

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

<b>BETWEEN</b>	Michelle Penniall (Applicant)
<b>AND</b>	101 Realty Ltd (Respondent)
<b>REPRESENTATIVES</b>	Mark Nutsford, Advocate for Applicant No appearance for respondent
<b>MEMBER OF AUTHORITY</b>	Dzintra King
<b>INVESTIGATION MEETING</b>	27 June 2006
<b>DATE OF DETERMINATION</b>	10 July 2006

DETERMINATION OF THE AUTHORITY

This is an application for a compliance order.

The respondent did not attend the investigation. Mr Nutsford, the applicant's representative telephoned the respondent after I had indicated that I would wait until the respondent appeared but the respondent refused to attend the investigation. No Statement in Reply has been received from the respondent.

The parties had attended mediation in February 2006 and had negotiated an agreed settlement to the employment relationship problem, which was signed by the parties and a mediator on 15 February 2006. A term of the settlement was that the respondent pay the applicant the sum of \$3,750 pursuant to s.123 1 (c) (i) Employment Relations Act 2000. The payment was to be made within 7 days of 15 February 2006.

No payment has been made despite a number of requests for payment having been directed to the respondent.

Sections 137 (1) (a) (iii) and 151 provide that a settlement can be enforced by way of a compliance order.

The respondent entered into an enforceable agreement to pay the sum of \$3,750 to the applicant and has not provided any rationale for the failure to make payment. The respondent is to comply with the settlement agreement by making payment in full within 7 days of the date of this determination.

Costs

Mr Nutsford has supplied costs' submissions. The respondent has been supplied with a copy of those submissions and is to reply to those by 17 July 2006.

Dzintra King  
Member of Employment Relations Authority