

BETWEEN LARS LUNDBOM
 Applicant

AND AVISIT SOLUTIONS LIMITED
 Respondent

Member of Authority: Eleanor Robinson

Investigation Meeting: 27 February and 5 March 2012 by telephone conference

Determination: 5 March 2012

DETERMINATION OF THE AUTHORITY

Application for compliance order

[1] The Respondent, Avisit Solutions Limited (“Avisit”) has applied to the Authority under s 137 of the Employment Relations Act 2000 (“the Act”) for an order requiring the Applicant, Mr Lars Lundbom, to comply with a determination given by the Authority.

[2] On 14 November 2011 by determination [2011] NZERA Auckland 491 the Authority ordered Mr Lundbom to pay Avisit the sum of \$1,500.00 as a contribution towards its costs.

[3] That determination advised that the parties might need to make arrangements for payment by means of instalments in view of Mr Lundbom’s financial situation. Leave was reserved for the parties to revert to the Authority should the arrangements for repayment not be agreed.

[4] On 9 February 2012 Mr Arjen Visser, shareholder, CEO, and Technical Director of Avisit, applied to the Authority for a compliance order, claiming that Mr Lundbom had not paid any part of the monies due in respect of the costs award.

[5] Mr Visser stated that Mr Lundbom had informed him that this was on the basis that he (Mr Lundbom) had applied for insolvency, however Mr Lundbom had failed to furnish him with supporting evidence of either his application for insolvency, or that it had been accepted.

[6] The Authority convened a telephone conference on 27 February 2012 during the course of which Mr Lundbom stated that his insolvency position was close to resolution. Accordingly it was agreed to defer matters for a period of one week, during which time Mr Lundbom anticipated the matter would be resolved.

[7] However at a second telephone conference on 5 March 2012, Mr Lundbom was unable to confirm that his insolvency application had been resolved, nor was there produced any evidence to substantiate the application or the status thereof.

Compliance Order

[8] I am satisfied that Mr Lundbom has not complied with the terms of the Authority's determination of 14 November 2011. It is just in the circumstances for an order to be made requiring Mr Lundbom to comply with the determination.

[9] Mr Lundbom is ordered to pay Avisit \$1,500.00 in respect of a contribution to costs.

[10] Mr Lundbom is ordered to comply as ordered above within 14 days of service of this determination.

Costs

[11] As Mr Visser represented Avisit, there is no order for costs.

Eleanor Robinson
Member of the Employment Relations Authority