

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

5139026
CA 174/08

BETWEEN	PAUL PETCH Applicant
AND	TATTOO BRAND MANAGEMENT LTD Respondent

Member of Authority: Philip Cheyne

Determination: Friday 21 November 2008

DETERMINATION OF THE AUTHORITY

[1] Mr Petch lodged his application on 8 October 2008 principally claiming arrears of wages and holiday pay against Tattuo Brand Management Limited, his former employer. The application was sent to the company.

[2] When the company failed to lodge a statement in reply a phone conference was organised to progress the Authority's investigation. However, shortly before the conference it came to my attention that the company went into liquidation last week.

[3] The effect of the liquidation is set out in section 248 of the Companies Act. These proceedings cannot continue without the consent of the liquidator or an order of the Court. Tattuo Brand Management Limited, having not engaged with the Authority's process, was not part of yesterday's conference call. I explained the effect of section 248 to Mr Petch and I understand that he will take up the matter with the liquidator. For the time being at least the Authority's investigation is concluded. The matter can be reopened if Mr Petch obtains the liquidator's consent or a Court order.

Philip Cheyne

Member of the Employment Relations Authority