

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2010] NZEMPC 117
ARC 7/10**

IN THE MATTER OF a challenge to a determination of the
 Employment Relations Authority

AND IN THE MATTER OF an application for non-publication order

BETWEEN C
 Plaintiff

AND AIR NELSON LIMITED
 Defendant

Hearing: By plaintiff's memorandum filed on 2 September 2010

Judgment: 7 September 2010

INTERLOCUTORY JUDGMENT (NO 3) OF CHIEF JUDGE GL COLGAN

[1] By a judgment issued on 30 August 2010¹ the Supreme Court declined to grant leave to appeal directly the non-publication order made by this Court. The Supreme Court, however, continued until 5 pm today, 7 September 2010, the interim non-publication order made by the Court of Appeal on 23 June 2010 to enable the plaintiff to apply again to this Court. He has done so. Despite issuing a Minute to counsel for the parties on 2 September indicating what the Court proposes to do, there has been no response from them.

[2] The substantive hearing of the plaintiff's challenge has now recently concluded in this Court. The presiding Judge is, however, on leave. That Judge is now in the best position to determine the question of non-publication, having heard all the evidence and submissions of the parties.

¹ [2010] NZSC 110.

[3] To preserve the position until Judge Perkins can consider the plaintiff's current application to the Court, the fairest course is to make an interim order prohibiting any publication of the plaintiff's identity or of any particular that may lead to his identification, in the same terms as did the Court of Appeal on 23 June 2010.

[4] As I understand the situation, Judge Perkins is to return from leave on Monday 4 October 2010 and is due again to be in this Court in the following week, Monday 11 October 2010. The interim order that I make in the foregoing terms will therefore apply until 5 pm on Friday 15 October 2010 or until earlier determined by this Court.

GL Colgan
Chief Judge

Judgment signed at 1.00pm on Tuesday 7 September 2010