

**Attention is drawn to  
the order prohibiting  
publication of certain  
information in this  
determination**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

[2017] NZERA Wellington 15  
3022865

BETWEEN                    JAMES McKENZIE  
Applicant

A N D                        CHRISTOPHER HARVEY AND  
DONNA HARVEY  
AND ANDREW PENTELOW AS  
TRUSTEES OF THE COW  
TRUST  
Respondent

Member of Authority:     Rachel Larmer

Representatives:         David Balfour, Advocate for Applicant  
Hamish Burdon, Advocate for Respondents

Investigation Meeting:    09 February 2018 at New Plymouth

Written Record of Oral     12 February 2018  
Determination:

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**WRITTEN RECORD OF ORAL DETERMINATION OF THE  
EMPLOYMENT RELATIONS AUTHORITY**

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**Employment relationship problem**

[1]            At the conclusion of the investigation meeting on 09 February 2018 the parties advised the Authority that they had resolved all issues that may have arisen between them on agreed terms.

[2] The terms and conditions of the parties' settlement are recorded in a confidential Settlement Agreement which was signed by both parties on 09 February 2018 ("the Settlement").

[3] By consent, the terms recorded in the Settlement, which were agreed to and signed by the parties today, now become orders of the Authority and as such they are final binding and enforceable.

[4] The parties have agreed that the terms of the Settlement are to remain confidential so they have asked the Authority to issue a non-publication order regarding the Settlement to preserve confidentiality.

[5] For the purposes of preserving confidentiality I make a further order pursuant clause 10 of the Second Schedule of the Employment Relations Act 2000 prohibiting the publication of the Settlement.

[6] The original signed Settlement is therefore not attached to this publically available determination but will instead be held on the Authority's file and may not be accessed without the Authority's authorisation.

**Rachel Larmer**  
**Member of the Employment Relations Authority**