



problem. It says there are no grounds upon which Mr Doherty could be joined as a party.

### **The investigation meeting**

[3] I record that Mr Doherty did not attend due to ill health and that Mrs Lesley Doherty attended in her capacity as a shareholder of Walton Special Vehicles.

### **Joining Mr Doherty**

[4] This application is declined. The current application before the Authority concerns compliance with the determination which relates to the original application. Mr Doherty was not a party to the original application.

[5] It maybe that this issue is more properly raised in any future enforcement proceedings.

### **Injunction to prevent sale or transfer**

[6] Mrs Doherty gave evidence that Walton Special Vehicles has no assets. The set of draft accounts provided to the Authority supports this evidence.

[7] Given Walton Special Vehicles circumstances there is no basis to grant the injunction sought.

### **Non-compliance**

[8] I am satisfied that Walton Special Vehicles and Conversions Limited has not complied with the determination of 24 July 2008. I am satisfied that there is no satisfactory excuse or justification for Walton Special Vehicles and Conversions Limited's continuing failure to comply.

[9] The Authority's orders may be the subject of further application by Mr Short for compliance in the Employment Court. The Court is empowered to impose

penalties for continuing non-compliance which include imprisonment, a fine not exceeding \$40,000.00 or the sequestration of property.

## **Orders**

[10] **Walton Special Vehicles and Conversions Limited is ordered to comply with determination AA 245A/08 of 24 July 2008 by 28 November 2008.**

[11] Interest is to be calculated on these sums at the rate of 9% from 21 August 2008 until date of payment.

## **Costs**

[12] The parties have filed memoranda as to costs.

[13] Mr Norton seeks an award of full indemnity costs (total cost of representation \$1008.00, total disbursements \$49.00 and filing fee \$70) on the basis that Mr Short has been put to further expense to enforce a determination in his favour and he is not at fault.

[14] Mr Wagg submits that an award of \$500 in costs would be reasonable given the short time required to deal with the relevant issues.

[15] **I set the costs award at \$700 as a fair contribution to costs reasonably.** This sum includes reimbursement of total disbursements and filing fee incurred.

Marija Urlich

Member of the Employment Relations Authority