



[5] After a long period of delay whilst Mr Saad attempted unsuccessfully to establish his non-liability to pay Mr McIvor, there must now be finality to these proceedings and payment by Mr Saad of the sums due although after negotiation between the parties' representatives during the hearing this morning, on terms to which both agree. But it is important to say that Mr Saad has now run out of defences and grounds for delay.

[6] Reflecting agreement of the parties, I will adjourn sine die the plaintiff's

application for a compliance order. That may be brought on for hearing, however, on

48 hours' notice to Mr Saad if there is a breach or if there are breaches of the arrangements that the parties have agreed to this morning and confirmed by their representatives. Those arrangements are as follows:

(a) By 4 pm on Friday 30 September 2016 Mr Saad will pay to Mr

McIvor the sum of \$2,041.86 which the parties agree represents the arrears of wages and holiday pay due to him.

<sup>3</sup> *McIvor v Saad* [2016] NZEmpC 64.

<sup>4</sup> At [16].

<sup>5</sup> At [19].

(b) The balance of the amounts due, that is the difference between

\$2,041.86 and \$32,373.49, will be payable by Mr Saad to Mr McIvor in instalments. The first instalment is to be paid on Tuesday

1 November 2016 and thereafter on the first calendar day of each month. The instalment payments will each be of a minimum sum of

\$700 and the parties' representatives can calculate the amount and date of the final payment. I record that Mr Saad has said that if and when he is able to increase that minimum monthly payment of \$700 he will do so but assuming that he cannot, the minimum payment required is \$700 each calendar month.

(c) The precise means of payment should be settled between the parties' representatives: that is, discussions should be held between them as to how those payments are made on Friday and on 1 November 2016 and on the first of each month after that.

[7] As a result of discussions in court this morning with counsel and advocate, Mr Saad is aware of the consequences of not meeting that arrangement which include the statutory consequences of a compliance order and failure to abide by it in this Court, and also the potential for bankruptcy which McIvor has already signalled he is prepared to pursue if the debt to him is not paid.

[8] In the circumstances, I do not propose to make any further order for costs of

today's hearing.

GL Colgan  
Chief Judge

Judgment delivered orally at 11.16 am on 27 September 2016