

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN John Stowers (Applicant)
AND Grant Kane (First Respondent)
AND Autopoint Limited (Second Respondent)
REPRESENTATIVES Brian Spong, Advocate for Applicant
Grant Kane, in person and as advocate for Second Respondent

MEMBER OF AUTHORITY Alastair Dumbleton

INVESTIGATION MEETING 4 August 2005

DATE OF DETERMINATION 4 August 2005

DETERMINATION OF THE AUTHORITY

- [1] On 22 September 2003 under AA 287/03, the Authority issued a Determination to resolve an employment relationship between the above-named applicant and respondents.
- [2] A challenge and a cross-challenge to the Determination were subsequently filed in the Employment Court.
- [3] The challenges were resolved by agreement of the parties recorded in writing and signed by them on 5 May 2005. A term of the agreement was a requirement for the respondents to pay the applicant a specified sum of compensation under s.123(c)(i) of the Employment Relations Act 2000, the Authority having previously determined the applicants entitlement to such compensation.
- [4] A problem arose with the performance of the parties' agreement.
- [5] That problem has been resolved by further agreement the terms of which, by consent, are now made an order of the Authority, as follows;

The respondents shall pay to the applicant \$4,500 without deduction pursuant to s.123(c)(i) of the Employment Relations Act 2000. Payment of that sum is to be by three cheques, each for \$1,500, which are to be made out to Advocacy Services Ltd and which are to be delivered to that firm at St Heliers by midday on Friday 5 August 2005. The cheques are to be dated 4, 11 and 19 August 2005 respectively.

A Dumbleton
Member of Employment Relations Authority