

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
OFFICE**

BETWEEN Mark Horn (Labour Inspector) (Applicant)

AND Cool Cars Limited (Respondent)

MEMBER OF AUTHORITY Vicki Campbell

DATE OF DETERMINATION ON THE PAPERS 5 March 2007

DETERMINATION OF THE AUTHORITY

Application for compliance

[1] Mr Mark Horn (Labour Inspector) makes application for a compliance order against the respondent Cool Cars Limited.

[2] Compliance is sought with the Authority's Determination numbered AA 327/06 dated 26 October 2006 ("the Determination").

Non-compliance

[3] On 30 October 2006 Mr Horn wrote to the company seeking compliance with the Determination and setting out the calculation of interest up to and including 8 August 2007. The outstanding amount is recorded as being \$1,192.10 including reimbursement of the filing fee of \$70.00.

[4] On 1 December 2006 Mr Horn visited the premises of Cool Cars Limited and left a letter making demand by of compliance with the Determination. Mr Horn advised Cool Cars Limited that if payment was not forthcoming an application for compliance would be lodged with the Employment Relations Authority. Cool Cars Limited have not responded to the demands for compliance.

[5] On 8 February 2007 the parties were advised that the application for compliance order would be heard on the papers unless either party objected. The parties were also requested to provide any further documents, including a specific request for the respondent to provide proof

to support its claim that it had no funds and therefore could not comply with the Determination. No further correspondence has been received from the Respondent.

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

[7] Cool Cars Limited's continuing defiance of the Authority's orders places it 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 Cool Cars Limited to comply with the Authority's Determination numbered AA 327/06 dated 26 October 2006, and to do so by 5 April 2007.

Costs

[8] The Labour Inspector shall have the lodgement fee on this application.

I order Cool Cars Limited to pay to the Labour Inspector \$70.00 being the lodgement fee on this application.

Vicki Campbell
Member of Employment Relations Authority