

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN David Fellows (Applicant)
AND Albert Smith Signs New Zealand Limited (First Respondent)
AND Albert Smith & Son Pty Limited (Second Respondent)
REPRESENTATIVES Fiona McLaren, counsel for Applicant
Chris Patterson, counsel for Respondents
MEMBER OF AUTHORITY Alastair Dumbleton
INVESTIGATION MEETING 7 and 8 September 2005
DATE OF ORDERS 9 September 2005

ORDERS OF THE AUTHORITY

[1] During the investigation meeting that commenced on 7 September 2005 the parties began discussions and reached agreement as to how their employment relationship problem was to be resolved. The parties asked the Authority to record that resolution as formal orders.

[2] Accordingly, the orders of the Authority made under the Employment Relations Act 2000 are as follows;

- (i) *Albert Smith & Son Pty Ltd is joined as a party; the second respondent.*
- (ii) *All claims by the applicant against the first and second respondents are discontinued, save as ordered in (iii) and (iv) below.*
- (iii) *The second respondent will pay the applicant within seven days of this order (made orally on 8 September 2005) the sum of AU \$15,000 net (Australian dollars) pursuant to section 123(1)(c)(i) of the Employment Relations Act 2000.*
- (iv) *The orders herein do not bind the applicant in respect of his claim against the second respondent filed in the Queensland Industrial Relations Commission under QIRC W15805).*
- (v) *The parties forbear commencing or continuing proceedings on any and all claims that they may have against each other, save as ordered in (iii) and (iv) above.*

A Dumbleton
Member of Employment Relations Authority