

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2024] NZERA 395
3045275

BETWEEN A LABOUR INSPECTOR OF THE
 MINISTRY OF BUSINESS,
 INNOVATION AND EMPLOYMENT
 Applicant

AND MIRAC LIMITED
 First Respondent

AND OMER AKBABA
 Second Respondent

Member of Authority: Peter van Keulen

Representatives: Amy Webster, counsel for the Applicant
 Omer Akbaba for the Respondents

Investigation Meeting: On the papers

Date of Determination: 3 July 2024

CONSENT DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] In a determination dated 17 May 2024 the Authority ordered Mirac Limited to pay MBIE, within 28 days of the determination:

- a. \$27,707.25 in arrears;
- b. \$3,179.19 in interest on those arrears; and
- c. \$18,000 in penalties.

[2] Omer Akbaba, on behalf of Mirac, has also agreed to pay \$11,500 in legal costs.

[3] Mirac has not paid any of the money ordered or agreed, as set out above, totalling \$60,386.44 (**‘Mirac Monies Owing’**).

[4] In the Determination, Mr Akbaba was ordered to pay \$9,000 in penalties ('**Akbaba Monies Owing**'). He has not paid.

[5] The parties have now reached agreement in respect of payment of all the Monies Owing.

[6] The parties have requested the Authority issue a determination by consent recording the terms of their agreement. By consent and by this determination, the following terms become orders of the Authority.

[7] The parties have agreed to the payment schedules as set out at appendix one, which include interest payable on all Monies Owing from 28 days after the determination until paid.¹

[8] MBIE will email Mr Akbaba an invoice providing the relevant bank account and other details for payment.

[9] Mr Akbaba agrees on behalf of himself and Mirac that if any payment in the payment schedules is received more than 3 working days late (**Default Situation**), the entire amount of arrears and interest still owing will become payable immediately.

[10] From the payments received from Mirac MBIE will first attend to distribution of the arrears (and interest on arrears) to the employees, including deduction and payment of tax, as appropriate. MBIE will apply subsequent payments to clear penalties owing, then legal costs.

[11] Mr Akbaba agrees that should a Default Situation arise in relation to Mirac Monies Owing for arrears or legal costs, he will become immediately jointly and severally liable for payment of the outstanding amounts.

Peter van Keulen
Member of the Employment Relations Authority

¹ Prepared using the Ministry of Justice Civil Debt Interest Calculator