

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

WA 141/08  
5133426

BETWEEN SYDNEY KEREMETE  
Applicant

AND NZ WOODLOT  
HARVESTERS LTD  
Respondent

Member of Authority: P R Stapp  
Representatives: Sydney Keremete in person  
Respondent not available  
Telephone Conference: 29 September and 13 October 2008  
Determination: 15 October 2008

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**DETERMINATION OF THE AUTHORITY**

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[1] The parties signed off a record of settlement which included agreed terms to resolve an employment relationship problem. Mr Keremete has claimed that NZ Woodlot Harvesters Ltd (Woodlot) has not complied with the agreed terms.

[2] A mediator from the Department of Labour signed the record of settlement for enforcement.

[3] Mr Keremete says he has not been paid an instalment of \$1,500 under the terms of the agreed settlement.

[4] There has been no reply lodged in the Authority by Woodlot. I decided to deal with the application by telephone conference. Mr Keremete was available. There have been difficulties in contacting the respondent. I am satisfied the details of Mr Keremete's application for compliance and written notice of the way I proposed dealing with the matter

have been served through the registered office of the company on two occasions. The information was then apparently forwarded from the registered office of the company to a Mr Mulligan, a person involved with the respondent and to whom Mr Keremete reported to at work. Mr Mulligan has not returned any telephone messages left by the support officers, although there was contact made on 29 September 2008 between a director of the company and the Authority's support officer. Despite that contact there has been no further involvement from the company.

[5] I am satisfied that there has been no good cause shown as to why the respondent has not been available to assist the Authority and reply and respond to the application. I proceeded fully in the matter as if Woodlot was participating in the telephone conference or been represented pursuant to clause 12 of Schedule 2 of the Act. I decided to proceed and deal with the matter.

### **Issues**

[6] Is this a matter for a compliance order?

### **Determination**

[7] I am satisfied that there is a record of mediation settlement signed by the parties and by a mediator from the Department of Labour. I am satisfied that an instalment under the record of settlement of \$1,500 has not been paid by Woodlot to Mr Keremete.

[8] Mr Keremete has informed me that he has not been paid the instalment as agreed. I accept what he has told me. In the absence of any reply or response from the respondent I have decided that a compliance order should be made for enforcement.

### **Orders of the Authority**

[9] I order that NZ Woodlot Harvesters Limited pay Mr Keremete the sum of \$1,500 within 14 days of today's date and no later than 29 October 2008.

[10] Also, NZ Woodlot Harvesters Limited is to pay Mr Keremete the \$70 filing fee.

P R Stapp  
Member of the Employment Relations Authority