

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 183/10
5296012

BETWEEN JOSAINE VERENA INGHAM,
LABOUR INSPECTOR
Applicant

AND AUGUST MODELS AND
TALENT LIMITED
Respondent

Member of Authority: Robin Arthur

Representatives: Applicant in person
 No appearance for Respondent

Investigation Meeting: 23 April 2010

Determination: 23 April 2010

DETERMINATION OF THE AUTHORITY

[1] Labour Inspector Jo Ingham seeks orders requiring August Models and Talent Limited (AMTL) to comply with orders made for the payment of wages, interest and penalties in Authority determination AA443/09 (10 December 2009).

[2] The Inspector also seeks an order for reimbursement of the fee paid for lodging the application for a compliance order.

[3] The Inspector personally served the notice of the investigation meeting on AMTL director Erin Haimona (formerly Ashby) on 6 April 2010 but there was no appearance for AMTL at today's meeting. Having waited 15 minutes after the notified time I proceeded to hear from the Inspector. On the basis of her evidence I am satisfied AMTL has not complied with the orders made by determination AA443/09 despite repeated requests by the Inspector to do so. Further orders are now required.

Orders

[4] Under s137 of the Employment Relations Act 2000 (the Act) AMTL is ordered **within 14 days** of the date of this determination to comply with the orders of the Authority made in determination AA443/09 to:

- (i) pay the Inspector, for the use of Timothy Plant, the sum of \$258 plus interest at the rate of 4.8% from 10 December 2009 to the date of payment; and
- (ii) pay the Inspector a penalty of \$1000 for failure to pay the minimum wage to Mr Plant; and
- (iii) pay the Inspector a penalty of \$1250 for failure to produce time and wage records.
- (iv) pay the Inspector \$70 in reimbursement of the fee for lodging the claim for wage arrears and penalties.

[5] AMTL is also ordered to pay \$70 to the Inspector in reimbursement of the fee for lodging the application for compliance orders.

[6] I note that should AMTL fail to comply with these orders the Act provides for the Inspector to take further action. This may comprise either filing these orders in the District Court for enforcement by the bailiffs (s141 of the Act) or applying to the Employment Court for orders which may include imprisonment, a fine and orders to sequester property of AMTL (s138(6) and s140(6) of the Act).

[7] This determination is to be served by courier at the business address at which the Inspector found Ms Ashby on 6 April as well as posted to the registered office of the AMTL and sent to an email address for Ms Haimona or Ashby provided by the Inspector.

Robin Arthur
Member of the Employment Relations Authority