

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**AA 332/07  
5044632**

BETWEEN      CHRISTOPHER CLEVERLEY  
                         Applicant  
  
AND              UNITED CORPORATION LIMITED  
                         Respondent

Member of Authority:    Leon Robinson  
  
Representatives:        Applicant In Person  
                              No attendance by Respondent  
  
Investigation Meeting:    19 October 2007  
  
Determination:          19 October 2007

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**DETERMINATION OF THE AUTHORITY**

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**Application for Compliance**

[1] Mr Christopher Edward Cleverly ("Mr Cleverly") makes application for a compliance order against the respondent United Corporation Limited ("United").

[2] Compliance is sought with the Authority's Determination numbered AA233/07 dated 3 August 2007 ("the Determination").

[3] United does not attend the investigation meeting today to defend the application. I asked a support officer to make contact with United's directors but they could not be contacted on their mobile telephones. Accordingly, I proceed on the basis that the application is undefended.

**Non-compliance**

[4] I accept Mr Cleverly's evidence that there have been discussions between the parties aimed at compliance with the Determination but no resolution has been reached.

[5] I am satisfied that United has not complied with the Determination and I have Mr Cleverly's evidence on oath that the situation of non-compliance continues today.

[6] United'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

[7] **I order United Corporation Limited to comply with the Authority's Determination numbered AA233/07 dated 3 August 2007, and to do so by 9 November 2007.**

#### Costs

[8] Mr Cleverly shall have his lodgement fee on this application. **I order United Corporation Limited to pay to Christopher Edward Cleverly the sum of \$70.00 being the lodgement fee on this application.**

Leon Robinson  
**Member of Employment Relations Authority**