

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2014] NZEmpC 166
ARC 46/14**

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

BETWEEN JAMES DENYER, LABOUR
INSPECTOR
Plaintiff

AND PETER REYNOLDS MECHANICAL
LIMITED TRADING AS THE ITALIAN
JOB SERVICE CENTRE
Defendant

EMPC 220/2014

IN THE MATTER OF an application for rehearing

BETWEEN PETER REYNOLDS MECHANICAL
LIMITED TRADING AS THE ITALIAN
JOB SERVICE CENTRE
Plaintiff

AND JAMES DENYER, LABOUR
INSPECTOR
Defendant

Hearing: 8 September 2014
(Heard at Auckland)

Appearances: SM Carr, counsel for Labour Inspector
RM Hesketh, counsel for Peter Reynolds Mechanical Limited

Judgment: 8 September 2014

ORAL JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] This is an application for rehearing and for a stay of the Court's orders made on 24 July 2014 in proceedings between the Labour Inspector and Peter Reynolds Mechanical Limited trading as The Italian Job Service Centre.¹ On that occasion, and in the absence of any appearance for Peter Reynolds Mechanical Limited, the Court imposed a penalty for non-compliance with a compliance order made by the Employment Relations Authority at the Labour Inspector's instigation against Peter Reynolds Mechanical Limited.²

[2] Mr Reynolds, who is the principal of the company, has subsequently applied on behalf of the company for a rehearing and, on the grounds advanced, the Labour Inspector does not oppose the making of an order for rehearing. Those circumstances outlined by affidavit satisfy me that it is proper to grant a rehearing and an order is made accordingly.

[3] The Labour Inspector is satisfied also that Peter Reynolds Mechanical Limited has paid the balance due under the Authority's determinations to the Labour Inspector so that all that remains now for the Court to determine is the Labour Inspector's application for a penalty for non-compliance, the original judgment now having been set aside by the order for rehearing.

[4] That application for penalty is now adjourned to 11 am on 29 September 2014. Mrs Carr will take instructions from the Labour Inspector as to whether he wishes to continue with that application in the circumstances. If he does not, then advice to the Court before 29 September 2014 to that effect will obviate the need for a hearing on that day and appearances. If, however, that matter is not able to be resolved between counsel for the parties, the application for a penalty will be heard then.

¹ *Denyer v Peter Reynolds Mechanical Limited t/a The Italian Job Service Centre* [2014] NZEmpC 135.

² *Denyer v Peter Reynolds Mechanical Limited t/a The Italian Job Service Centre* [2014] NZERA Auckland 43.

[5] Costs are reserved on today's hearing.

GL Colgan
Chief Judge

Judgment delivered orally at 11.33 am on Monday 8 September 2014