

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 333/07
5054198**

BETWEEN MARCUS SIITA AND
 WILLIAM FALEAUTO
 Applicant

AND JETT JETT LIMITED T/A
 RAKINO
 Respondent

Member of Authority: Marija Urlich

Representatives: David Collins, for Applicants
 Michael Smyth, for Respondent

Investigation Meeting: 23 October 2007

Determination: 23 October 2007

DETERMINATION OF THE AUTHORITY

[1] The investigation meeting for this matter was to be held today. The applicants did not attend at the scheduled time. The support officer assigned this application telephoned Mr Collins to enquire as to the applicants' attendance. Mr Collins advised that he understood the investigation meeting had been adjourned. At 10.22am the senior support officer received a text message from Mr Collins seeking an adjournment of the investigation meeting on the following grounds:

- (i) that he is in Christchurch today at a mediation;
- (ii) that he was under the impression that the investigation meeting was not going ahead because it had not been confirmed with him;
- (iii) that he heard it was going to be adjourned; and
- (iv) that he was trying to get the relevant information from Mr Siita.

[2] The investigation meeting and timetable for filing witness statements was set by agreement in July 2007.

[3] Without explanation the applicants failed to meet the timetabled date for filing witness statements.

[4] The Authority wrote to the parties revising the timetable and advising that the investigation meeting would be adjourned if the applicants did not file witness statements by the specified date. Mr Faleauto filed a witness statement. In reply the respondent filed a witness statement which was copied to Mr Collins. There has been no further communication between the parties and the Authority until today.

[5] Mr Collins had no reasonable basis upon which to believe the investigation meeting was adjourned. Evidence was filed in compliance with the Authority's revised timetable. Today's investigation meeting was delayed ½ an hour to enable the applicants to attend. The adjournment application is declined.

[6] The application is dismissed. Costs have been sought by the respondent. It is appropriate that such an order is made. Mr Siita and Mr Faleauto are to pay Jett Jett Limited the sum of \$200, at the rate of \$100 each.

Marija Urlich
Member of the Employment Relations Authority