

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 283A/08  
5129424

BETWEEN FLORENTINES PATISSERIE  
Applicant  
AND MARTIN BENNETT  
Respondent

Member of Authority: Vicki Campbell  
Representatives: Kim Stretton for Applicant  
Darryl Andrews for Respondent  
Submissions Received: No submissions from Applicant  
1 September 2008 Respondent  
Determination: 24 September 2008

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In a determination dated 8 August 2008 I ordered Mr Bennett to comply with his written employment agreement and to cease working in the product development area for Melba Foods until 31 August 2008. I found Mr Bennett had not breached the confidentiality provisions of his employment agreement and I declined to order a penalty for lack of notice by Mr Bennett.

[2] I reserved the question of costs and directed the parties to resolve the matter between them. I also indicated that this may be a suitable case where costs should lie where they fall, given that both parties achieved success to a similar extent.

[3] The parties have been unable to resolve the question of costs between them and I am now in receipt of submissions from Mr Bennett. Despite an opportunity to provide submissions, no submissions have been received from Florentines.

[4] Taking into account all matters associated with the conduct of the investigation and the outcome I have concluded that relevant considerations were in such balance as to warrant an order the costs lie where they fall.

Vicki Campbell  
Member of Employment Relations Authority