the application under s 140(6) of the Employment Relations Act 2000 and of the availability of a copy of the application from the office of the Registrar of the Employment Court.
- (c) The plaintiff must bring the publication referred to in [8](a) to the attention of Mr Gosling by a message to his Facebook profile and to his Gmail account as specified in the application.
- (d) The messages to the Facebook account and Gmail account are to be in a form approved by the Registrar before they are sent to Mr Gosling's accounts.
- (e) Publication of the notices referred to in [8](a) must be completed no later than **21 days before the date of hearing identified in the public notices.**
- (f) An affidavit of service on behalf of the plaintiff identifying the steps taken, when they were taken and exhibiting a copy of the public notices is to be filed promptly by the plaintiff.

[9] Costs are reserved.

K G Smith  
Judge

Judgment signed at 2.15 pm on 7 March 2025