

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2012] NZERA Christchurch 196
5388747

BETWEEN FOOD AND HEALTH
 STANDARDS (2006)
 LIMITED
 Applicant

A N D BARRY DUNSTAN
 Respondent

Member of Authority: David Appleton

Representatives: Linda Ryder, Counsel for Applicant
 Andrew Riches, Counsel for Respondent

Date of Determination: 14 September 2012

DETERMINATION OF THE AUTHORITY

[1] Following the granting of an interim injunction against the respondent ([2012] NZERA Christchurch 163), the substantive hearing of which was to take place in November 2012, and the lodging of an application for a compliance order by the applicant on 17 August 2012, the parties have now settled both proceedings and have requested the terms and conditions of settlement to be incorporated into a consent order of the Authority. I congratulate them on reaching this agreement.

[2] The parties have signed a memorandum of settlement.

[3] By consent, the terms set out in the memorandum of settlement are also the orders of the Authority in this matter.

[4] This determination was originally published on 12 September 2012 with a non publication order, as is usual with such determinations. However, it has been pointed out to me by the applicant's counsel that this was unwarranted because the memorandum of settlement does not record that the terms of settlement were confidential. The applicant wants the terms of the settlement to be published in full. The respondent opposes this. Both counsel agree, however, that there were no discussions about the terms being confidential during the settlement negotiations. I therefore agree that a non publication order is unwarranted in this case, as confidentiality did not form part of the binding settlement reached between the parties. I therefore rescind the non publication order and annex the terms of the memorandum of settlement to the determination.

David Appleton
Member of the Employment Relations Authority