



Employment Court of New Zealand

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Global Cover Insurances Limited v Bhamji [2016] NZEmpC 170 (20 December 2016)

Last Updated: 22 December 2016

IN THE EMPLOYMENT COURT AUCKLAND

[\[2016\] NZEmpC 170](#)

EMPC 263/2016

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
BETWEEN	GLOBAL COVER INSURANCES LIMITED Plaintiff
AND	MUSTAFA BHAMJI Defendant

Judgment: 20 December 2016

JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] This challenge to a determination of the Employment Relations Authority was filed on 20 October 2016. The statement of claim failed to meet the minimum requirements of reg 11 of the [Employment Court Regulations 2000](#) (the Regulations).

[2] The Court issued a Minute on 31 October 2016 requiring the plaintiff to file and serve an amended statement of claim in compliance with reg 11 of the Regulations within 21 days and, in the meantime, waived the usual requirement on the defendant to file and serve a statement of defence. The Court also advised the plaintiff to seek professional legal advice about its situation. Because the Authority's determination triggered the provisions of s 181 of the Employment Relations Act

2000 (the Act), I considered that Global Cover Insurances Ltd may not have participated in the Authority's investigation of the matter in a manner that was designed to resolve the issues involved. Accordingly, I directed the production by

the Authority of a s 181(2) report to the Court.

1 *Bhamji v Global Cover Insurances Ltd* [2016] NZERA Auckland 324.

[3] The plaintiff did not comply with the directions given in the Minute of 31

October 2016. By a further Minute issued on 30 November 2016, the Court gave the plaintiff a final period of 14 days within which to comply with those directions. That Minute noted expressly that if the plaintiff had taken no step, the proceeding would then be dismissed for want of prosecution. The advice to the plaintiff about taking professional legal advice was reiterated.

[4] The Registrar has informed me that the plaintiff has taken no step. I am satisfied that the 31 October 2016 Minute was sent by email to the plaintiff's Mr Naidu and that the 30 November 2016 Minute was sent by both email and by courier to the plaintiff's address for service on the statement of claim. There is a record that this courier delivery had been signed for.

[5] In the circumstances, I am satisfied that the defendant is not required to be burdened by the ongoing uncertainty of this litigation and, subject only to any submissions that the defendant may wish to make as to any costs incurred by him on the challenge, the proceedings are dismissed for want of prosecution.

[6] A copy of this judgment should also be sent to the Authority so that it knows that it needs to take no further steps in preparing its s 181 report to the Court.

GL Colgan

Chief Judge

Judgment signed at 9 am on 20 December 2016

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