

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Warren James Kyd and Shale Chambers (Applicants)

AND Gary Sturgess (Respondent)

REPRESENTATIVES CH Toogood QC and CP Browne for Applicants
SC Langton for Respondent

MEMBER OF AUTHORITY Alastair Dumbleton

**CONSIDERATION OF
PAPERS** 28 November 2005

DATE OF DETERMINATION 29 November 2005

DETERMINATION OF THE AUTHORITY

[1] On 25 June 2005 the Authority made Anton Piller orders against the respondent Mr Gary Sturgess. The orders had been applied for with urgency and on the usual ex parte basis by the applicants Mr Warren Kyd and Mr Shale Chambers. A written determination was issued by the Authority on 28 June under AA 237/05, giving the reasons for granting the application and for also ordering interim suppression of the names of the parties and witnesses.

[2] Mr Kyd and Mr Chambers are both trustees of the Auckland Energy Consumer Trust and are also respectively Chairman and Deputy Chairman of the Trust. The Trust held 100% shareholding in Vector, an electricity line network company, although at material times it was preparing to offer a proportion for sale to the public.

[3] Mr Sturgess had been employed under an employment agreement by the Trust as its Executive Officer but was dismissed earlier on the same day the Anton Piller orders were applied for, 24 June 2005.

[4] The orders were executed at the home of Mr Sturgess on 26 June 2005. On 22 July under ARC 58/05 he filed a challenge against the Authority's determination in the Employment Court. It has not been heard by the Court.

[5] The parties have now advised the Authority that they have settled all matters before the Authority and the Court arising from the making of the Anton Piller orders. Jointly they have applied for orders which are now granted as follows;

- (a) The non-publication order of 25 June 2005 (extended on 1 July) is revoked.**
- (b) The Authority's file AEA 641/05 and contents thereof apart from the written determination AA 237/05, are to be sealed from inspection which may be carried out only by order of the Authority made upon application by a third party on notice to the parties.**

[6] The Authority retains some documents taken from Mr Sturgess under the Anton Piller orders. Arrangements for their return may be made by their owner through Authority Support Officer, Ms Mary Howlett.

A Dumbleton
Member of Employment Relations Authority