

**INTERIM ORDER PROHIBITING PUBLICATION OF THE NAME
OR IDENTIFYING PARTICULARS OF THE PLAINTIFF**

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

**I TE KŌTI TAKE MAHI O AOTEAROA
TE WHANGANUI-A-TARA**

**[2026] NZEmpC 1
EMPC 7/2026**

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application to waive the payment of a filing fee
BETWEEN	XDC Plaintiff
AND	ALLIED INVESTMENTS LIMITED Defendant

Hearing: On the papers

Appearances: T-J Barugh, counsel for plaintiff

Judgment: 9 January 2026

**INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS
(Application to waive the payment of a filing fee)**

[1] The plaintiff has filed a challenge to a determination of the Employment Relations Authority (the Authority).¹ They seek a waiver of the fee payable on a challenge. Also contained within the statement of claim is what is effectively an application for an order prohibiting publication of their name. A non-publication order was made in their favour in the Authority. While the defendant will need to be given

¹ *XDC v Allied Investments Ltd* [2025] NZERA 798.

an opportunity to be heard on the application, as a holding measure I consider it appropriate to make interim orders, essentially to preserve the orders made in the Authority's determination.

[2] An interim order is accordingly made prohibiting publication of the plaintiff's name and identifying details pending further order of the Court. The issue of non-publication will be addressed at the first case management conference.

[3] I now turn to deal with the application for a fee waiver. Regulation 75 of the Employment Court Regulations 2000 provides that the fees specified in sch 3 are payable to the Registrar of the Court for the matters set out in that schedule. Filing a statement of claim in the form required in the present case comes with a filing fee of \$233.

[4] The question of whether or not the Court has the power to waive or postpone fees was recently dealt with in *RDJ v SGF*.² There it was held that the Court did have jurisdiction to do so for the reasons set out in that judgment, which I adopt in this case.

[5] As was confirmed in *RDJ*, guidance in respect of determining a fee waiver application may be drawn from the High Court Fees Regulations 2013.³ Those regulations provide that a fee may be waived on the basis of one of the criteria specified in reg 19, namely that the person is unable to pay the fee. The regulations go on to provide that a person is deemed to be unable to pay the fee sought to be waived where that person has been granted legal aid in respect of the matter for which the fee is payable.

[6] The applicant is currently unemployed and is in receipt of legal aid in respect of these proceedings. I accept that they are unable to pay the fee and that it is appropriate to waive it in the circumstances.

[7] The application for waiver of the filing fee is accordingly granted.

² *RDJ v SGF* [2025] NZEmpC 146.

³ At [27].

[8] No issue of costs arises on this application.

Christina Inglis
Chief Judge

Judgment signed at 4.55 pm on 9 January 2026