



Employment Court of New Zealand

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Sands v Serco New Zealand Limited [2016] NZEmpC 126 (17 October 2016)

Last Updated: 25 October 2016

IN THE EMPLOYMENT COURT AUCKLAND

[\[2016\] NZEmpC 126](#)

EMPC 219/2016

IN THE MATTER OF proceedings removed from the
Employment Relations Authority

AND IN THE MATTER of an application for
interlocutory injunction

BETWEEN GARETH SANDS Plaintiff

AND SERCO NEW ZEALAND LIMITED
Defendant

Hearing: By joint memorandum of counsel filed on 14 October
2016

Appearances: S Greening, counsel for plaintiff
H Wilson and J Traynor, counsel for defendant

Judgment: 17 October 2016

INTERLOCUTORY JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] This interlocutory judgment confirms the terms on which the defendant's application for an urgent interlocutory injunction has been settled between the parties.

[2] The defendant's application for injunction, seeking to enforce a provision in the parties' employment agreement requiring Gareth Sands to return Serco New Zealand Limited's (Serco's) property to it, has now been settled on the following basis:

In respect of the interlocutory injunction, by consent. the parties have agreed that:

(a) The plaintiff will deliver all of the defendant's property. Documents or information (and any copies of it) in his possession, custody, or

GARETH SANDS v SERCO NEW ZEALAND LIMITED NZEmpC AUCKLAND [\[2016\] NZEmpC 126](#) [17

October 2016]

control to the Registrar of the Employment Court at Auckland by midday on Monday 17 October 2016.

(b) Those documents shall be sealed up by the Registrar and not disclosed to any person other than by leave of a Judge of the Employment Court.

(c) Counsel for the plaintiff may, upon notice to the Registrar and in her presence, or her delegate, inspect such documents for the purpose of trial. Prior to inspecting any documents, counsel for the plaintiff must establish that the documents in question are relevant and discoverable for the purposes of the Employment Court proceedings.

(d) Counsel for the defendant may inspect the documents upon notice to the Registrar and may make copies of all documents.

(e) The plaintiff will provide an undertaking to the Employment Court, by midday on Monday 17 October 2016, that he has delivered all of the defendant's property, documents, or information (and any copies of it) in his possession, custody, or control, and that he has not retained any such information or made copies of such information.

(f) Before viewing the sealed documents referred to in 3(b) above, counsel for the plaintiff will provide an undertaking to the Employment Court that he will not use the documents for any other purpose than the conduct of these proceedings.

(g) In the event counsel for the plaintiff wishes to use the sealed documents at trial, that request will be made to the Employment Court on notice to the other party.

(h) The plaintiff will file and serve on the defendant, by midday on Monday 17 October 2016, an affidavit providing details of any incidences of disclosure of the defendant's property, documents, or information to third parties prior to the date of this joint memorandum, including particulars as to the time and scope of any such disclosure.

(i) The documents shall be returned to the defendant and / or destroyed (at the defendant's request) at the conclusion of the substantive hearing.

(j) The defendant will provide the Department of Corrections with a summary of the documents that are held by the Employment Court and in particular, with the details of all property of the Department of Corrections.

(k) Costs will be determined at the conclusion of the substantive hearing.

[3] Leave is reserved for either party to apply for any further orders or directions on notice.

[4] In vacating today's fixture, I have asked the Registrar to convene a further directions conference in the matter of the substantive proceedings about one month hence to timetable the proceeding to a hearing.

GL Colgan
Chief Judge

Judgment signed at 3 pm on Monday 17 October 2016