

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

[2016] NZERA Wellington 96  
5630136

BETWEEN            DRILLCO LIMITED  
                                 Applicant

AND                    QUINTON WILSON  
                                 Respondent

Member of Authority:      Rachel Larmer

Representatives:            Cara Gelston, Counsel for Applicant  
                                 Kam Bailey, Advocate for Respondent

Investigation Meeting:      09 August 2016 at New Plymouth

Date of Determination:      11 August 2016

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**CONSENT DETERMINATION OF  
THE EMPLOYMENT RELATIONS AUTHORITY**

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**Employment relationship problem**

[1]     The Employment Relations Authority conducted an investigation meeting into Drillco Limited's (Drillco) application to enforce the restrictive covenant set out at clause 20.1 of its former employee's (Mr Quentin Wilson's) employment agreement.

[2]     At the conclusion of the evidence and after hearing submissions from both parties, the Authority gave an indication of the outcome of its investigation and invited the parties to explore whether or not a consent determination was appropriate.

[3]     As a result of that guidance, and after various adjournments, the parties advised the Authority that they had reached agreement on the way in which this matter could be resolved. The parties asked the Authority to issue a consent determination recording the agreed terms of settlement.

[4]     Accordingly, the Authority makes the following consent orders:

- (a) The non-solicitation of clients clause set out in clause 20.1 of Mr Wilson's individual employment agreement with his former employer Drillco is not enforceable.
- (b) Drillco acknowledges that it has failed to establish to the required standard of proof that it has a legitimate proprietary interest in respect of Mr Wilson to protect.
- (c) Upon production of a GST receipt Drillco shall contribute \$3,000 plus GST towards Mr Wilson's actual legal costs.

[5] The parties recognise these orders are final binding and enforceable.

**Rachel Larmer**  
**Member of the Employment Relations Authority**