

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2020] NZERA 312
3080412

BETWEEN MIJ
 Applicant

AND KZT
 Respondent

Member of Authority: Helen Doyle

Representatives: Anna Oberndorfer, advocate for the Applicant
 Andrew Shaw and Alex Beal, counsel for the Respondent

Application for non-publication lodged: 20 April 2021

Further Information Received: June 2021 from the Respondent

Date of Determination: 21 July 2021

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant seeks an order for non-publication of the parties' names in a determination for interim reinstatement under clause 10 (1) of schedule 2 of the Employment Relations Act 2000 (the Act). No application for non-publication was made at the time the interim application was investigated and determined by the Authority.

[2] There has subsequently been a substantive determination in which the Authority, upon application, determined that non-publication of the parties' names was appropriate. The respondent did not oppose the order.

[3] The Authority advised the parties that it intended in the unusual circumstances of this matter to treat this application for non-publication as an application for re-opening.

[4] Ms Oberndorfer on behalf of the applicant refers to the Supreme Court judgment in *Erceg v Erceg* and the principles of open justice.¹

[5] She submits that an order was made in relation to the substantive but not the interim determination in this matter and that the applicant has been adversely affected in seeking further employment by publication of her name.

[6] Further that the circumstances of the applicant are such, as found in the substantive determination, to depart from the usual starting point that publication is in the public interest.

[7] The Authority confirmed with the respondent that the application is not opposed. Neither the respondent nor the applicant wished to be heard on the matter.

[8] The Authority is satisfied under s 10(1) of Schedule 2 of the Act that there should be non-publication of the parties' names. This is consistent with the substantive determination and appropriate for the reasons set out in that determination.

[9] I order that the names of the parties in Authority determination [2020] NZERA 74 be prohibited from publication.

Helen Doyle
Member of the Employment Relations Authority

¹ *Erceg v Erceg* [2016] NZSC at [13].