

**RECORD OF SETTLEMENT**  
Section 149 Employment Relations Act 2000

**Date:** 23<sup>rd</sup> march 2012

**Ref no:** 5373866

John Devereux (John)

New Zealand Professional Firefighters Union (the Union)

New Zealand Force Service Commission (the Commission)

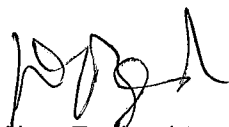
**Agreed Terms of Settlement to Employment Relationship Problems:**

1. The parties record their agreement that when contractual and/or legislative leave entitlements are applied for, any discretion as to timing will be exercised fairly by the employer on a reasonable and individual basis having regard to all of the circumstances including operational needs.
2. John and the Union will withdraw the proceedings filed against the Commission in the Employment Relations Authority, numbered 5373866. There are no issues between the parties as to costs.
3. This is the full and final settlement of the proceedings filed with the Employment Relations Authority numbered 5373866.


Dated at Wellington this 23<sup>rd</sup> day of March 2012



John Devereux



New Zealand Professional  
Firefighters Union

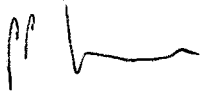


New Zealand Force Service  
Commission

We confirm that we fully understand that once the Mediator signs the agreed terms of settlement:

1. The settlement is final and binding on and enforceable by us; and
2. except for enforcement purposes, neither of us may seek to bring those terms before the Authority or Court whether by action, appeal, and application for review, or otherwise; and
3. the terms of the settlement cannot be cancelled under section 7 of the Contractual Remedies Act 1979; and

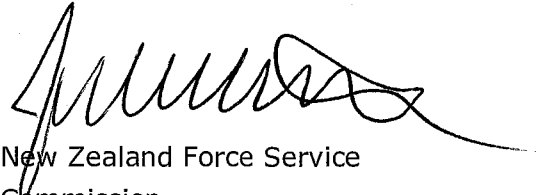
4. that section 149(4) provides that a person who breaches an agreed term of settlement to which subsection(3) applies is liable to a penalty imposed by the Authority.



John Devereux



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Firefighters Union



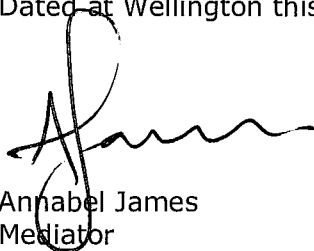
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I, Annabel James, Mediator of Wellington, certify the following:

- a) I am employed by the Chief Executive of the Department of Labour to provide mediation services under the Employment Relations Act 2000; and
- b) I hold a current general authority from the Chief Executive to sign, for the purposes of section 149 of the Employment Relations Act 2000, agreed terms of settlement; and
- c) I have been requested by the parties to sign the attached agreed terms of settlement; and
- d) Before I signed the agreed terms of settlement I explained to them the effect of section 148A, 149(1) & (3); and
- e) I confirm that the parties have advised me that no minimum entitlements (monies payable under the Minimum Wage Act 1983, or the Holidays Act 2003, as defined by the Employment Relations Act 2000) have been foregone in the reaching of this settlement; and
- f) I am satisfied that the parties understood the effect of sections 148A, 149(1) & (3), and have affirmed their request that I should sign the agreed terms of settlement.

I now sign the agreed terms of settlement pursuant to section 149(1) & (3).

Dated at Wellington this 23<sup>rd</sup> day of March 2012



Annabel James  
Mediator