

**Attention is drawn to the order prohibiting publication of certain information**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2016] NZERA Christchurch 22  
5561916

BETWEEN ASHA LOWES  
Applicant  
  
A N D HALL'S GROUP LIMITED  
Respondent

Member of Authority: David Appleton  
  
Representatives: Danielle Mills-Godinet, Counsel for the Applicant  
Richard Upton, Counsel for the Respondent  
  
Date of Determination: 3 March 2016

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**CONSENT DETERMINATION IN RELATION TO COSTS**

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[1] By way of a determination on a preliminary issue dated 3 February 2016<sup>1</sup> the Authority found that Ms Lowes had not been an employee of the respondent, and so had no jurisdiction to investigate her claims of personal grievance. In its determination, the Authority reserved the matter of costs and invited the parties to seek to agree how they be disposed of.

[2] The parties have, happily, reached agreement, and have asked the Authority to record that agreement in a consent determination. This determination achieves that request. Accordingly, I record the following, which materially reflects the terms of agreement communicated by the parties:

- a. The respondent was the successful party in the proceedings before the Authority;

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<sup>1</sup> [2016] NZERA Christchurch 10

- b. The respondent was, accordingly, entitled to a contribution towards its legal costs and it had intended to pursue those costs against Ms Lowes as a result;
- c. Ms Lowes offered to pay to the respondent a contribution towards its costs;
- d. The respondent has accepted Ms Lowes' offer;
- e. Save for the terms recorded above, the terms of Ms Lowes' offer and the agreement reached, are to remain confidential; and
- f. The parties do not require the Authority to take any further steps in the matter.

[3] By consent, the terms of the confidential agreement reached between the parties, which the Authority has seen, are also the orders of the Authority.

[4] For the purpose of preserving confidentiality, I make a further order, pursuant to Clause 10(2) of the Second Schedule of the Employment Relations Act 2000, prohibiting the publication of the contents of the confidential agreement.

[5] No further costs are sought and no further orders are necessary.

[6] The parties are commended for having reached an agreement in relation to the disposal of costs.

David Appleton  
Member of the Employment Relations Authority