

**ORDER PROHIBITING PUBLICATION OF NAMES OR IDENTIFYING
PARTICULARS OF THE PARTIES AND WITNESSES**

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2024] NZEmpC 3
EMPC 467/2023**

IN THE MATTER OF	an application for special leave to remove proceedings to the Employment Court
AND IN THE MATTER OF	an application for interim non- publication orders
BETWEEN	LDJ Applicant
AND	EZC Respondent

Hearing:	On the papers
Appearances:	M Donovan, counsel for applicant M O'Brien, counsel for respondent
Judgment:	15 January 2024

**INTERLOCUTORY JUDGMENT OF JUDGE KATHRYN BECK
(Application for interim non-publication orders)**

[1] The applicant has filed an application to the Court for special leave to remove their matter currently before the Employment Relations Authority to the Court. Their application for removal of the matter in the Authority to the Court was declined.¹

¹ *LDJ v EZC* [2023] NZERA 738 (Member Fuiava).

[2] By way of memorandum the applicant has sought interim non-publication of the parties' names and identifying particulars. The respondent consents to that application.

[3] Although declining the application for removal, the Authority made interim non-publication orders in relation to the applicant's name and other details that would readily identify them. Other details that were subject to non-publication orders included the name of the respondent and the names and identities of relevant employees, including company directors of the respondent (both past and present), that would reasonably lead to the applicant being identified.²

[4] Pursuant to sch 3 cl 12 of the Employment Relations Act 2000, the Court has the power to prohibit publication of all or any part of any evidence given or pleadings filed or the name of any party or witness or other person. Any such order may be subject to such conditions as the Court thinks fit.

[5] While both parties consented to non-publication orders being made, the Court must be satisfied that they are appropriate. In this case, I am satisfied that they are. An absence of parallel orders would undermine those made in the Authority; the material which will be put before the Court and the subject of evidence relates to highly sensitive and personal information in relation to the applicant.

[6] I will revisit the issue of whether permanent orders ought to be made at the hearing. In the meantime, interim non-publication orders are made prohibiting the publication of the names and identifying details of the parties, and the identifying names and details of employees and directors of the respondent who may be witnesses or referred to in these proceedings. The Court file is not to be searched without leave of a Judge of this Court.

[7] For convenience the Court will use the same anonymised descriptors for the parties as the Authority used.

² At [12].

[8] These orders remain in place pending any further order of the Court.

[9] No issue of costs arises.

Kathryn Beck
Judge

Judgement signed at 1.30 pm on 15 January 2024