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O'Neill v Kamo Labour Limited (Auckland) [2007] NZERA 85 (20 March 2007)

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

Determination Number: AA 82/07 File Number: 5046429 & 5052454

BETWEEN

AND

BETWEEN

AND

JEREMY O'NEILL Applicant

KAMO LABOUR LIMITED Respondent

MATTHEW DUDLEY Applicant

KAMO LABOUR LIMITED Respondent

Member of Authority: Representatives:

Determination:

Leon Robinson

Applicants personally Wayne Peters for Respondent

20 March 2007

DETERMINATION OF THE AUTHORITY

[1] The applicants Mr Jeremy O'Neill ("Mr O'Neill") and Mr Matthew Dudley ("Mr Dudley") claim arrears of wages from Kamo Labour Limited ("Kamo Labour"). They ask the Authority to investigate the matter.

[2] Mr O'Neill lodged his statement of problem in the Authority on 31 July 2006. That statement of problem was served on Kamo Labour on 1 August 2006. Kamo Labour lodged its statement in reply dated 14 August 2006 in the Authority on 15 August 2006.

[3] Mr Dudley lodged his statement of problem in the Authority on 5 October 2006. That statement of problem was served on Kamo Labour on 6 October 2006. Kamo Labour lodged its statement in reply dated 11 October 2006 in the Authority on 16 October 2006.

[4] Both applications were directed to mediation. By letter dated 4 December 2006, Mr Peters sought an adjournment of the directed mediation which I declined.

[5] On 30 January 2007, I directed that the matter was to proceed to a telephone conference. That telephone conference was held on 7 February 2007 with Mr O'Neill and Mr Peters for Kamo Labour. Mr Dudley did not attend. The matter was set down for an investigation meeting to be held on 20 March 2007 at Whangarei.

[6] At about 4.00 pm on 19 March 2007, Mr Peters telephoned the Authority to advise that Kamo Labour had been struck off the Companies Office register. The Authority's enquiries of the register confirmed that fact and also, that Kamo Labour was registered from 4 February 2004 until 26 January 2007.

[7] In the circumstances, I directed that the investigation meeting set down for today be vacated and that the applicants were to be so advised.

[8] Kamo Labour has been struck off and there is now no respondent party in this investigation.

[9] Mr O'Neill has indicated his intention to explore the options available to him. In those circumstances, **I suspend this investigation and will make no further enquiries. Mr O'Neil and Mr Dudley are to advise the Authority of their further intentions if any by 15 May 2007 failing which I direct this investigation shall then be concluded and the file closed.**

[10] The respondent being struck off the Companies Register, is now struck out as a party in this investigation. This Determination is to be provided to all parties.

Leon Robinson

Member of Employment Relations Authority

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