

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 147  
5328120

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| BETWEEN | CHEE AI ANG<br>First Applicant                           |
| AND     | SHAOQUAN KUA<br>Second Applicant                         |
| AND     | BARTRANET LIMITED<br>TRADING AS BTN DESIGN<br>Respondent |

Member of Authority: Vicki Campbell

Investigation Meeting: On the Papers

Determination: 11 April 2011

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**DETERMINATION OF THE AUTHORITY**

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- A Bartranet Limited trading as BTN Design is ordered to pay Ms Kua the amount of \$5,711.58 gross and Ms Ang the amount of \$5,692.27 gross within 28 days of the date of this determination.**
- B Bartranet Limited trading as BTN Design is ordered to reimburse the Applicants the filing fee of \$71.56.**

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[1] This is an application by Chee Ai Ang and Shaoquan Kua claiming arrears of wages of \$5,692.27 gross and \$5,711.58 gross, respectively, for work they did for Bartranet Limited trading as BTN Design (“Bartranet”). No statement in reply has been received from Bartranet.

[2] During a conference call with the parties on Wednesday 9 February 2011, Mr Steve Rayne, a director and shareholder of Bartranet, agreed to be referred to mediation. At the same time Mr Rayne undertook to provide a statement in reply by 25 February 2011. The statement in reply was not lodged.

[3] On 9 March 2011 the Mediation Service advised the Authority that Mr Rayne was refusing to attend mediation on the basis that the company was insolvent and unable to make any payments. A search of the Companies Register shows that Bartranet continues to be registered as a legal entity with no indication that it is being or has been liquidated.

[4] To avoid any further delays the matter was set down for an investigation meeting. The notice of investigation meeting could not be served on the company as its premises were closed and locked. Instead the applicants were advised to ensure personal service of the notice of investigation meeting. I am satisfied the notice was served on Mr Rayne on Tuesday 5 April 2011.

[5] After reviewing the papers on the file, and in the absence of a statement in reply from Bartranet, I concluded that this matter could be determined on the papers. A conference call was arranged and both parties agreed that the Authority would determine the matter on the papers.

[6] Mr Rayne has not disputed that both Ms Ang and Ms Kua are owed the amounts claimed. On 12 August 2010 Mr Rayne signed two separate documents titled Letter of Guarantee. The letters guaranteed that Bartranet would pay arrears of wages and salary to Ms Kua in the amount of \$5,711.58 and to Ms Ang in the amount of \$5,692.27. Payment was promised by 31 August 2010.

[7] This payment was never made. Having satisfied myself that the wages are payable to the Applicants, Bartranet Limited trading as BTN Design is ordered to pay Ms Kua the amount of \$5,711.58 gross and Ms Ang the amount of \$5,692.27 gross within 28 days of the date of this determination.

**Costs**

[8] Bartranet Limited trading as BTN Design is further ordered to reimburse the Applicants the filing fee of \$71.56.

Vicki Campbell  
Member of Employment Relations Authority