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Dr X v A District Health Board [2012] NZEmpC 115 (18 July 2012)

Last Updated: 3 August 2012

IN THE EMPLOYMENT COURT AUCKLAND

[\[2012\] NZEmpC 115](#)

CRC 23/12

IN THE MATTER OF a challenge to a determination of the

Employment Relations Authority

BETWEEN DR X Plaintiff

AND A DISTRICT HEALTH BOARD Defendant

Hearing: Following a telephone conference at 9.30am on 18 July 2012 (Heard at Auckland)

Counsel: Ms A Sharma, counsel for plaintiff

Mr P McBride, counsel for defendant

Judgment: 18 July 2012

INTERLOCUTORY JUDGMENT NO 1 OF JUDGE CHRISTINA INGLIS

[1] The plaintiff has filed a challenge to a determination of the Employment Relations Authority declining an interim injunction in respect of the plaintiff's suspension. Urgency was sought in relation to the hearing of the challenge, together with an associated application to abridge time.

[2] It was agreed, following a telephone conference this morning, that the challenge will be heard before me during the week of 22 August 2012, or the following week, on a date to be fixed by the Registrar in consultation with counsel. The hearing will take place in Nelson. In the meantime, the parties will attend mediation.

[3] Non-publication orders were made in the Authority, prohibiting publication

of the parties' names and identifying evidence. No application has yet been

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advanced in this Court. When the issue was raised by the Court, counsel for the plaintiff indicated that an application would be pursued. Mr McBride, counsel for the defendant, advised that any such application would be opposed.

[4] It is desirable that the application be advanced, and dealt with, without delay. By agreement, the plaintiff is to file and serve an application for non-publication orders, together with any supporting material, no later than 12 noon, Monday 23 July

2012. Any opposition is to be filed and served no later than 4pm, Wednesday 25

July 2012. A telephone conference will then be convened to discuss the way in which the application will be dealt with (either on the papers or after having heard further from counsel).

[5] In the circumstances, it is in the interests of justice that interim orders be made pending the hearing and determination of the plaintiff's application. Mr McBride was content to abide the decision of the Court in this regard.

[6] Accordingly I make the following orders:

Until hearing and determination of the plaintiff's intended application for non-publication orders, there is to be no publication of the names or other information identifying either party in this case.

The parties will be referred to as "Dr X" and "A District Health Board".

[7] Costs are reserved.

Christina Inglis

Judge

Judgment signed at 3.30pm on 18 July 2012

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