

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2018] NZERA Auckland 256
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

CONSENT DETERMINATION

Employment relationship problem

[1] On 7 March 2017, a Labour Inspector, Tasnem Begum lodged a statement of problem seeking to join Jujhar Singh under s 234 of the Employment Relations Act 2000, as it was then, to a determination of the Authority.¹ This application was brought ostensibly because Binde Enterprises Limited was placed into voluntary liquidation by Mr Singh, its sole director.

[2] An initial investigation meeting to consider the Labour Inspector's application was adjourned by consent on 9 August 2017 pending the outcome of discussions between Binde's liquidator and the Department of Inland Revenue over a tax refund said to be owed to Binde.

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

[3] The liquidator subsequently paid the Labour Inspector \$88,845.79. Despite further discussions between the Labour Inspector and Mr Singh, no agreement could be reached over the payment of the balance of \$119,338.37.

[4] Due the effluxion of time, when the matter came before the Authority again today it was prosecuted by Labour Inspector, Katriona Ikenasio.

[5] At the request of the parties, this consent determination records that Mr Singh no longer opposed the Labour Inspector's application for leave under s 234 of the Act. That being the case the Authority granted the order sought. The effect of the order is that Mr Singh is joined to Authority determination *A Labour Inspector v Binde Enterprises Limited* and, as a consequence, is jointly and severally liable with Binde for the outstanding arrears of \$119,338.37.² However, it is clear from the evidence the payment by the liquidator exhausted Binde's funds and Mr Singh will need to pay the outstanding arrears, personally.

[6] This determination is enforceable under s 137(1)(b) of the Act.

Next steps

[7] The following issue, which could not be agreed between the parties, is reserved for further determination by the Authority:

- (i) A timetable for payment of the outstanding arrears of \$119,338.37

Costs

[8] Costs are reserved pending disposal of all matters before the Authority.

Andrew Dallas
Member of the Employment Relations Authority

² See, *Brill v Labour Inspector* [2016] NZCA 169 (CA) at [17]