

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 304/08
5130416

BETWEEN TRAVIS BURRELL
 Applicant

AND GOLDSHIELD
 INVESTMENTS LTD
 Respondent

Member of Authority: Vicki Campbell

Investigation Meeting: Consideration of the papers

Determination: 22 August 2008

DETERMINATION OF THE AUTHORITY

[1] Mr Burrell makes application for a compliance order against the respondent Goldshield Investments Ltd, with a decision of a Department of Labour Mediator, reference number 5121143 dated 22 May 2008.

[2] The parties met in mediation on 8 May 2008 to resolve an employment relationship problem. During the course of the mediation, both parties agreed, in writing, to allow the Mediator to make a decision pursuant to s.150 of the Employment Relations Act 2000. Both parties agreed that the decision of the Mediator would be final, binding and enforceable.

[3] After receiving and considering submissions from both parties the Mediator issued his determination on 22 May 2008. The relevant term of the Mediator's decision is:

Goldshield Investments Limited trading as Budget Tyre Centre shall pay to Travis Burrell the sum of \$8,000 pursuant to Section 123(c)(i) of the Employment Relations Act 2000. Payment is to be made no later than 5pm on Friday 30 May 2008.

[4] I am satisfied that Goldshield Investments Limited has not complied with the Mediators Decision and that the non-compliance continues today.

[5] Goldshield Investments Limited's continuing defiance of the Mediators Decision places the respondent at peril of serious consequences. The Authority's orders contained within this Determination 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 Goldshield Investments Limited to comply with the decision of a Department of Labour Mediator, reference number 5121143 dated 22 May 2008, and to do so by 5 September 2008.

Costs

[6] Mr Burrell shall have the lodgement fee on this application.

I order Goldshield Investments Limited to pay to Mr Burrell \$70.00 being the lodgement fee on this application.

Vicki Campbell
Member of Employment Relations Authority