

[3] Mr Thwaites agreed to pay the amount at \$1,500 per week and Mr McLean agreed provided that the payments were made. The payments were not made and thus, Mr McLean's application to the Authority.

[4] On Friday 19 December 2008 Mr Thwaites made a payment of \$1,500 to Mr McLean, but no other formal commitment has been made on the outstanding amount due.

Determination

[5] I considered mediation. I decided not to direct the matter to mediation because it would not contribute constructively to resolve the outstanding matter where there is an agreement to be applied between the parties.

[6] I accept that there is an agreement for payment to be made: exchange of email and one payment made on Friday 19 December 2008. Mr Thwaites made an arrangement for payments to start from 12 December 2008. That payment was missed.

[7] I note that Mr Thwaites has agreed to pay under the agreement and were he to be made a party on notice to these proceedings his personal responsibilities under the agreement could be open to scrutiny.

Orders of the Authority

[8] I order that Tararua Brewing Limited pay Mr Michael McLean the outstanding sum of \$1,500 due on 12 December 2008. The payment is to be made by 26 December 2008 and not later than 9 January 2009 to comply with the parties' agreement on the schedule of payments.

[9] Also, I order Tararua Brewing Limited to pay Michael McLean the sum of \$1,500 per week and this order is to commence from 26 December 2008 and not later than 9 January 2009 (given the Christmas and New Year break), and payments are to be made weekly thereafter until the total amount owing has been paid in fulfilment of

the parties' agreement. This formalises the parties' arrangement for any further enforcement if it is required.

[10] Costs are reserved.

[11] Leave is granted to return to the Authority if there are any further difficulties.

P R Stapp
Member of the Employment Relations Authority