

**IN THE EMPLOYMENT COURT OF NEW ZEALAND  
CHRISTCHURCH**

**I TE KŌTI TAKE MAHI O AOTEAROA  
ŌTAUTAHI**

**[2025] NZEmpC 218  
EMPC 352/2025**

IN THE MATTER OF proceedings removed in full from the  
Employment Relations Authority

AND IN THE MATTER OF an application for a non-publication order

BETWEEN WILSON PARKING NEW ZEALAND  
LIMITED  
Plaintiff

AND PETER TURNER  
First Defendant

AND ATE PROPERTY LIMITED TRADING AS  
MAINLAND PARKING  
Second Defendant

**EMPC 357/2025**

IN THE MATTER OF an application for freezing orders

BETWEEN WILSON PARKING NEW ZEALAND  
LIMITED  
Plaintiff

AND PETER TURNER  
First Defendant

AND ATE PROPERTY LIMITED TRADING AS  
MAINLAND PARKING  
Second Defendant

Hearing: On the papers

Appearances: K Crossland, Y Freimond and S Han, counsel for plaintiff  
D Russ, counsel for first defendant  
G Jones, counsel for second defendant

Judgment: 9 October 2025

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**INTERLOCUTORY JUDGMENT (NO 3) OF JUDGE HELEN DOYLE**  
**(Application for non-publication order)**

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[1] An interim non-publication order prohibiting the publication of a senior executive's name and identifying particulars was urgently granted by the Court on 12 September 2025 to enable an application for permanent non-publication to be filed.

[2] The senior executive is not a party to this proceeding. They provided an affidavit for an interlocutory proceeding involving the parties.<sup>1</sup> There is a likelihood that the senior executive will appear as a witness at the substantive hearing.

[3] An application for a permanent order that the senior executive's name, medical circumstances, and other identifying particulars be prohibited from publication has been filed with a supporting affidavit.

[4] The Court is satisfied that the parties to these proceedings and a media representative have been served with a copy of the application, and the affidavit in support of the application with medical information redacted. No notices of opposition have been received by the Court. The parties and the media representative have been advised that the Court would proceed to consider the application for permanent non-publication.

[5] This judgment resolves whether such an order should be made.

### **Approach to non-publication**

[6] The Court has the power under the Employment Relations Act 2000 (the Act) at sch 3 cl 12 in any proceeding to make an order prohibiting from publication the name of any party, witness, or other person not to be published. Any such order may be subject to conditions if the Court thinks fit.<sup>2</sup>

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<sup>1</sup> *Wilson Parking New Zealand Ltd v Turner* [2025] NZEmpC 214.

<sup>2</sup> Employment Relations Act 2000, sch 3 cl 12 (1).

[7] The full Court of the Employment Court in *MW v Spiga Limited* considered the approach to non-publication.<sup>3</sup> The majority concluded that the general rule of open justice applies for the purpose of non-publication issues in the employment jurisdiction.<sup>4</sup> The majority also stated that open justice is of fundamental importance and may be departed from only to the extent necessary to serve the ends of justice.<sup>5</sup> A sound reason is required for the making of an order of non-publication. In most cases, there must be reason to believe that specific adverse consequences could reasonably be expected to occur. This is assessed from the evidence submitted or available and any reasonable inferences that may be taken from the evidence in the circumstances and context of the case.<sup>6</sup>

[8] The Court in *Spiga* stated that, after consideration of whether specific adverse consequences could reasonably be expected to occur, the next consideration is whether they justify a departure from open justice.<sup>7</sup> This is a weighing exercise. Factors that may be relevant to the weighing exercise were set out by the Court as below:<sup>8</sup>

- (a) the circumstances of the case;
- (b) the interests of the person or entity applying for a non-publication order;
- (c) the interests of the other party or parties to the litigation;
- (d) the interests of any third party;
- (e) the public interest including the rights of media;
- (f) any further issues of equity and good conscience; and
- (g) tikanga and its principles, values, or concepts.

### **Specific adverse consequences could reasonably be expected to occur?**

[9] The grounds in the application for a non-publication order include a likelihood with publication that the senior executive's current contracting arrangement with an

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<sup>3</sup> *MW v Spiga Ltd* [2024] NZEmpC 147, [2024] ERNZ 678.

<sup>4</sup> At [55].

<sup>5</sup> At [87].

<sup>6</sup> At [88].

<sup>7</sup> *Spiga*, above n 3, at [89].

<sup>8</sup> At [94].

organisation would be terminated. If there is publication of their name, the senior executive would be unable to work within the same industry which they have worked in for about 30 years. Furthermore, that adverse medical consequences could follow with publication.

[10] The senior executive has sworn an affidavit in support of non-publication orders.

[11] The affidavit sets out the current contractual arrangements the senior executive has with the organisation they undertake work for. The contractual arrangement is to be reviewed at the end of 2025 but could be terminated at any time without notice.

[12] The organisation is aware of the proceedings. The senior executive states that it is very likely that if their name is published, the organisation will have no option but to end the contract because publication could be a source of embarrassment to them and the senior executive. The senior executive has set out in their affidavit why publication would mean the role would be untenable. The case has attracted media attention.

[13] The senior executive sets out that they are the only meaningful income earner in their household. There is a concern that their industry experience and age would mean that, if there is publication, they would not obtain any further work in an employment or contractor role.

[14] The senior executive is also concerned for their physical and mental wellbeing if their name is published. Details to support this are set out in the affidavit and supported by a medical specialist's letter.

[15] The Court is satisfied from the affidavit evidence that the adverse consequences to the senior executive's role, ability to work in the future and health, could reasonably be expected to occur in this case if there was publication.

**Do the specific adverse consequences justify a departure from open justice?**

[16] The circumstances are that the senior executive is a former employee of Wilson Parking. Whilst not a party to this proceeding, the senior executive will likely be an important witness at the substantive hearing. The senior executive states that there is “innuendo” to deal with from media articles and that they will never have an opportunity as a witness to fully defend themselves.

[17] These circumstances weigh in favour of an order being made.

[18] The senior executive has an interest in continuing to work to support the household and in maintaining good health. These factors weigh in favour of an order being made.

[19] The other parties to the litigation and the media representative have not opposed the application. Third party interests have not been identified for the Court.

[20] There is considerable public interest in this case, and the public have an interest in open justice. A non-publication order would impact on the media reporting about this proceeding because a witness could not be specifically identified. That weighs against an order being made.

[21] Equally, the Court is not persuaded that there is a significant public interest in knowing the senior executive’s identity in addition to the nature of their evidence. There is a public interest in witnesses who give evidence to this Court being protected from adverse consequences that could reasonably be expected to occur with publication, such as job loss and deterioration in health. This weighs in favour of an order being made.

[22] It would also be inconsistent with the Court’s equity and good conscience jurisdiction, where it is in the Court’s power to do so, not to protect a witness from these adverse consequences when giving evidence.<sup>9</sup> That weighs in favour of an order.

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<sup>9</sup> Employment Relations Act 2000, s 189.

## **Conclusions**

[23] A departure from open justice is justified in this case because of the specific adverse consequences that are reasonably likely to occur with publication. The weighing of the various factors set out above favours the making of an order.

[24] The Court makes a non-publication order that the senior executive's name, medical circumstances, and other identifying particulars are not to be published. These identifying particulars for completeness do not include the fact that the senior executive was formerly an employee of Wilson Parking.

[25] There is no issue of costs in this matter.

Helen Doyle  
Judge

Judgment signed at 3.15 pm on 9 October 2025