

NOTE: This Minute contains an order prohibiting publication of certain information

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI
TE WHANGANUI A TARA**

[2025] NZERA 305
3331400

BETWEEN	GYN Applicant
AND	ORANGA TAMARIKI Respondent

Member of Authority: Davinnia Tan

Representatives: Alan Knowsley, counsel for the Applicant
Hamish Kynaston, counsel for the Respondent

Submissions received: 1 May 2025 from the Applicant
15 May 2025 from the Respondent

Determination: 30 May 2025

PRELIMINARY DETERMINATION OF THE AUTHORITY

[1] This determination deals with an application made by the applicant for interim name suppression or an interim non-publication order under clause 10(3) of Schedule 2 of the Employment Relations Act 2000 (the Act), pending the substantive investigation meeting of the matter, prohibiting the publication of the applicant's name, identifying details and names and identifying details of the witnesses involved in the substantive issues.

[2] Any decision as to permanent non-publication orders will be dealt with at the investigation meeting.

[3] GYN seeks the interim orders on the basis that:

- (a) Publication of their name would significantly impact the applicant's ability to perform their role and would adversely impact their mental health;
- (b) There is no public benefit from publishing the name or identifying details of the applicant and other individuals involved.

[4] Oranga Tamariki does not oppose the application for interim non-publication/name suppression and considers that they are appropriate in the circumstances given the nature of the issues involved and the limited and temporary impact on the principles of open justice.

[5] Oranga Tamariki says that an interim order is appropriate given the personal and sensitive nature of the events giving rise to these proceedings, and as some or all of the individuals involved may not be called as witnesses in the Authority's substantive investigation meeting. The disclosure of their identity, including the site at which the applicant and the individuals worked may also disclose indirectly the identity of the applicant. It also submits that there is no public interest in their names or identifying information being published, nor would this restrict the Authority's ability to provide a fair and accurate account of what happened.

Orders

[6] I am satisfied that the making of interim non-publication orders is appropriate in the circumstances of this matter. I consider there is a potential risk of harm arising from the identification of GYN's identity, including the individuals involved in the employment dispute, and the site at which GYN and the other individuals worked.

[7] I note that the following orders are made on an interim basis, and if permanent orders are to be made the basis for such orders, having regard to the principle of open justice, will need to be the subject of further submissions and any relevant evidence.

[8] I order, until such time as a determination as to the substantive matter is issued or until further order, a prohibition on the publication of the name and any identifying

details of GYN and each of the individuals and witnesses in the proceedings, and the site at which they worked. This order is made pursuant to clause 10 of schedule 2 of the Act.

[9] GYN is a randomly generated name and does not resemble the name of the applicant.

Davinnia Tan
Member of the Employment Relations Authority