

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

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

**[2026] NZEmpC 13
EMPC 352/2025**

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

AND IN THE MATTER OF an application for non-publication orders

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: R Reed KC and KJ Crossland, counsel for plaintiff
D Russ, counsel for first defendant
G Jones, counsel for second defendant
T Mackenzie, counsel for non-party

Judgment: 29 January 2026

INTERLOCUTORY JUDGMENT (NO 4) OF JUDGE HELEN DOYLE
(Application for non-publication orders)

[1] A non-party to these proceedings, a law firm, seeks a continuation of an interim non-publication order made by the Court in a ruling on 9 September 2025.¹

[2] The order now sought by the law firm is broader than that made by the Court because it includes an application for non-publication of the allegations made against the law firm by Wilson Parking.²

[3] The grounds for seeking continuation of, and addition to, the interim order made are that:

- (a) the allegations made against the law firm and its lawyer are novel and extremely serious;
- (b) due to their nature, they would be likely to attract media attention in their own right;
- (c) media reporting of the case has been significant to date;
- (d) significant professional and personal harm could occur if the allegations made are published; and
- (e) any professional conduct complaint would be subject to confidentiality, pending any orders otherwise.

¹ An interim non-publication order was made in a ruling by the Court in respect of the name of the law firm and any information that may identify the law firm at the hearing of applications for interim injunctions and freezing orders on 8 and 9 September 2025.

² The names of any lawyers alleged to be involved in matters by Wilson Parking is information that may identify the law firm and falls within the interim non-publication order.

[4] I held a telephone conference with Mr Mackenzie, counsel for the law firm, and counsel for the parties to discuss the application for continuation of the order for interim non-publication.

[5] Wilson Parking is neutral to the application for interim non-publication but says if the Court is minded to grant any interim non-publication order it must be strictly time limited and should expire at the commencement of the substantive trial in the proceedings. Further, it says that any application for continuation of non-publication beyond the commencement of the trial must be made by way of fresh application with updated evidence to address any changed circumstances.

[6] Mr Russ and Mr Jones, counsel for Mr Turner and ATE Property Ltd respectively, advised the first and second defendants take a neutral position on continuation of the interim non-publication orders.

[7] Counsel did not wish to file any further submissions and were content for the Court to decide whether there should be continuation of the interim non-publication orders based on the application, an affidavit filed on behalf of a partner at the law firm, the memorandum filed and the discussion during the telephone conference.

Legal framework for non-publication

[8] The Employment Court has the power to prohibit publication in cl 12 of sch 3 of the Employment Relations Act 2000. Clause 12(1) provides that in a proceeding the Court may order that all or any part of any evidence given or pleadings filed or the name of any party or witness or other person not be published. Any such order may be subject to such conditions as the Court thinks fit.

[9] The approach to non-publication in the Employment Court and the Authority was considered by a full Court in *MW v Spiga Ltd*.³ It was confirmed in *Spiga* that open justice is of fundamental importance and may only be departed from to the extent necessary to serve the interests of justice.⁴ If there is to be a departure from open justice, then an assessment is required as to whether there is reason to believe that specific adverse consequences could reasonably be expected to occur with

³ *MW v Spiga Ltd* [2024] NZEmpC 147, [2024] ERNZ 678.

⁴ At [87]–[89].

publication.⁵ The Court then undertakes a weighing exercise of relevant factors to consider whether the adverse consequences that could reasonably be expected to occur from publication justify a departure from open justice in the circumstances of the case.⁶

[10] Relevant factors to the weighing exercise include:⁷

- (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.

Analysis

[11] I am satisfied that the Court has the power to make a non-publication order for the name of a non-party. The power to prohibit publication in cl 12(1) of sch 3 is broad and includes making an order that the name of a person other than a party or witness not be published.

[12] The Court's power to prohibit publication extends to all or any part of the evidence given. The allegations against the law firm are in a letter sent by Wilson Parking's lawyer appended to the affidavit of the lawyer in support of the application. There was discussion about the letter at the hearing of the applications for interim injunctions and freezing orders. The discussion was in the context of dates for the

⁵ At [88].

⁶ At [89].

⁷ At [94].

substantive hearing, potential joinder of other parties to the proceeding and any delay that may cause. The letter was not the subject of evidence. It was noted in the Court's ruling that Mr Crossland, counsel for Wilson Parking, had not put the letter before the Court.

