

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Ravensdown Fertiliser Co-operative Limited (Applicant)

AND Edward Richard Bridges Rouse (Respondent)

REPRESENTATIVES Scott Wilson for the Applicant
Garry Pollak for the Respondent

MEMBER OF AUTHORITY Vicki Campbell

DATE OF DETERMINATION 23 June 2005

CONSENT DETERMINATION OF THE AUTHORITY

1. The parties to this employment relationship problem have successfully resolved their problem and have requested the Authority to make consent orders in respect of the agreement made and as follows:
 - 1.1 The Respondent undertakes that he will immediately arrange for his solicitors to return all and any computer files, software and records containing confidential information (including hard copies of such information) they may hold to Duncan Cotterill, Solicitors, PO Box 5, Christchurch.
 - 1.2 The Respondent undertakes that he does not possess or have in his power and/or control any confidential information and that he will not use, divulge or disclose directly or indirectly in any way whatsoever such information or any part thereof whether for his direct or indirect personal advantage or for the advantage of another.
 - 1.3 Such confidential information can be summarised as the Applicant's strategic plans, business plans, supply agreements/contracts, customer lists, supplier lists, supply strategies and/or any correspondence or other documentation containing such information.
 - 1.4 The Respondent undertakes that he will not either on his own account or for any other person, firm or company (including but not limited to Asia Pacific Trading Limited) consult, advise, be engaged in or trade in the fertiliser industry in New Zealand, nor engage in any services of whatever kind to the Applicant's competitors in New Zealand from 28 February 2005 to 28 February 2006. The Respondent also undertakes not to attend the IFA meeting in June 2006.
 - 1.5 The Respondent will provide the Board of the Applicant with an apology for the misunderstanding that arose as a result of his downloading confidential information and for the controversy that arose as a result of his actions.

- 1.6 The Respondent will pay the Applicant the sum of \$15,000 (plus GST) as a contribution towards its legal costs.
- 1.7 This agreement constitutes a full, final and complete settlement of all matters to do with the employment relationship and consequently the Applicant withdraws the current proceedings against the respondent and there are no issues of costs between the parties.
2. By consent, the terms set out above shall become the order of the Authority to resolve this matter.

Vicki Campbell
Member of Employment Relations Authority