

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKAURAU ROHE**

3234219

BETWEEN                      NATHAN CORRIGAN  
   Applicant

AND                              PRIME FOCUS SECURITY  
   LIMITED (IN  
   LIQUIDATION)  
   First Respondent

AND                              LEVI MENZIES  
   Second Respondent

Member of Authority:      Sarah Blick

Representatives:            Javana Schiphorst, counsel for the applicant  
   Lawrence Anderson, advocate for the second  
   respondent

Date:                              22 March 2024

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**DIRECTIONS OF THE AUTHORITY**

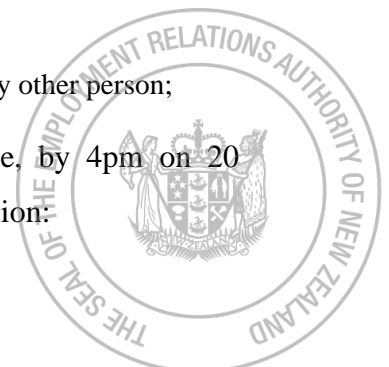
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[1]     The Authority held an investigation meeting into this matter on 5 December 2023. The first respondent Prime Focus Security Limited (in liquidation) (PFS) was not represented at the meeting. The Authority proceeded to investigate, being satisfied PFS had been served with a copy of the notice of investigation meeting and did not intend to take part.

[2]     On 13 December 2023, issued directions exercising the Authority's powers to call for information from the liquidator appointed, pursuant to section 160 of the Employment Relations Act 2000 (the Act) which provides:

- (1) The Authority may in investigating any matter,-  
    (a) Call for evidence and information from the parties or from any other person;

[3]     Pursuant to s 160, the liquidator was directed to provide, by 4pm on 20 December 2023 copies of the following information in their possession:



- (a) Any financial statements and interim financial statements relating to Prime Focus Security Ltd (PFS) for the two financial years ending 31 March 2022 and 31 March 2023;
- (b) PFS' statement of affairs referred to at section 4 of the Liquidators First Report dated 14 September 2022. In particular, the Authority would like to receive any documentation which informed the phrase: *"In the statement of affairs, the Director stated that director too[k] excessive drawings from the business. The company has also incurred substantial debt and due to not sufficient working capital, it cannot trade out the debt;*
- (c) PFS' bank account transactions and balances relating to the period 1 May 2022 to 14 September 2022.

[4] The Authority considered these records are relevant to the issue of whether it should make a compliance order under s 137 of the Employment Relations Act 2000 (the Act) ordering PFS to comply with the Authority's two earlier determinations and/or whether it should require Mr Menzies to take steps to ensure PFS meets its obligations to make payment of the amounts due to Mr Corrigan.

[5] The liquidator has failed to respond in any way to the directions issued on 13 December 2023.

#### **Authority may issue compliance order requiring liquidator to comply**

[6] Although the Authority has recently indicated to the parties that it would make a determination based on the documents before it, the Authority has reconsidered this position. It will now consider whether to issue a compliance order of its own motion pursuant to s 138(1)(a) of the Act.

[7] The liquidator must now provide the copies of the documents in their possession listed at [3] of these directions. They must be provided by no later than **4pm on 28 March 2024**.

[8] If the documents are not provided, the Authority will give the liquidator an opportunity to appear before the Authority by audio video link at a scheduled time, before issuing the compliance order.



[9] These further directions are to be served at PFS' registered office at 2 Foxbury Court, Rototuna North, Hamilton, 3210, and by email to [keleranayacakalou@gmail.com](mailto:keleranayacakalou@gmail.com).

[10] The Authority may also give consideration to whether it should award a penalty of its own motion on the liquidator, on the basis the liquidator has, without sufficient cause, obstructed or delayed the Authority's investigation.



Sarah Blick  
Member of the Employment Relations Authority

