



Employment Court of New Zealand

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ACF v IEN [2023] NZEmpC 163 (2 October 2023)

Last Updated: 6 October 2023

ORDER PROHIBITING PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF THE PARTIES AND WITNESSES IN THE EMPLOYMENT COURT OF NEW ZEALAND WELLINGTON

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

[\[2023\] NZEmpC 163](#)
EMPC 157/2023

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
BETWEEN	ACF Plaintiff
AND	IEN Defendant

Hearing: By way of telephone
Appearances: P Mani, counsel for plaintiff
A Hall, counsel for defendant
Judgment: 2 October 2023

INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

(Interim non-publication orders)

[1] The plaintiff has filed a de novo challenge to a determination of the Employment Relations Authority.¹ A telephone directions conference was convened on 29 September 2023 to progress the challenge through to a hearing. The Authority had made interim non-publication orders in respect of the evidence given, pleadings filed, names of the parties and witnesses and their identifying details. The Authority subsequently made permanent non-publication orders over the names of the parties and witnesses and their identifying details.² While neither party had advanced an

¹ *IEN v ACF* [\[2023\] NZERA 163](#) (Member Anderson).

² At [11].

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application for non-publication orders in this Court, I raised the issue at the telephone conference and it was common ground that such orders ought to be made.

[2] Pursuant to cl 12 of sch 3 of the [Employment Relations Act 2000](#), the Employment 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of all or any part of any evidence given or pleadings filed or the name of any party or witness or other person not be published, and any such order may be subject to such conditions as the Court thinks fit.

[3] 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 a confidential settlement agreement; and privacy interests are also engaged.

[4] 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 names and identifying details of any witness in these proceedings. The Court file is not to be searched without the leave of a Judge of this Court.

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

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

[7] No issue of costs arises.

Christina Inglis Chief Judge

Judgment signed at 10.15 am on 2 October 2023

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