



Employment Court of New Zealand

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Tait v Robin [2018] NZEmpC 119 (10 October 2018)

Last Updated: 19 October 2018

IN THE EMPLOYMENT COURT AUCKLAND

[\[2018\] NZEmpC 119](#)
EMPC 138/2018

IN THE MATTER OF an application for a compliance order
BETWEEN HEATHER TAIT
 Plaintiff
AND RICHARDENE (RICHIE) ROBIN AND
 ALLAN SHERSON
 Defendants

Hearing: 10 October 2018 (Heard at
 Auckland)
Appearances: W Reid, advocate for plaintiff
 R Robin and A Sherson,
 defendants
Judgment: 10 October 2018

ORAL JUDGMENT OF JUDGE M E PERKINS

[1] The proceedings before me today are a continuation of an application for a compliance order and in default, remedies pursuant to [s 140\(6\)](#) of the [Employment Relations Act 2000](#) (the Act). On 12 September 2018, the application for compliance orders and enforcement first came before me, the application being made by the plaintiff, Ms Tait, against the defendants Richardene (Richie) Robin and Allan Sherson.

[2] The matter has a history which I do not need to set out, but monetary awards of the Court were not being paid and that is the reason why the compliance application was brought by Ms Tait.

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[3] On 12 September 2018, I issued an oral judgment in which I made compliance orders and also, as I am entitled to do under [s 140](#) of the Act, adjourned the proceedings to see whether the compliance orders that I then made were complied with. The matter was then to be called again and the hearing today was set down for that purpose.

[4] In the interim period Ms Tait, through her advocate Mr Reid, has been in contact with the defendants (or they with him) and the position relating to repayments under the original judgment has been discussed. It is now agreed that by way of instalments towards the judgment sums the defendants have made a total payment amounting to \$6,600. It is also agreed that the amount still outstanding is \$6,392. That is made up of a small portion of \$392.00 still owing under the original monetary awards and a further sum of \$6,000 which the Court has ordered the defendants to pay as a contribution towards Ms Tait's legal costs.

[5] I had anticipated today that if the defendants were still in arrears and were refusing to make any payment in compliance that I would be called upon to impose one of the draconian remedies which is provided for in [s 140\(6\)](#) of the Act. Happily, I am not called upon to do that today because the parties have been in discussions and it has been confirmed to me in Court that Ms Tait is agreeable to the balance of \$6,392 being repaid by the defendants at the rate of at least \$100 per week. It is also agreed that the further payments will be paid into the trust account of solicitors in Tauranga, Messrs Keam Standen, Solicitors.

[6] It has also been agreed that the proceedings which are still extant, being compliance proceedings or the continuation of them, will be adjourned on a sine die basis. When repayment is eventually made, Ms Tait will discontinue those proceedings against the defendants. So, all I am called upon to do today is to formally record what really amounts to an agreement which has been concluded in the courtroom today in discussions between myself and Mr Reid and the defendants.

[7] So, I record that the balance outstanding and still owing to Ms Tait is the sum of \$6,392. That is to be repaid by the defendants at the rate of at least \$100 per week

1 *Tait v Robin* [2018] NZEmpC 105.

with the first payment being on 17 October 2018. The payments are to be made to the trust account of Messrs Keam Standen, Solicitors in Tauranga.

[8] These proceedings are adjourned sine die but the Registrar, in contact with Mr Reid, is to review the matter on a quarterly basis.

[9] When the final payment of the amount outstanding is made, Ms Tait is to forthwith file in the Court a notice of discontinuance of the compliance proceedings. No other order is required and there will be no further costs order.

M E Perkins Judge

Oral judgment delivered at 2.39 pm on 10 October 2018

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