

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON OFFICE**

**BETWEEN** Matthew John Angus Clark (Applicant)

**AND** Neil Clouston (Respondent)

**REPRESENTATIVES** Matthew Clark in person  
No appearance by the Respondent

**MEMBER OF AUTHORITY** G J Wood

**INVESTIGATION** 8 July 2005

**MEETING**

**ORAL DETERMINATION** 8 July 2005

**ORAL DETERMINATION OF THE AUTHORITY**

1. Mr Clouston did not attend and was not represented at the investigation meeting, which was consistent with his non-attendance at a directions conference of the Authority and at mediation. Obviously these actions have implications for Mr Clouston under s.181 of the Act.
2. Mr Clouston did, however, provide a statement in reply. I am satisfied that notice of this investigation meeting was served on Mr Clouston's address for service that was given in the statement in reply. Furthermore, a support officer tried to contact Mr Clouston at the commencement time of the investigation meeting, but with no success.
3. I therefore determined, pursuant to clause 12 Schedule 2 of the Act, to act as fully in this matter as if Mr Clouston had been represented, as no good cause has been shown for his failure to attend or be represented.
4. Mr Clark who is a university student who worked for Mr Clouston as a painter over the 2004 Christmas holidays. He was still owed \$1,400 gross in wages at the end of his term of employment. As at 7 April 2005 Mr Clouston accepted, in his statement of

reply, that this sum was still owing to Mr Clark. I accept Mr Clark's evidence that the wages are still owing to him. I also accept that Mr Clark has incurred expenses of \$70 in bringing this matter to the Authority.

5. I therefore order the respondent, Mr Neil Clouston, to pay to the applicant, Mr Matthew Clark, the sum of \$1,400 gross for unpaid wages and \$70 for expenses.

**G J Wood**  
**Member of Employment Relations Authority**