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Knoll v Rinke Design Limited [2011] NZERA 353; [2011] NZERA Auckland 247 (9 June 2011)

Last Updated: 22 June 2011

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2011] NZERA Auckland 247 5342523

BETWEEN

SONJA KNOLL Applicant

AND

RINKE DESIGN LIMITED Respondent

Member of Authority:

Eleanor Robinson

Determination:

9 June 2011

DETERMINATION OF THE AUTHORITY

Application for a Compliance Order

[1] On 10 March 2011 a Record of Settlement ("the Settlement") was signed under [s 149](#) of the [Employment Relations Act 2000](#) ("the Act"). The parties to the Settlement were the Applicant, Ms Sonja Knoll, and the Respondent, Rinke Design Limited ("Rinke"). The Settlement was signed by Ms Knoll and Mr David Paul Rinke-Mailman, Director and Shareholder of Rinke. The Record was also signed by a Mediator employed by the Department of Labour.

[2] The issue which had been brought before the Authority by Ms Knoll was that Rinke had not complied fully with clause 2 of the Settlement, which states:

Within 7 days of the date of this agreement, the respondent will pay the applicant \$1750 without deduction, and net of any applicable taxes.

[3] The Settlement was certified under [s 149](#) of the Act by the Mediator. That certification confirmed that before making the agreement, the parties were advised and accepted they understood the agreed terms:

- a. were final, binding and enforceable; and
- b. could not be cancelled; and
- c. could not be brought before the Authority or the court for review or appeal,

except for the purposes of enforcing those terms.

[4] Rinke received a copy of the Statement of Problem, which was lodged with the Authority on 29 April 2011; although no Statement in Reply was received by the Authority, Mr Rinke-Mailman notified the Authority that he had paid some part of the monies owed, but not the full amount.

[5] A telephone conference call with the parties was scheduled for Friday 3 June 2011 but Rinke did not participate as requested. Accordingly an Investigation Meeting was scheduled to take place on Friday 10 June 2011. However prior to the meeting taking place, Rinke made a payment to Ms Knoll, who subsequently confirmed to the Authority that she had been paid the full amount.

Determination

[6] As Rinke has now made full payment of the amount agreed as set out in the Record of Settlement, I make no order for compliance.

[7] Ms Knoll seeks reimbursement of her filing fee. I order that Rinke pay Ms Knoll a further \$71.56 in reimbursement of the fees for lodging her application.

Eleanor Robinson

Member of the Employment Relations Authority

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