

**INTERIM ORDERS PROHIBITING PUBLICATION OF CERTAIN NAMES  
AT [1]**

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

**I TE KŌTI TAKE MAHI O AOTEAROA  
TE WHANGANUI-A-TARA**

**[2024] NZEmpC 211  
EMPC 391/2024**

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for a stay of execution
BETWEEN	DGE Plaintiff
AND	AKO First Defendant
AND	CJV Second Defendant

Hearing: On the papers

Appearances: M Mitchell, counsel for plaintiff  
J L Bates, counsel for first and second defendants

Judgment: 6 November 2024

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**CONSENT INTERLOCUTORY JUDGMENT OF JUDGE J C HOLDEN  
(Application for a stay of execution)**

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[1] On 5 September 2024, the Employment Relations Authority issued a determination concluding that AKO and CJV were unjustifiably constructively dismissed by DGE.<sup>1</sup> The Authority made non-publication orders.<sup>2</sup> At this stage, it is appropriate for there to be parallel interim orders in the Court. Accordingly, orders

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<sup>1</sup> *AKO v DGE* [2024] NZERA 534 (Member Kennedy-Martin).

<sup>2</sup> At [113].

are made prohibiting the publication of the names of all parties, and the name of the other employee referred to as QEU in the Authority's determination, unless and until further order of the Court.

[2] DGE was ordered to pay AKO and CJV compensation and lost wages.<sup>3</sup> Penalties also were ordered against DGE, with some payable to AKO and CJV and the balance to be paid to the Crown.<sup>4</sup>

[3] DGE has challenged the determination.

[4] The parties now jointly apply for an order by consent staying the execution of the determination subject to the following conditions:

- (a) DGE paying to the Registrar of this Court the remedies and penalties ordered by the Authority.<sup>5</sup>
- (b) The sum in (a), once paid, being held by the Registrar in an interest-bearing account pending the outcome of the challenge with any release of funds being by further order of the Court or written agreement of the parties.

[5] I am satisfied that it is appropriate to grant a stay on the proposed conditions.

[6] Orders are made accordingly.

[7] There is no issue as to costs.

J C Holden  
Judge

Judgment signed at 11.00 am on 6 November 2024

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<sup>3</sup> At [84], [85] and [90].

<sup>4</sup> At [98].

<sup>5</sup> At [114]-[116].