

From: Lawrence Anderson <Lawrence@AndersonLaw.nz>
Sent: Tuesday, 3 December 2024 11:32 pm
To: Daniel Church <Daniel@catherinestewart.co.nz>; [REDACTED]
Cc: Catherine Stewart <catherine@catherinestewart.co.nz>; Jin Park <jin@catherinestewart.co.nz>; Admin - Catherine Stewart Barrister <admin@catherinestewart.co.nz>
Subject: RE: EMPC 306/2024 - Menzies v Corrigan and other(s)

Hello,

The Employment Court Regulations are being contravened by a moron. See below the regulations. A Claim must be filed for this.

legislation.govt.nz/regulation/public/2000/0250/latest/whole.html

form 2 1/25

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(3) The prescribed fee must be paid at or before the time at which the statement of claim is filed.
Regulation 7(1A): revoked, on 20 December 2023, by [section 7\(2\)](#) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

8 Other proceedings

(1) This regulation applies to the following proceedings:

- (a) every application, under [section 6\(5\)](#) of the Act, for an order declaring whether the person or persons named in the application are—
 - (i) employees under the Act; or
 - (ii) employees or workers within the meaning of any of the Acts specified in [section 223\(1\)](#) of the Act;
- (b) any proceedings founded on tort and brought under [section 99](#) of the Act;
- (c) any proceedings under [section 100](#) of the Act for the grant of an injunction;
- (d) any action under [section 133](#) of the Act for the recovery of a penalty under the Act;
- (e) any application under [section 139\(4\)](#) of the Act for a compliance order;
- (f) any application for review, or other proceedings, brought under [section 194](#) of the Act;
- (g) any other proceedings within the jurisdiction of the court that do not involve a challenge to a determination, or any part of a determination, of the Authority.

(2) Proceedings to which this regulation applies are commenced by filing, with the Registrar of the court, 3 copies of a statement of claim in [form 2](#).

(3) The amount of the prescribed fee for filing a statement of claim is reduced by the amount of any fee paid by the plaintiff under [regulation 13A](#) for filing an application for leave to serve a statement of claim on an overseas party in the same proceedings.

(4) The prescribed fee, or the reduced prescribed fee, must be paid at or before the time at which the statement of claim is filed.

Regulation 8(3): substituted, on 10 December 2004, by [regulation 4](#) of the Employment Court Amendment Regulations 2004 (SR 2004/422).
Regulation 8(4): added, on 10 December 2004, by [regulation 4](#) of the Employment Court Amendment Regulations 2004 (SR 2004/422).

9 Proceedings founded on tort and proceedings for grant of injunctions

(1) The provisions of the [High Court Rules 2016](#) that apply in relation to proceedings founded on tort apply, with all necessary modifications, in relation to any proceedings to which [regulation 8\(1\)\(b\)](#) applies.

(2) The provisions of the [High Court Rules 2016](#) that apply in relation to proceedings for the grant of injunctions apply, with all necessary modifications, in relation to any proceedings to which [regulation 8\(1\)\(c\)](#) applies.

(3) Subclauses (1) and (2) are subject to the other provisions of these regulations and to any rules made, or directions given, by the court.

Compare: SR 1991/226 rr 16(4), 17(4)

Regulation 9(1): amended, on 18 October 2016, by [section 183\(c\)](#) of the Senior Courts Act 2016 (2016 No 48).
Regulation 9(2): amended, on 18 October 2016, by [section 183\(c\)](#) of the Senior Courts Act 2016 (2016 No 48).

10 Proceedings on application for review

Warning: Some amendments have not yet been incorporated

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139 Power of court to order compliance

(1) This section applies where any person has not observed or complied with—

- (a) any provision of [Part 8](#); or
- (b) any order, determination, direction, or requirement made or given under this Act by the court.

(1A) This section also applies to a person in relation to whom the court has made a declaration of breach under [section 142B](#).

(2) Where this section applies, the court may, in addition to any other power it may exercise, by order require, in or in conjunction with any proceedings under this Act to which that person is a party or in respect of which that person is a witness, that person to do any specified thing or to cease any specified activity, for the purpose of preventing further non-observance of or non-compliance with that provision, order, determination, direction, requirement, or (in the case of a declaration of breach) the provision that the declaration relates to.

(3) The court must specify a time within which the order is to be obeyed.

(4) Where any person (being an employee, employer, union, or employer organisation) alleges that that person has been affected by a non-observance or non-compliance of the kind described in subsection (1), that person may commence proceedings against any other person in respect of the non-observance or non-compliance by applying to the court for an order of the kind described in subsection (2).


Compare: 1991 No 22 s 56(1), (2)

Section 139(1A): inserted, on 1 April 2016, by [section 15\(1\)](#) of the Employment Relations Amendment Act 2016 (2016 No 9).

Section 139(2): amended, on 1 April 2016, by [section 15\(2\)](#) of the Employment Relations Amendment Act 2016 (2016 No 9).

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Regards,

Lawrence Anderson

[0276 529 529](tel:0276529529)

AndersonLaw.nz

From: Lawrence Anderson <lawrence@andersonlaw.nz>

Sent: Tuesday, 3 December 2024 4:23 pm

To: Daniel Church <Daniel@catherinestewart.co.nz>; [REDACTED]

Cc: Catherine Stewart <catherine@catherinestewart.co.nz>; Jin Park <jin@catherinestewart.co.nz>;

Admin - Catherine Stewart Barrister <admin@catherinestewart.co.nz>

Subject: Re: EMPC 306/2024 - Menzies v Corrigan and other(s)

Good Afternoon

Mr Church is entirely incorrect in suggesting that approach. It does not follow the proper practice and procedure.

Lawrence@andersonlaw.nz

0276 529 529

From: Daniel Church <Daniel@catherinestewart.co.nz>
Sent: Tuesday, December 3, 2024 4:18:26 pm
To: [REDACTED] Lawrence Anderson <lawrence@andersonlaw.nz>
Cc: Catherine Stewart <catherine@catherinestewart.co.nz>; Jin Park <jin@catherinestewart.co.nz>; Admin - Catherine Stewart Barrister <admin@catherinestewart.co.nz>
Subject: RE: EMPC 306/2024 - Menzies v Corrigan and other(s)

Many thanks Holly.

Ngā mihi | Kind regards

Daniel Church BA LLB (Hons)
Senior Staff Barrister
Hobson Towers West
Level 3, 26 Hobson Street
Auckland City 1010
[REDACTED]

EMPLOYMENT LAW SPECIALIST | BARRISTER
Catherine Stewart
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Our office will close at 5.30pm on Monday 23 December 2024. I will return to the office on Wednesday 15 January 2025.

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From: [REDACTED]
Sent: Tuesday, 3 December 2024 4:17 pm
To: Daniel Church <Daniel@catherinestewart.co.nz>; Lawrence Anderson <lawrence@andersonlaw.nz>
Cc: Catherine Stewart <catherine@catherinestewart.co.nz>; Jin Park <jin@catherinestewart.co.nz>; Admin - Catherine Stewart Barrister <admin@catherinestewart.co.nz>
Subject: RE: EMPC 306/2024 - Menzies v Corrigan and other(s)

Kia ora Mr Church and Mr Anderson,

Thank you.

I acknowledge receipt of your emails, the defendant's memorandum of counsel (and annexures) and the amended statement of defence.

I will address these tomorrow when I am able to, unfortunately I do not have capacity to do so today.

Ngā mihi | Kind Regards,
Holly Kerr



[Redacted signature block]

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