

opportunity by me to reply and respond to the claims in the statement of problem. He outlined his reasons for not replying and providing the documents that had been requested earlier.

[4] At the end of my questioning of Mr Pene and Mr Pack they adjourned for private discussions and involved Mr Pack's representative without me being included. As a result they were able to reach confidential terms to resolve the employment relationship problem.

[5] Part of this included Mr Pene personally, and he consented to being joined to the proceedings personally. I was satisfied that joining him to the employment relationship problem personally would more effectively dispose of the matter and considering he had agreed to such a course of action without any notice being required as he was present at the investigation meeting. Furthermore, he is a director and shareholder of Fat Daddy's Limited.

[6] Because the employment relationship problem has been resolved it is not necessary for me to outline the facts. It is sufficient to say the matter has been resolved and the parties requested that their agreed terms become an order of the Authority. They also requested that the terms be prohibited from publication.

Orders of the Authority

[7] With Mr Ricky Toti Tracy Pene's consent I formally have joined him as a party to the employment relationship problem under s 221 (a) of the Employment Relations Act to effectively dispose of the matter.

[8] I was satisfied that the signed terms reached by the parties resolved their employment relationship problem. By consent their agreed terms become an order of the Authority.

[9] Also, by consent I order that the parties' terms of agreement be prohibited from publication to preserve the agreed confidentiality.

[10] The orders in [8] and [9] of this determination have been made under clause 10 of Schedule 2 of the Employment Relations Act.

[11] As a result of the above outcome the Authority's investigation is now closed.

P R Stapp
Member of the Employment Relations Authority