

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Mike O'Rourke (Applicant & Respondent)  
**AND** Malcolm Customs And Cargo Limited (Respondent & Applicant)  
**REPRESENTATIVES** Mike O'Rourke in person  
Gretchen Stone, counsel for Malcolm Customs And Cargo Ltd  
**MEMBER OF AUTHORITY** Alastair Dumbleton  
**INVESTIGATION MEETING** 12 and 13 December 2005  
**DATE OF ORDERS** 22 December 2005

**ORDERS OF THE AUTHORITY**

[1] During the investigation meeting for the claim brought by Mr O'Rourke and the counterclaim brought by Malcolm Customs and Cargo Ltd, the parties began having settlement discussions. These eventually resulted in agreement between them as to how their employment relationship problems with each other were to be resolved.

[2] The parties have asked the Authority to embody the terms of their agreement in formal orders, one of which is for the terms of settlement to remain confidential to the parties and their advisors.

[3] Accordingly, the terms of agreement recorded in the attached Annexure "A" are the orders of the Authority made by it under the Employment Relations Act 2000.

[4] A further order is made under clause 10(2) of Schedule 2 of the Act prohibiting publication by any form or medium of Annexure "A" and any of its contents.

A Dumbleton  
**Member of Employment Relations Authority**