

The Issues

[4] Has any payment been made? How much is owed by Mr Magele? Should a compliance order be issued?

Has any payment been made?

[5] Mr Magele accepted that he agreed to pay various sums by instalment, and has not paid any money whatsoever.

How much is owed by Mr Magele?

[6] By my assessment Mr Magele owes at the end of 19 September 2008 the sum of \$1,266.00 to BRC Limited. Beyond that date he will owe more money to the company that will accrue under the terms of the instalment plan in the record of settlement.

Compliance

[7] Despite the inaccurate record of the company's name in the settlement I am satisfied that the parties meant the deal to be with BRC Limited.

[8] I am also satisfied a settlement was agreed. As at the end of 19 September 2008 Mr Magele owed the company \$1,266.00.

[9] Further I am satisfied Mr Ross has made attempts to get the payments owed from Mr Magele, but without any success.

[10] Therefore under s 137 of the Act, and applying s 151 of the Act, this is a matter for enforcement, but only on the amount that has not been paid to date. I order that Tony Magele pay BRC Limited the total amount of \$1,266.00. This sum is to be paid by regular instalments of \$100 per week commencing on 3 October 2008 (and continuing on 10, 17, 24, 31 October 2008, 7, 14, 21, 28 November 2008 and 5, 12 and 19 December 2008). Mr Magele is to pay one instalment of \$66 on 26 December 2008 to complete the payment of \$1,266.

[11] Mr Magele has an obligation to pay off the payments due under the original instalment plan of \$20 per week until the remaining amount owed under the record of settlement is paid off.

Orders of the Authority

[12] Tony Magele is ordered to pay BRC Limited the amount of \$1,266.00 and this sum is to be paid by instalments as follows:

\$100 on 3 October 2008
\$100 on 10 October 2008
\$100 on 17 October 2008
\$100 on 24 October 2008
\$100 on 31 October 2008
\$100 on 7 November 2008
\$100 on 14 November 2008
\$100 on 21 November 2008
\$100 on 28 November 2008
\$100 on 5 December 2008
\$100 on 12 December 2008
\$100 on 19 December 2008
\$66 on 26 December 2008

P R Stapp
Member of the Employment Relations Authority