

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2012] NZEmpC 201
ARC 91/11**

IN THE MATTER OF proceeding removed from the Employment
Relations Authority

BETWEEN QBE INSURANCE (INTERNATIONAL)
LIMITED
Plaintiff

AND CRAIG ANDERSON
Defendant

Hearing: On the papers

Judgment: 29 November 2012

INTERLOCUTORY JUDGMENT OF JUDGE B S TRAVIS

[1] The plaintiff has filed an application for particular discovery against a non-party on 10 October 2012 and amended it on 12 November. The plaintiff was seeking documents held by the Serious Fraud Office as a result of an enquiry it was carrying out.

[2] The application was set down for hearing before the Court on Thursday 29 November 2012. In view of the memorandum filed on behalf of the plaintiff, the hearing was vacated and appearances by all parties were excused.

[3] The defendant and the Serious Fraud Office did not file any opposition to the order for discovery sought in the application.

[4] Since the filing of the application, the Serious Fraud Office has permitted the plaintiff's counsel to inspect the documents in issue, which it held. As a result, the

plaintiff was able to narrow the request for particular discovery and correspondence with the Serious Fraud Office.

[5] On 20 November 2012, the Serious Fraud Office issued an Authority to Disclose Information pursuant to s 36(2)(e) and 42 of the Serious Fraud Office Act 1990. This authorised the disclosure of protected information to the parties in these proceedings before the Employment Court, their respective legal advisors, any expert witnesses involved in the proceedings and to the Employment Court. It lists the relevant documents which are held in electronic form.

[6] The plaintiff has advised that the documents now disclosed by the Serious Fraud Office to both the plaintiff and the defendant satisfy the purpose of the plaintiff's current application for particular discovery. The plaintiff now seeks a formal order of this Court that confirms that particular discovery has already been provided by the Serious Fraud Office and, to conform with the authority granted by the Serious Fraud Office, the following order is therefore sought:

An order that, subject to s 36(2) of the Serious Fraud Office Act 1990, the Serious Fraud Office is to produce to the plaintiff's solicitor and to the defendant's solicitor electronic copies of all documents described in the Serious Fraud Office Authority to Disclose Information pursuant to Section 36(2) of the Serious Fraud Office Act 1990 dated 20 November 2012, relating to the investigation into the affairs of Grant Herbert.

[7] I am satisfied that this is an appropriate order for the Court to make and that the Court has the necessary jurisdiction to issue it. There will therefore be an order in the terms sought by the plaintiff.

[8] At the request of the plaintiff, the costs of this application are reserved until the outcome of the substantive proceedings.

B S Travis
Judge

Judgment signed at 4.45pm on 29 November 2012