

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 336/07
5095461

BETWEEN	DANIEL WILLIAMS Applicant
AND	WAIKATO FLYING SCHOOL LIMITED Respondent

Member of Authority: Dzintra King

Representatives: Georgina Burness, Advocate for Applicant
No appearance by Respondent

Investigation Meeting: 18 October 2007

Determination: 26 October 2007

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The respondent did not appear at the Investigation Meeting. It was clear from correspondence received from the respondent that he was well aware of the Investigation.

[2] On 9 July 2007 the parties settled their employment relationship problem and entered into an agreement pursuant to s.149 (3) Employment Relations Act 2000.

[3] A term of the settlement was that the respondent pay to the applicant the sum of \$6,000. That payment was to be made within 7 days. No payment had been made within 7 days.

[4] On 27 July the Authority received a Statement of Problem seeking compliance with the agreed settlement.

[5] Mr Williams told me that the respondent had made two payments of \$400 and a number of weekly payments of \$50 bringing the total that had been paid to \$1,350.00.

[6] A fax from the respondent to the Authority dated 7 September stated that there was no problem with the settlement.

[7] Had the respondent appeared at the Investigation he would have had the opportunity to provide evidence as to why the agreed amount had not been paid in full within 7 days and of any financial difficulties. However, he chose not to appear.

[8] Section 151 provides that any agreed terms of settlement pursuant to s 149 (3) may be enforced by a compliance order under s 137.

[9] The respondent is to pay in full the balance of the sum owing, being \$4,650.00, to the applicant within 7 days of the date of this determination.

[10] The applicant has also sought costs. He has incurred costs of \$1,125 plus the filing fee of \$70. The respondent is to pay to the applicant the sum of \$500 in costs plus the \$70 filing fee in addition to the sum specified in para [9].

Dzintra King

Member of the Employment Relations Authority