

(1) ORDER PREVENTING SEARCH OF THE TRIBUNAL FILE WITHOUT LEAVE OF THE CHAIRPERSON OR OF THE TRIBUNAL.

IN THE HUMAN RIGHTS REVIEW TRIBUNAL

[2017] NZHRR 35

UNDER Reference No. HRRT 005/2016
BETWEEN THE PRIVACY ACT 1993
AND STEPHEN BROOKER
PLAINTIFF
SPARK NEW ZEALAND TRADING
LIMITED
DEFENDANT

AT WELLINGTON

BEFORE:

Mr RPG Haines QC, Chairperson

Ms LJ Alaeinia, Member

Ms DL Hart, Member

REPRESENTATION:

Mr DA Ewen for plaintiff

Ms M Noon for defendant

DATE OF DECISION: 11 September 2017

DECISION OF TRIBUNAL PERMANENTLY STAYING PROCEEDINGS¹

INTRODUCTION

[1] These proceedings are set down for hearing at Wellington on 24 October 2017.

[2] However, by joint memorandum dated 5 September 2017 counsel have advised the parties have agreed upon a settlement. The memorandum is in the following terms:

Whereas the parties have resolved the dispute on terms set forth as a schedule to this memorandum, the following orders may be made by consent:

¹ [This decision is to be cited as *Brooker v Spark New Zealand Trading Ltd* [2017] NZHRR 35]

1. The proceedings be stayed, except for the purpose of carrying such terms into effect. The October fixture is vacated.
2. Liberty to apply as to carrying such terms into effect.
3. No order as to costs.
4. The schedule to this memorandum is not to be searched, copied or in any manner viewed by third parties without the further order of the Tribunal to which both parties consent.

[3] It is not necessary that the terms of the schedule be repeated here.

FORMAL ORDERS

[4] The parties having agreed on terms of settlement, the following orders are made by consent:

[4.1] The proceedings are stayed except for the purpose of carrying into effect the terms of the Deed of Settlement and Release attached to the consent memorandum dated 5 September 2017.

[4.2] The hearing scheduled to commence on 24 October 2017 is vacated.

[4.3] There is no order as to costs.

[4.4] There is to be no search of the Tribunal file without leave of the Chairperson or of the Tribunal. Nor, without such leave is the Deed of Settlement and Release to be viewed or copied by any third party without leave of the Chairperson or of the Tribunal.

[4.5] Leave is reserved to both parties to make further application should the need arise.

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Mr RPG Haines QC
Chairperson

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Ms LJ Alaeinia
Member

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Ms DL Hart
Member