

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN	Dylan Edmonds Thomas (Applicant)
AND	Signs One Limited (Respondent)
REPRESENTATIVES	John Hancock and Phillip Byrnes, Counsel for Applicant No appearance by Respondent
MEMBER OF AUTHORITY	Leon Robinson
INVESTIGATION MEETING	22 November 2006
DATE OF DETERMINATION	22 November 2006

DETERMINATION OF THE AUTHORITY

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- A. Signs One Limited is ordered to comply with the Authority's Determination numbered AA226/06 dated 27 June 2006, and to do so by 22 December 2006.
- B. Signs One Limited is ordered to pay to Dylan Edmonds Thomas the sum of \$70.00 being the lodgement fee on this application.
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Application for Compliance

[1] Mr Dylan Edmonds Thomas ("Mr Thomas") makes application for a compliance order against the respondent Signs One Limited ("Signs One").

[2] Compliance is sought with the Authority's Determination numbered AA222/06 dated 27 June 2006 ("the Determination").

[3] I am satisfied that the application for compliance order has been served on Signs One Limited. It has taken no steps to defend the application.

[4] By memorandum of 8 November 2006 I fixed the time for investigation meeting to today and made it clear that Signs One could attend the investigation meeting to seek leave to defend the application. It makes not appearance for that purpose today. I delayed the start of the investigation meeting for thirty minutes in the event Signs One had been delayed but it did not attend. I asked a support officer to make contact with Signs One director Mr David McKay but his mobile phone was not answered. Accordingly, I proceed on the basis that the application is undefended.

Non-compliance

[5] By letter dated 16 August 2006, Mr Dylan's representatives wrote to Signs One making demand by way of compliance with the Determination. Signs One did not respond to that demand.

[6] I am satisfied that Signs One has not complied with the Determination and I have Mr Dylan's evidence on oath that the situation of non-compliance continues today.

[7] Signs One'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

[8] **I order Signs One Limited to comply with the Authority's Determination numbered AA226/06 dated 27 June 2006, and to do so by 22 December 2006.**

Costs

[9] Mr Thomas shall have his lodgement fee on this application. **I order Signs One Limited to pay to Dylan Edmonds Thomas the sum of \$70.00 being the lodgement fee on this application.**

Leon Robinson
Member of Employment Relations Authority