

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Nigel Clements (Applicant)
AND Water Treatment Products Limited (Respondent)
REPRESENTATIVES David Bruce, Advocate for Applicant
Murray Falloon, Advocate for Respondent
MEMBER OF AUTHORITY Leon Robinson
CONSIDERATION OF PAPERS 3 October 2005
DATE OF DETERMINATION 3 October 2005

DETERMINATION OF THE AUTHORITY

Water Treatment Products Limited is ordered to comply with the Authority's Determinations numbered AA252/05 dated 6 July 2005 and on costs numbered AA252A/05 dated 3 August 2005, and to do so by 1 November 2005.

Application for Compliance

[1] Mr Nigel Clements (“Mr Clements”) makes application for a compliance order against the respondent Water Treatment Products Limited.

[2] Compliance is sought with the Authority’s Determinations numbered AA252/05 dated 6 July 2005 and on costs numbered AA252A/05 dated 3 August 2005.

[3] I am satisfied that the application for compliance order has been served on Water Treatment Products Limited. I have received affidavit evidence from the parties as previously arranged with them.

Non-compliance

[4] Mr Bruce deposes that when he made demand of Water Treatment Products Limited’s Mr Murray Falloon, Mr Falloon advised him that Water Treatment Products Limited had ceased trading, it was not going to pay and it was going to challenge the Authority’s Determinations.

[5] Water Treatment Products Limited has not challenged either of the Authority’s Determinations.

[6] Mr Falloon largely deposes to irrelevant matters but he does materially depose that Water Treatment Products Limited has no cash available to pay any amount to Mr Clements.

[7] I am satisfied that Water Treatment Products Limited has not complied with my Determinations of 6 July 2005 and 3 August 2005.

[8] Water Treatment Products Limited’s continuing defiance of the Authority’s orders places it 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

[9] I order Water Treatment Products Limited to comply with the Authority’s Determinations numbered AA252/05 dated 6 July 2005 and on costs numbered AA252A/05 dated 3 August 2005, and to do so by 1 November 2005.

Leon Robinson
Member of Employment Relations Authority