

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 346
5465957

BETWEEN DAVID MYATT - LABOUR
 INSPECTOR
 Applicant

A N D PACIFIC APPLIANCES LIMITED
 Respondent

Member of Authority: Rachel Larmer

Representatives: Applicant in person
 No appearance by Respondent

Investigation Meeting: 22 August 2014 at Auckland

Date of Determination: 25 August 2014

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The Labour Inspector seeks a compliance order against Pacific Appliances Limited (Pacific Appliances) for failing to pay the penalty of \$1,500 which was imposed by the Authority under sections 133 and 223F of the Employment Relations Act 2000 (the Act) and reimbursement of \$71.56 for the filing fee in respect of the substantive matter as per its determination dated 11 December 2013.¹

[2] Pacific Appliances has not filed a Statement in Reply or sought leave to file a Statement in Reply out of time. It did not attend the investigation meeting today.

[3] The Statement of Problem was served on Pacific Appliances on 04 July 2014 and the Notice of Hearing was served on Pacific Appliances on 11 August 2014.

[4] I accept Mr Myatt's evidence that the Authority's determination in December last year has not been complied with because neither the penalty or the filing fee

¹ [2013] NZERA Auckland 565.

imposed by that determination have been paid. I consider it unlikely that these amounts will be paid unless the Authority makes a compliance order requiring them to be paid.

[5] Accordingly, I order Pacific Appliances to comply within 28 days of this determination with paragraphs 22 and 23 of the Authority's determination dated 11 December 2013 by paying in full the \$1,500 penalty and the \$71.56 filing fee reimbursement into the Crown bank account.

[6] Mr Myatt appeared in person so there is no issue as to costs. However I also order Pacific Appliances within 28 days of the date of this determination to pay the Labour Inspector (Mr Myatt) \$71.56 to reimburse the filing fee paid for this compliance order application.

Rachel Larmer
Member of the Employment Relations Authority