

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 231/09
5165492

BETWEEN ALAN WILKIE AND CATH
HUGHES
Applicant

AND NELSON AND MARGARET
HUGHES
Respondent

Member of Authority: Vicki Campbell

Consideration on the 15 July 2009
papers

Determination: 15 July 2009

DETERMINATION OF THE AUTHORITY

Application for compliance

[1] Mr Wilkie and Ms Hughes make application for a compliance order against the respondents Nelson and Margaret Hughes.

[2] Compliance is sought with the Authority's determination numbered AA 114/09 dated 8 April 2009 ("the determination").

Non-compliance

[3] On 20 April and 12 May 2009 Mr Wilkie and Ms Hughes wrote to Mr and Mrs Hughes seeking compliance with the Authority's determination dated 8 April 2009. The outstanding amount is \$6,130.50 plus reimbursement of the filing fee of \$70.00.

[4] Mr Wilkie and Ms Hughes advised Mr and Mrs Hughes that if payment was not forthcoming the process would continue and compliance would be sought. Mr and Mrs Hughes have not responded to the demands for compliance.

[5] I am satisfied that Mr and Mrs Hughes have not complied with the determination and that the non-compliance continues today.

[6] Mr and Mrs Hughes' continuing defiance of the Authority's orders places them 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

I order Mr and Mrs Hughes to comply with the Authority's Determination numbered AA 114/09 dated 8 April 2009, and to do so by 31 July 2009.

Costs

[7] Mr Wilkie and Ms Hughes shall have the lodgement fee on this application.

I order Mr and Mrs Hughes to pay to Mr Wilkie and Ms Hughes \$70.00 being the lodgement fee on this application.

Vicki Campbell
Member of Employment Relations Authority