

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 271/08
5127078

BETWEEN

MARTIN BROEKS
Applicant

AND

PETER ROSS TRADING AS
PETER ROSS
CONTRACTING
Respondent

Member of Authority: Vicki Campbell

Consideration on the papers 16 July 2008

Determination: 1 August 2008

DETERMINATION OF THE AUTHORITY

Application for compliance

[1] Mr Broeks makes application for a compliance order against the respondent Mr Peter Ross trading as Peter Ross Contractors.

[2] Compliance is sought with the Authority's Determination numbered AA 168/08 dated 6 May 2008 ("the Determination").

Non-compliance

[3] On 4 June 2008 Mr Broeks wrote to Mr Ross seeking compliance with the Determination and setting out the payments awarded to him in the Authority's determination. The outstanding amount is \$8,317.57 including reimbursement of the filing fee of \$70.00.

[4] Mr Broeks advised Mr Ross that if payment was not forthcoming an application for compliance would be lodged with the Employment Court. Mr Ross has not responded to the demands for compliance.

[5] By the consent of the parties this matter has been determined on the papers before the Authority.

[6] I am satisfied that Mr Ross has not complied with the Determination and that the non-compliance continues today.

[7] Mr Ross's continuing defiance of the Authority's orders places him at peril of serious consequences. The Authority's orders may be the subject of a further application for compliance in the Employment Court. The Employment Court is empowered to impose penalties for continuing non-compliance which include imprisonment, fines and the sequestration of property.

Order

I order Mr Peter Ross trading as Peter Ross Contractors to comply with the Authority's Determination numbered AA 168/08 dated 6 May 2008, and to do so by 31 July 2008.

Costs

[8] Mr Broeks shall have the lodgement fee on this application.

I order Mr Peter Ross trading as Peter Ross Contractors to pay to Mr Broeks \$70.00 being the lodgement fee on this application.

Vicki Campbell
Member of Employment Relations Authority