



Employment Court of New Zealand

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Safari Construction (2005) Limited v NEN [2023] NZEmpC 80 (31 May 2023)

Last Updated: 2 June 2023

**ORDER FOR INTERIM NON-PUBLICATION OVER NAME AND
IDENTIFYING DETAILS OF THE RESPONDENTS
IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH**

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2023\] NZEmpC 80](#)
EMPC 430/2022

IN THE MATTER OF	a without notice application for freezing and ancillary orders
BETWEEN	SAFARI CONSTRUCTION (2005) LIMITED First Applicant
AND	SAFARI CONSTRUCTION (2015) LIMITED Second Applicant
AND	SAFARI CONSTRUCTION LIMITED Third Applicant
AND	SAFARI GROUP 2019 LIMITED Fourth Applicant
AND	SAFARI GROUP (NZ) LIMITED Fifth Applicant
AND	NEN First Respondent
AND	MDL Second Respondent

Hearing: On the papers
Appearances: W Fotherby and M Kilkelly, counsel for applicants
S McKenna and J Heinstman, counsel for respondents
Judgment: 31 May 2023

CONSENT JUDGMENT OF JUDGE J C HOLDEN

SAFARI CONSTRUCTION (2005) LIMITED v NEN [\[2023\] NZEmpC 80](#) [31 May 2023]

[1] By judgment dated 19 December 2022, the Court granted freezing and ancillary orders over the assets of the respondents.¹ Those orders were subsequently continued by consent and are presently due to expire at 5 pm on Monday 14 August 2023.

[2] The Court also granted interim non-publication orders preventing the publication of the parties' identities.²

[3] The parties have now settled all matters between them and, by agreement, seek consequential orders consistent with the settlement reached. The orders sought are:

- the discharge of the freezing and ancillary orders;
- the non-publication order to be made permanent to the extent it relates to the names of the respondents; and
- an order that the Employment Court file be closed with no issue as to costs.

[4] At this stage, the Court orders that:

- (a) the freezing and ancillary orders over the assets of the respondents are discharged;
- (b) the interim non-publication order is discharged in respect of the applicants; and
- (c) the interim non-publication order as it relates to the identity of the respondents continues, pending further order of the Court.

[5] The parties acknowledge that the granting of a permanent non-publication order over the names of the respondents is a discretionary exercise of the Court's

1 *THL (2005) v NEN* [2022] NZEmpC 235.

2 At [2]-[4].

jurisdiction. The parties are to file a joint memorandum or separate memoranda addressing the Court on the reasons the non-publication order ought to be made permanent in respect of the names of the respondents, along with any affidavit evidence on which they rely. These are to be filed with the Court by 4 pm on Wednesday 14 June 2023. If necessary, the Court will convene a telephone hearing to hear further from the parties. Otherwise, the application for a permanent non-publication order will be determined on the papers.

[6] Once the application for a permanent non-publication order is resolved, the file will be closed with no issue as to costs.

J C Holden Judge

Judgment signed at 12.15 pm on 31 May 2023

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