

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2016] NZERA Auckland 408
5641149

BETWEEN THE REGISTRAR OF UNIONS
Applicant

A N D TOWERS AUCKLAND
EMPLOYEES' UNION
INCORPORATED (UNION
REGISTRATION No 1120);
HOSTEL MANAGERS'
ASSOCIATION
INCORPORATED (UNION
REGISTRATION No 1166);
ALLOY YACHTS
EMPLOYEES' FEDERATION
INCORPORATION (UNION
REGISTRATION No 1202);
NIGHT & DAY PORT
WORKERS' ASSOCIATION
INCORPORATED (UNION
REGISTRATION No 1217);
NEW ZEALAND HALAL
SLAUGHTERMEN UNION
INCORPORATED (UNION
REGISTRATION No 1231);
NORTH ISLAND MUSSELS
EMPLOYEES' UNION
INCORPORATED (UNION
REGISTRATION No 1252)
Respondents

Member of Authority: James Crichton

Investigation Meeting: On the papers

Date of Determination: 13 December 2016

DETERMINATION OF THE AUTHORITY

[1] The applicant Registrar of Union (the Registrar) applies for an order under s.17 of the Employment Relations Act 2000 (the Act) directing the cancellation of the registrations of the six unions which are responding to this application in reliance on the power conferred on this Authority by s.17(1)(b) of the Act.

[2] Pursuant to s.17(2) of the Act, the Authority is empowered to make the order requested where a union has ceased to comply with the terms of s.14(1) of the Act.

[3] Section 14 identifies when a society may be registered as a union and the provisions listed in subsection (1) of that section are conjunctive.

[4] It follows that where one or more of those requirements cease to be met, the society in question will cease to comply with s.14(1) and therefore be able to have its registration cancelled pursuant to s.17 of the Act.

[5] I am advised that in relation to each of the responding unions, none of them is currently registered as an incorporated society as is required by s.14(1)(b) of the Act and as a consequence, each of the responding unions is not compliant with s.14.

[6] The Registrar has taken all proper steps to contact each of the responding unions and been completely unsuccessful in contacting any of them. I am satisfied on the material before me that the Registrar undertook this process diligently and thoroughly.

[7] When the file came before me, I directed the Authority's staff to make similar efforts to contact each of the responding unions and I am advised the Authority officer was also completely unsuccessful in contacting any of the responding unions.

[8] However, since then, the North Island Mussels Employees' Union Incorporated (the Union) has contacted the Authority officer, indicated the Union was becoming established again and sought a stay in the cancellation of the Union's registration.

[9] The Union intimated they would file documents in the Authority shortly touching on this matter. I directed the Authority officer to advise the Registrar of this circumstance. Given these facts, I think the proper course is to defer the de registration process for this Union, until 31 January 2017. If, by that date, there has

been no further engagement from the Union in this process, then leaved is reserved for the Registrar to revert to the Authority for orders in respect of this Union.

[10] Given that none of the other responding unions has engaged either with the Registrar or with this Authority, I am satisfied they have no objection to an order being made to cancel their registration as a union.

[11] That view is further supported by the inability of either the Registrar or indeed the Authority officer to make any contact whatever with any of the other responding unions.

[12] Given that none of the other responding unions now meets the requirements of s.14 of the Act because they are no longer incorporated under the Incorporated Societies Act 1908, I now direct that, pursuant to s.17(1)(b) of the Act, the Registrar of Unions may cancel the registration of the following registered unions, namely:

- (a) Towers Auckland Employees' Union Incorporated (Union Registration No 1120);
- (b) Hostel Managers' Association Incorporated (Union Registration No 1166);
- (c) Alloy Yachts Employees' Federation Incorporation (Union Registration No 1202);
- (d) Night & Day Port Workers' Association Incorporated (Union Registration No 1217);
- (e) New Zealand Halal Slaughtermen Union Incorporated (Union Registration No 1231);

[13] No order is made meantime concerning the North Island Mussels Employees' Union Incorporated.

[14] There is no issue as to costs.

James Crichton
Chief of the Employment Relations Authority