

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

**I TE KŌTI TAKE MAHI O AOTEAROA  
TĀMAKI MAKĀURAU**

**[2025] NZEmpC 255  
EMPC 1/2025**

IN THE MATTER OF a challenge to a determination of the  
Employment Relations Authority

AND IN THE MATTER OF an application as to admissibility of evidence

BETWEEN WUJI JIN  
Plaintiff

AND PRECISION NZ LIMITED  
First Defendant

AND ALEX ZHANG  
Second Defendant

Hearing: On the papers

Appearances: M Kim, counsel for plaintiff  
M Moncur, advocate for the defendants

Judgment: 1 December 2025

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**INTERLOCUTORY JUDGMENT OF JUDGE M S KING  
(Application for admissibility of evidence)**

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[1] This proceeding involves a de novo challenge to a determination of the Employment Relations Authority.<sup>1</sup> A hearing has been set down for this matter on 4 and 5 December 2025.

[2] On 20 October 2025 the plaintiff filed an application to admit into evidence, a draft record of settlement, included in the plaintiff's bundle of document and referred to in his brief of evidence. On 22 October, the defendant filed a notice of opposition

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<sup>1</sup> *Jin v Precision NZ Ltd* [2024] NZERA 710.

to the plaintiff's application on the basis that the documents were without prejudice and accordingly, inadmissible.

[3] On 4 November 2025 a directions conference was convened to consider the disputed documents. The parties agreed that I would be given access to the disputed documents and timetabling directions were made in respect of submissions and evidence in support of, or in opposition to, the admissibility of the evidence.

[4] This judgment provides the Court's decision on the admissibility of the disputed evidence. The reasons for the decision will be provided as part of the substantive judgment following the hearing of the challenge.

[5] I am satisfied that without prejudice privilege applies to the draft record of settlement. This evidence is accordingly inadmissible. The references to the draft record of settlement in paragraphs [33] and [34] of the plaintiff's brief of evidence, referring to the contents of the communication, are also inadmissible.

[6] Costs are reserved until the conclusion of the substantive matter.

M S King  
Judge

Judgment signed at 9.45 am on 1 December 2025