

[3] It also appears that the alleged electricity usage debt was not discussed as a component of the mediation terms of settlement, because, as Mr Ingoe says, it was not considered to be an employment related matter.

[4] While it is clearly contested whether Ms Ingoe owes the sum of \$1,445.88 to EAL, it is not appropriate nor within the jurisdiction of the Authority, to express a view on or to determine this matter. The role of the Authority is only to examine the terms of settlement that the parties entered into and determine whether there has been compliance.²

Determination

[5] I find that it is established to my satisfaction that EAL has not complied with the mediated terms of settlement agreed to on 30th April 2010 in that it has, without lawful reason, withheld payment of the sum of \$1,445.88.

[6] Pursuant to s.137 of the Employment Relations Act 2000 and the conditions of the mediated terms of settlement dated 30th April 2010, Eastland Agriculture Limited is ordered to pay to Ms Andrea Ingoe the sum of \$1,445.88. The sum is to be paid not later than 28 days of the date of this determination. Given the relatively short period of time that has elapsed and the overall background to this matter, an order for interest is not appropriate.

[7] **Costs:** Eastland Agriculture Limited is ordered to pay to Ms Ingoe the sum of \$70.00 being the application fee paid to the Authority.

K J Anderson
Member of the Employment Relations Authority

² Sections 137, 151 and 161 of the Employment Relations Act 2000.