



# Employment Court of New Zealand

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## JKL v Stirling Andersen Limited [2022] NZEmpC 6 (24 January 2022)

Last Updated: 29 January 2022

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

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EMPC 11/2022

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for a non-publication order
BETWEEN	JKL Plaintiff
AND	STIRLING ANDERSEN LIMITED Defendant

Hearing: On the papers

Appearances: A Fechney, counsel for  
plaintiff No appearance for  
defendant

Judgment: 24 January 2022

INTERLOCUTORY JUDGMENT OF JUDGE KATHRYN BECK

**(Application for non-publication order)**

[1] This judgment involves a challenge to a determination of the Employment Relations Authority in which the Authority refused to recall a previous determination, and also declined to issue a non-publication order in respect of the plaintiff's name and identifying details.

[2] Along with the challenge, an application for non-publication has also been filed. The plaintiff seeks interim non-publication pending the outcome of any hearing. The proceeding has been granted urgency.

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[3] The grounds on which a non-publication order is sought are that the determination contains information relating to domestic violence abuse and that the plaintiff is a victim of such domestic violence.

[4] The purpose of these proceedings is to protect the plaintiff's identity; she submits that it would undermine such purpose if her identity was published.

[5] The defendant has taken no steps in relation to the proceedings or application and has advised it will abide by the decision of the Court.

[6] I agree that interim non-publication is appropriate given the nature of the issues which are under consideration. The threshold for making such an order is established.

[7] Accordingly, I make an order for non-publication of the name and identifying details of the plaintiff until further order of the Court. The plaintiff's name has been anonymised accordingly.

[8] This challenge relates to the publication of the plaintiff's name in the Authority. There are two determinations in the Authority that currently publish the plaintiff's name. Continued publication would cut across the purpose of these proceedings. Accordingly, I make an order for non-publication of the name and identifying details of the plaintiff in the Authority's determinations (file number 3108132) until further order of the Court.

[9] I direct the Registrar of this Court to draw these orders to the attention of the Authority.

[10] I also order, until further order of the Court, that the Court file is not to be inspected by any person without leave of a Judge.

Kathryn Beck Judge

Judgment signed at 10.45 am on 24 January 2022

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