[13] As stated by the lawyer in their affidavit, there has been media interest and publicity in this proceeding. The nature of the allegations made by Wilson Parking about the law firm and its lawyers may reasonably be expected to attract further media interest. Professional and personal reputational harm could reasonably be expected with publication of the name of the law firm and any identifying details. The lawyer says in their affidavit that the allegations made by Wilson Parking are denied.

[14] The lawyer refers in their affidavit to a suggestion in the letter that there may have been a breach of obligations in the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008. There is a concern that reporting aspects of the letter that relate to the alleged conduct could undermine the process and the presumption of confidentiality that exists with a professional conduct complaint, unless there is a direction otherwise.⁸ I accept that publication of the name of the law firm and its lawyers could reasonably be expected to undermine confidentiality expectations if there is a professional conduct complaint.

[15] The Court is satisfied that specific adverse consequences in the circumstances could reasonably be expected to occur in the future with publication of the name of the law firm or any information or details that may identify it.

[16] The next matter for consideration is whether the adverse consequences that could reasonably be expected to occur justify a departure from open justice in the circumstances of the case.

[17] The circumstances of the case and the interests of those applying for a non-publication order are relevant factors in the weighing exercise. The law firm and its lawyers are not party to the proceedings. As set out earlier, publication could result in reputational harm to the law firm and the lawyers in the firm who are the subject of

⁸ Lawyers and Conveyancers Act (Lawyers: Complaints Service and Standards Committees) Regulations 2008, r 31; Lawyers and Conveyancers Act 2006, s 188.

allegations by Wilson Parking. It could impact any confidentiality presumption from a professional conduct body. These factors weigh in support of continuing interim non-publication.

[18] The interests of all parties and third parties and the public interest, including media rights, are relevant factors.

[19] The parties have taken a neutral position. This weighs in support of continuation of interim non-publication orders. No third-party interests are identified.

[20] The public have an interest in open justice, including for the media being able to report on proceedings. Those factors weigh against continuation of the interim order for non-publication. The important interests of the public and the media reporting on proceedings must be weighed with the fact that the law firm is not a party to this proceeding.

[21] Wilson Parking indicated in the memorandum filed in respect of this application that some of the evidence at trial is likely to touch on the role of the law firm and advice provided. The extent and nature of the evidence are not clear to the Court at this stage. It is not clear if evidence will be given on behalf of the law firm. In the meantime, there is the potential for significant reputational damage and an impact on a presumption of confidentiality for any professional conduct complaints if publication occurs.

[22] I am satisfied that the adverse consequences of publication referred to in support of the application could reasonably be expected to occur. The interests of justice from an assessment of the relevant factors require a departure from open justice and a continuation of the interim non-publication order in respect of the names of the law firm and identifying details, including the names of the lawyers who are the subject of allegations by Wilson Parking.

[23] The nature of the allegations made by Wilson Parking against the law firm and its lawyers has not been the subject of evidence in this proceeding. It is appropriate to make orders in respect of access to the Court file for the documents containing those allegations.

[24] There is strength in the submission made on behalf of Wilson Parking that any non-publication orders be revisited at the start of the trial scheduled from 15 June 2026 to 9 July 2026 when the nature of the evidence is clearer.

Orders

[25] There is to be a continuation of the interim non-publication order prohibiting the publication of the name of the law firm, the names of any of the firm's lawyers alleged to have been involved in matters raised by Wilson Parking and any other information or details that may identify the law firm or its lawyers.

[26] The interim order for non-publication will continue until the commencement of the substantive trial on 15 June 2026. On that date, continuation of the interim non-publication order will be dealt with as a preliminary matter.

[27] A new application and updated affidavit will be required for continuation of interim, or permanent, non-publication orders to deal with any changed circumstances that may have arisen since the making of this order. Any necessary extension of the interim order for non-publication to enable the filing and consideration of a new application will be dealt with at the commencement of the trial.

[28] Access to the Court file in respect of the letter of 27 August 2025 or to any other document that refers to allegations by Wilson Parking against the law firm and its lawyers is restricted until further order without the permission of a Judge.

[29] Costs are reserved.

Helen Doyle
Judge

Judgment signed at 3.30 pm on 29 January 2026