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A Labour Inspector v Singh (Auckland) [2018] NZERA 287; [2018] NZERA Auckland 287 (15 August 2018)

Last Updated: 19 September 2018

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2018] NZERA Auckland 287
3004596

BETWEEN A LABOUR INSPECTOR Applicant

AND JUJHAR SINGH Respondent

Member of Authority: Andrew Dallas

Representatives: Marija Urlich, counsel for the Applicant

Peter Broad, counsel for the Respondent

Investigation Meeting: 15 August 2018

Date of Determination: 15 August 2018

DETERMINATION OF THE AUTHORITY (No.2)

Employment relationship problem

[1] On 15 August 2018, the Authority issued a consent determination.¹ The issue of a timetable for payment of the outstanding arrears of \$119,338.37, which could not be agreed between the parties, was reserved for further determination by the Authority. This is that determination.

[2] Having considered the submissions of the parties, the Authority makes the following order in the form of a timetable for payment of the arrears of \$119,338.37:

(i) The first tranche of \$40,000 is to be paid by Mr Singh to the Labour

Inspector within 7 days of the date of this determination;

(ii) The second tranche of \$50,000 is to be paid by Mr Singh to the Labour

Inspector within 37 days of the date of this determination;

¹ *A Labour Inspector v* [2016] NZERA Auckland 399. See also, *A Labour Inspector v Singh* [2018] NZERA Auckland 60.

(iii) The final tranche of \$29,338.37 is to be paid by Mr Singh to the Labour

Inspector on or before 1 November 2018.

Costs

[3] The consent determination also reserved the issue of costs. This determination deals with the issue in the following way.

[4] The parties are invited to resolve costs between them. If they are unable to do so, the Labour Inspector has 14 days from the date of this determination in which to file and serve a memorandum on costs. Mr Singh has a further 14 days in which to file and serve a memorandum in reply.

[5] The parties could expect the Authority to determine costs, if asked to do so, on its usual “daily tariff” basis unless particular circumstances or factors require an adjustment upwards or downwards.²

Andrew Dallas

Member of the Employment Relations Authority

2 PBO Ltd v Da Cruz [\[2005\] NZEmpC 144](#); [\[2005\] 1 ERNZ 808](#) and *Fagotti v Acme & Co Limited* [\[2015\] NZEmpC 135](#).

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