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Pilkington New Zealand Limited v Kamphaug (Auckland) [2007] NZERA 179 (17 August 2007)

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

AA 252/07 5094652

BETWEEN PILKINGTON NEW ZEALAND LIMITED

Applicant

AND ANDREW KAMPHAUG

Respondent

Member of Authority: Representatives:

Determination:

Leon Robinson

Penny Swarbrick for Applicant Respondent In Person

17 August 2007

DETERMINATION OF THE AUTHORITY

[1] By a statement of problem lodged in the Authority on 23 July 2007, the applicant company Pilkington New Zealand Limited ("Pilkington") claims damages and penalties against the respondent Mr Andrew Kamphaug ("Mr Kamphaug").

[2] In answer to the claims against him, Mr Kamphaug lodged a statement in reply on 27 July 2007 and concedes he owes money to Pilkington. He admits:-

I agree with the applicants statement of problem that I have agreed to pay \$125,000

And:-

As per the previous correspondence between all parties and I am happy for Pilkington to get the ERA to make a written decision that I owe them \$125,000 as per my written offer.

[3] I have subsequently interviewed Mr Kamphaug and informed him of the implications of his admissions. I am advised by the applicant's counsel that Mr Kamphaug has had further discussion with the solicitor and that his consent remains. I am further advised by the Authority's support staff today, that Mr Kamphaug has reaffirmed his admissions and consent.

[4] There is no dispute between the parties as to Mr Kamphaug's admitted indebtedness to Pilkington. There is accordingly, no investigation required of the Authority in this respect. **It is by consent of the parties that I now determine that Mr Kamphaug is liable in debt to Pilkington New Zealand Limited in the sum of \$125,000.00 and he is ordered to pay that sum to Pilkington New Zealand Limited.**

[5] I direct that any certificate of determination issued under Regulation 26 of the *Employment Relation Authority Regulations 2000* in respect of this determination is to be served on Mr Kamphaug without delay.

[6] I reserve the issue of costs and suspend this investigation for 28 days unless earlier revived by a request in writing by

either party.

Leon Robinson
Member of Employment Relations Authority

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