

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI  
TE WHANGANUI-A-TARA ROHE**

[2025] NZERA 661  
3376184

BETWEEN ANALYTICA  
LABORATORIES LIMITED  
Applicant

AND ALICE KNOWLES  
Respondent

Member of Authority: Rowan Anderson

Representatives: Russell Drake, advocate for the Applicant  
Respondent in person

Investigation Meeting: On the papers

Submissions and further information received: Up to and including 21 July 2025

Determination: 21 October 2025

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] Ms Knowles is a former employee of Analytica Laboratories Limited (Analytica). Analytica and Ms Knowles agreed to terms of settlement on 17 May 2022. The Authority issued a determination on 19 September 2024<sup>1</sup> in relation to non-compliance by Ms Knowles with the terms of settlement. A compliance order was made, and Ms Knowles was ordered to contribute towards Analytica's costs.

[2] Analytica seeks a compliance order in relation to the costs determination.

[3] Ms Knowles has acknowledged that she has not complied with the costs award and has raised issues as to an inability to make payment of the sum due, that being \$2,250.

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<sup>1</sup> *Analytica Laboratories Limited v Alice Knowles* [2024] NZERA 555.

## **The Authority's investigation**

[4] The Authority held a case management conference (CMC) on 10 June 2025. I noted during the CMC that I considered the matter could be dealt with 'on the papers' without the need for an in-person investigation meeting. There was no objection to that approach. Directions were issued for the exchange of submissions and evidence.

[5] Both Analytica and Ms Knowles lodged written submissions. In submissions, Ms Knowles acknowledged that the sum due had not been paid.

[6] Ms Knowles was encouraged to obtain legal advice, including at the CMC held on 10 June 2025. In submissions, she recorded she was still seeking such advice. On 8 July 2025, Analytica wrote to the Authority seeking to have the matter progressed in circumstances where Ms Knowles had not communicated with them as to the issue of representation. Ms Knowles responded on 20 July 2025 advising she did not have representation and provided her own written submissions.

## **Issues**

[7] The issues identified for investigation and determination, are:

- (a) Should a compliance order (s 137 of the Employment Relations Act 2000) be made requiring Ms Knowles to comply with the Authority's order *Analytica Laboratories Limited v Alice Knowles* [2024] NZERA 555 at paragraph [27] by making payment to Analytica of \$2,250?
- (b) If Ms Knowles has not complied with the order of the Authority requiring her to make payment to Analytica of \$2,250, is any penalty available? If so, should any penalty be imposed upon Ms Knowles?
- (c) Should any penalty be imposed upon her in terms of ss 133 and 149(4) of the Act?
- (d) Should either party contribute to the costs of representation (if any) of the other party?

[8] As permitted by s 174E of the Employment Relations Act 2000 (the Act) this determination has stated findings of fact and law, expressed conclusions on issues necessary to dispose of the matter and specified orders made. It has not recorded all evidence and submissions received.

### **Ms Knowles has not complied with the costs determination**

[9] I am satisfied that Ms Knowles has not complied with the costs determination in that she has failed to make payment of the \$2,250 sum due. Ms Knowles has acknowledged that.

[10] Ms Knowles says that an offer was made to make payment of \$1.00 per week in satisfaction of the Authority's costs determination. She claims the offer was genuine and requests that any consideration of the matters before the Authority take into account her financial position.

[11] I am satisfied that Ms Knowles has failed to comply with the Authority's order<sup>2</sup> to make payment of \$2,250 to Analytica.

### **Should a compliance order be made?**

[12] Ms Knowles has had the opportunity to comply with the order of the Authority but has not done so. It is also apparent from the evidence that attempts have been made to resolve the matter as between the parties, including by way of payment plan. Those attempts have been unsuccessful, and I do not accept that the offer noted by Ms Knowles to pay Analytica \$1.00 per week was genuine.

[13] I am also not satisfied, based on the minimal information provided, that compliance orders are inappropriate for any reason. Further, again having regard to the limited information provided, I am not satisfied that any payment plan should be imposed by the Authority. Ms Knowles is required to comply with the order and while the parties may seek to reach some agreement as to payment, I consider the starting point is that Analytica is entitled to the sum due.

[14] In all the circumstances I am satisfied that a compliance order should be made requiring Ms Knowles to comply with the orders of the Authority.

### **Penalty**

[15] Analytica seeks the imposition of a penalty against Ms Knowles in relation to her non-compliance with the determination of the Authority. The penalty sought relates to the determination of the Authority rather than breach of the terms of settlement. In

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<sup>2</sup> *Analytica Laboratories Limited v Alice Knowles* [2024] NZERA 555 at paragraph [27].

essence, it relates to the non-payment of the sum due as a contribution towards Analytica's costs.

[16] I am not satisfied that a penalty is available in the circumstances having regard to the nature matter to which the non-compliance relates. Nor do I consider any penalty would, at this stage, assist in achieving compliance in relation to the primary issue of the payment of the sum due.

### **Costs**

[17] Analytica claims a contribution to the costs of its representation in pursuing this matter of \$2,250. I am not satisfied that sufficient evidence has been provided as to the costs incurred and I therefore decline to make any order requiring Ms Knowles to contribute towards Analytica's costs in relation to this relatively straight-forward compliance matter.

[18] Analytica also seeks reimbursement of the \$71.55 filing fee. I am satisfied that, as Analytica's claim has been successful, that it is entitled to reimbursement of the filing fee.

### **Orders**

[19] Pursuant to s 137(2) of the Act, Ms Knowles is ordered to comply with the Authority's determination, in *Analytica Laboratories Limited v Alice Knowles* [2024] NZERA 555 at paragraph [27], by making payment of \$2,250 to Analytica. That sum is to be paid within 14 days of the date of this determination.

[20] Ms Knowles is also ordered to pay Analytica, within 28 days, the sum of \$71.55 as reimbursement of the filing fee.

### **Warning to Ms Knowles**

[21] Failure by Ms Knowles to comply with the Authority's compliance order may result in Analytica Laboratories Limited applying to the Employment Court for compliance, as permitted by s 138(6) of the Act, and for the Court to exercise its powers under s 140(6), which include a fine not exceeding \$40,000 or an order that the property of the person in default be sequestered.

Rowan Anderson  
Member of the Employment Relations Authority