

**IN THE EMPLOYMENT COURT
WELLINGTON**

**WC 14/07
WRC 13/07**

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

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

BETWEEN THE CHIEF EXECUTIVE OF THE
 DEPARTMENT OF CORRECTIONS
 Plaintiff

AND RAKAI TAWHIWHIRANGI
 Defendant

Hearing: 9 May 2007
 (Heard at Wellington (by telephone conference))

Appearances: K Spackman, Counsel for the Plaintiff
 B A Buckett, Counsel for the Defendant

Judgment: 10 May 2007

JUDGMENT OF JUDGE C M SHAW

[1] A challenge has been filed to a determination of the Employment Relations Authority which found that Mr Tawhiwhirangi had been unjustifiably dismissed from his employment as a corrections officer and ordered his reinstatement

[2] The plaintiff has made application for an order of non-publication in relation to the names and identities of persons who were mentioned in the evidence and in the determination of the Employment Relations Authority.

[3] In particular, the plaintiff wishes to prevent the publication of the name of the prisoner who is named as the victim of the alleged assaults by Mr Tawhiwhirangi.

[4] I hold that such an order is appropriate to preserve the privacy of a non-party to these proceedings and there will therefore be an order prohibiting the publication of the names or any other identifying details of any prisoner named in the documents pertaining to this case or otherwise mentioned in evidence including in the determination of the Employment Relations Authority. In particular, this order is directed to the non-publication of the name or identifying details of the prisoner who was the subject of the employment investigation.

C M Shaw
JUDGE

Judgment signed at 4.00pm on 10 May 2007