

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2012] NZERA Auckland 331
5344333

BETWEEN STEVEN COLIN MUSSON
 Applicant

A N D BRUCE STUART
 Respondent

Member of Authority: James Crichton

Representatives: Applicant in Person
 Respondent in Person

Investigation meeting: 21 September 2012 at Auckland

Date of Determination: 24 September 2012

DETERMINATION OF THE AUTHORITY

[1] At the commencement of the investigation meeting, it was evident that the parties were well on the way to concluding their differences and that the operative cause of those differences was the fact that the parties had lost touch with one another.

[2] Both parties assured the Authority that the matter was capable of resolution by agreement and that they could attend to that themselves, without outside intervention.

[3] The respondent (Mr Stuart) identified three matters that he wanted the applicant (Mr Musson) to take into account in relation to the payment of the overdue wages. These were respectively a need for time to pay the debt together with an allowance for costs that he (Mr Stuart) had incurred on Mr Musson's behalf in respect of a borer and auger valued at \$1,989.85, and a registration for a vehicle belonging to Mr Musson valued at \$680. In addition, the parties referred to an issue relating to a red Jeep which they would need to resolve between them.

[4] Mr Musson told the Authority he did not wish to proceed with the investigation and preferred to negotiate directly with Mr Stuart. Mr Stuart readily

agreed and indicated that he acknowledged that the debt was owed and had expected Mr Musson to approach him about it but because he did not retain Mr Musson's contact details or bank details, he had been unable to meet his obligations.

[5] In the unusual circumstances of this case, the Authority's expectations are that the parties will resolve matters by agreement. However, leave is reserved for Mr Musson to revert to the Authority should he not be able to resolve matters with Mr Stuart. In the event that Mr Musson takes no further steps with the Authority, its file will be closed.

James Crichton
Member of the Employment Relations Authority