

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

[2013] NZERA Auckland 35  
5405421

BETWEEN AB LIMITED (an employer)  
Applicant

A N D XY (an employee)  
Respondent

Member of Authority: Alastair Dumbleton

Memorandum received 16 January 2013

Date of Determination: 31 January 2013

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**CONSENT COSTS DETERMINATION OF THE AUTHORITY**

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[1] In determinations dated 14 and 20 December 2012 - [2012] NZERA Auckland 456 and 469 - by interim injunction and then permanent injunction, the Authority restrained the respondent employee XY from using, disclosing or copying confidential information of the applicant employer AB Ltd. Non-publication orders were also made in relation to evidence, pleadings and names of persons involved in this investigation, and any information in the Authority's determinations that might identify the respondent.

[2] In its second determination the question of costs was reserved by the Authority for application to be made and responded to within a set timeframe.

[3] The Authority has received a Consent Memorandum on Costs dated 14 January 2013. It is signed by Ms Parkhill, counsel for AB Ltd, and by XY.

[4] The Consent Memorandum records that the parties have discussed the issue of costs and reached agreement on terms including an express acknowledgement by XY that AB Ltd has incurred substantial legal costs and fees arising from allegations he made against his employer without foundation. The parties have agreed that XY shall pay AB Ltd \$20,000 as a contribution to its costs.

### **Determination**

[5] Pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000, XY is accordingly ordered to pay \$20,000 in costs to AB Ltd.

### **Non-Publication Order**

[6] The Authority orders that the non-publication orders made permanent in the determination of 20 December 2012 shall extend and apply to this costs determination. It may be published but with reference to the parties only as “AB Ltd” and “XY” and without reference to any detail that may identify either party.

A Dumbleton  
**Member of the Employment Relations Authority**