

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

[2017] NZERA Wellington 80  
5623483

BETWEEN           FGH  
                          Applicant

AND                 RST  
                          Respondent

Member of Authority:     M B Loftus

Representatives:         Stuart Henderson, Counsel for Applicant  
                              Stephanie Dyhrberg and Alistair Clarke, Counsel for  
                              Respondent

Investigation Meeting:    On the papers

Determination:           24 August 2017

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**DETERMINATION OF  
THE EMPLOYMENT RELATIONS AUTHORITY**

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- [1]     On 22 August I issued a determination in respect to the above matter.<sup>1</sup>
- [2]     Since then Mr Henderson advises he has been instructed to challenge the determination. He also asks I grant a temporary non-publication order in respect to the determination which applies for 21 days.
- [3]     RST does not oppose the application.
- [4]     During the investigation I heard enough to know there may be merit to the concerns which have led to this application though there must be a question about whether or not they constitute grounds for ongoing suppression. That said I must also recognise that once publication occurs it cannot be reversed.

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<sup>1</sup> [2017] NZERA Wellington 78

[5] In the circumstances and given the Employment Court is to be ceased of the matter, I consider it appropriate the Court be allowed to consider the application for on-going suppression it is undoubtedly going to receive without its ability to decide undermined by prior publication.

[6] Accordingly I grant the application and order there be a prohibition on publishing the original determination<sup>2</sup> before 14 September 2017. At that time the status of this order and/or the way in which the parties are identified in the determination can be revisited with the outcome being informed by the Court's decision.

[7] The Authority Officer responsible for the file is to ensure the determination is not added to MBIE's public database or otherwise distributed beyond the parties while this order is in effect.

M B Loftus  
Member of the Employment Relations Authority

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<sup>2</sup> n 2 above