



# Employment Court of New Zealand

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## BD v FG [2022] NZEmpC 96 (2 June 2022)

Last Updated: 8 June 2022

### ORDER PROHIBITING PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF THE APPLICANT AND FIRST RESPONDENT IN THE EMPLOYMENT COURT OF NEW ZEALAND WELLINGTON

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

[\[2022\] NZEmpC 96](#)  
EMPC 164/2022

IN THE MATTER OF	an ex parte application for freezing and ancillary orders
AND IN THE MATTER OF	an application for non-publication order
BETWEEN	BD Applicant
AND	FG First Respondent
AND	ANZ BANK NEW ZEALAND LIMITED Second Respondent

Hearing: 2 June 2022  
(Heard at Wellington by virtual meeting room)

Appearances: R Pinny, counsel for applicant  
No appearance for respondents

Judgment: 2 June 2022

### INTERLOCUTORY JUDGMENT (NO 2) OF CHIEF JUDGE CHRISTINA INGLIS

(Review of freezing, ancillary and non-publication orders)

[1] Freezing, ancillary and interim non-publication orders were made on an ex parte basis on 26 May 2022.<sup>1</sup> I directed that the matter was to come back before the

<sup>1</sup> *BD v FG* [2022] NZEmpC 94.

*BD v FG* [2022] NZEmpC 96 [2 June 2022]

Court today in order to review the orders. The respondents were served with a copy of the judgment, orders made, and the documentation filed with the Court, together with a notice of this morning's hearing. There was no appearance by or on behalf of the respondents and the hearing proceeded in their absence.

[2] Affidavits updating the Court on developments have been filed and I heard from counsel for the applicant this morning. The applicant does not seek orders extending the freezing orders and they will lapse, in accordance with the terms of my earlier judgment, today. It is anticipated that the documentation and information sought from the second respondent will be provided shortly (much of it has already been made available). It is appropriate that the ancillary orders continue in force until satisfied or by further order of the Court.

[3] Interim non-publication orders are currently in place. Permanent orders are now sought.<sup>2</sup> I am satisfied, based on the material before the Court and having regard to the serious health issues confronted by the first respondent, that it is appropriate that permanent orders are made. There is minimal, if any, public interest in knowing the identity of these parties; identification of the applicant could lead to the identification of the first respondent; and the overall interests of justice weigh in favour of the orders sought being made. There will accordingly be an order permanently prohibiting the publication of the first respondent and the applicant's names and identifying details.

[4] The applicant is to serve a copy of this judgment on the respondents. Leave is reserved for any party to apply, on short notice, for any further directions or orders.

[5] I do not understand any issue as to costs on today's hearing to arise.

Christina Inglis Chief Judge

Judgment signed at 12.30 pm on 2 June 2022

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

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