



Employment Court of New Zealand

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Bowen v Bank of New Zealand [2023] NZEmpC 137 (24 August 2023)

Last Updated: 7 September 2023

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2023\] NZEmpC 137](#)

EMPC 51/2022

IN THE MATTER OF an application for variation to
 non- publication orders
BETWEEN MELISSA BOWEN
 Plaintiff
AND BANK OF NEW ZEALAND
 Defendant

Hearing: On the papers

Appearances: M W O'Brien, counsel for plaintiff
 R M Rendle, counsel for
 defendant

Judgment: 24 August 2023

INTERLOCUTORY JUDGMENT (NO 5) OF JUDGE J C HOLDEN

(Application for variation to non-publication orders)

[1] The Court has previously made non-publication orders in relation to this matter.¹ The defendant, BNZ, now applies for a limited variation to the non- publication orders, so that an affidavit filed by Ms Bowen in the Employment Relations Authority in respect of a case involving National Australia Bank and others may be disclosed to the respondents in that case.

[2] BNZ says that Ms Bowen's affidavit refers to matters that fall under the Court's non-publication orders. It also says it considers that these matters are privileged.

¹ *Bowen v Bank of New Zealand* [\[2023\] NZEmpC 29](#) at [\[31\]](#) and [\[39\]](#).

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[3] Ms Bowen has, through her representative, confirmed that she does not oppose the application.

[4] The variation is appropriate. Accordingly, the orders made by the Court on 28 February 2023 are varied so that:

(a) Ms Bowen's affidavit dated 9 May 2023, filed in the Employment Relations Authority in proceeding file number 3201559 may be disclosed to the respondents in that proceeding, being National Australia Bank, Anthony Healy, Annie Brown and Rebecca Lee.

(b) The variation is strictly limited to disclosure of the affidavit to the respondents to allow the respondents' legal representatives to provide legal advice to them and for the respondents to provide instructions to their representatives (including on issues of admissibility in the Employment Relations Authority proceeding).

[5] There is no order as to costs.

J C Holden Judge

