

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2022] NZERA 173
3135660

BETWEEN AEX
 Applicant

AND NSO
 Respondent

Member of Authority: Helen Doyle

Representatives: Jills Angus Burney, counsel for the Applicant
 James Pullar, counsel for the Respondent

Investigation Meeting: On the papers

Date of Determination: 3 May 2022

DETERMINATION NUMBER THREE OF THE AUTHORITY

Employment Relationship Problem

[1] In a joint memorandum lodged with the Authority on 29 April 2022 AEX discontinued proceedings against NSO.

[2] The parties jointly seek a permanent non-disclosure order on matters contained in paragraphs [12](a) to (e) and [13] of a preliminary determination of the Authority.¹

Non-publication order

[3] The high standard required to depart from the principle of open justice is met in this case by the specific adverse consequences of publication not only for the applicant and their family but for third parties as well which include children and young persons. The third parties could be identified if there is publication of the name of the respondent. These factors support

¹ *AEX v NSO* [2021] NZERA 129.

an order for permanent non-publication under clause 10 of schedule 2 of the Employment Relations Act 2000.

[4] The Authority orders that the following information is subject to a permanent non-publication order:

- (a) the name of the applicant;
- (b) the name of the respondent;
- (c) the names of any witnesses in this matter;
- (d) the names of any children/young persons who may be referred to as part of this matter; and
- (e) any details that may identify the parties, witnesses and the children/young persons.

[5] The Authority's file is not to be accessed without the consent of the Authority.

Costs

[6] There is no order for costs.

Helen Doyle
Member of the Employment Relations Authority