

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2012] NZERA Auckland 40
5365619

BETWEEN	RENA KEIGHTLEY (LABOUR INSPECTOR) Applicant
AND	PERFORMANCE AUTO ELECTRICAL LIMITED Respondent

Member of Authority:	K J Anderson
Representatives:	Rena Keightley, Labour Inspector Benjamin Ward, Director for Respondent
Conference Call:	26 January 2012
Determination:	31 January 2012

CONSENT DETERMINATION OF THE AUTHORITY

[1] Via an application received by the Authority on 6th December 2011, the Labour Inspector sought a compliance order under section 137 of the Employment Relations Act 2000 (the Act) regarding a demand notice issued on 4th October 2011 pursuant to section 223 of the Act. The demand notice relates to payment being sought by the Labour Inspector of outstanding holiday pay due to Mr Matthew Penney, a former employee of the respondent. It is commonly agreed that the net sum owing to Mr Penney, as set out in the *Demand Notice* dated 3rd October 2011, is \$1,450.00.

[2] The outcome of a conference call convened by the Authority on 26th January 2012 is that Mr Benjamin Ward has agreed that the respondent will pay the outstanding sum of \$1,450.00 by monthly payments until this sum is fully paid and the Labour Inspector has accepted that this is appropriate.

[3] The terms of the agreement are:

- (a) Performance Auto Electrical Limited (the respondent) will pay the net sum of \$200.00 each month, to the nominated bank account of Matthew Penney, until the sum of \$1,450.00 is paid in full.
- (b) It is also agreed that in the event that the respondent defaults on a monthly payment, the full amount of the remaining sum must be paid within 28 days of the default being brought to the notice of the respondent by the Labour Inspector.

[4] By consent and by this determination, the terms set out above become the orders of the Authority to resolve this matter. These terms are full, final and binding between the parties.

[5] No order is sought as to costs.

K J Anderson
Member of the Employment Relations Authority