

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2014] NZERA Auckland 18  
5435060

BETWEEN                    A  
   Applicant  
  
AND                                B  
   Respondent

Member of Authority:    T G Tetitaha  
  
Representatives:         C Abaffy, Counsel for Applicant  
   D France, Counsel for Respondent  
  
Investigation Meeting:    On the papers  
  
Submissions Received:    17 January 2014 from both parties  
  
Date of Determination:    20 January 2014

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**INTERIM DETERMINATION**

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[1]    On 13 December 2013 an application for non-publication order was granted in part. An order was made prohibiting publication of any information or details which may lead to the identification of the parties to lapse at 3:00pm today. The basis for the granting of the order was to allow the Applicant time to inform his family of the proceeding and to appeal the determination of his application to the Employment Court.

[2]    The Authority found the interests of justice could be met by the terms of the order given the circumstances set out in paragraph 1. The proceeding had been filed in November 2013. At a teleconference before the Authority on 3 December 2013 no order prohibiting publication was made. A non-publication order was sought at the subsequent teleconference on 13 December 2013. An urgent substantive 4 day fixture is set down on 1 to 4 April 2014.

[3] A Minute from the Employment Court dated 17 January 2014 records the grant of an interim order prohibiting publication of the names of the parties or any particulars which may lead to their identification until further order of the Court.<sup>1</sup>

[4] The parties seek by consent an extension of the Authority's order despite the making of the order in the Employment Court. Technically the Authority's order has now been replaced by the order of the Court. The Authority is bound by it. It is unclear what concern the parties shall remedy by the consent order sought. It may be unnecessary duplication. However, in the interests of preventing further costly submissions and hearing time on this point, the Authority grants the orders sought in paragraph 1(a) of the Consent Memorandum dated 17 January 2014.

**T G Tetitaha**  
**Member of the Employment Relations Authority**

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<sup>1</sup> Minute dated 17 January 2014 paras. 5 to 6