

**This determination includes
an order prohibiting
publication of certain
information**

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 262
5457354 and 5453285

BETWEEN	TONY TIETIE Applicant in matter 5457354
AND	TALA POE First Applicant in matter 5453285
AND	ANNIE DU Second Applicant in matter 5453285
AND	TE ROOPU TAURIMA O MANUKAU TRUST Respondent

Member of Authority:	Robin Arthur
Representatives:	Persia Templeton, Counsel for the Applicant Christine Pidduck, Counsel for the Respondent
Investigation Meeting:	23, 24 and 25 June 2014
Determination:	25 June 2014

CONSENT DETERMINATION OF THE AUTHORITY

[1] Following an adjournment sought at the beginning of the third day of the investigation meeting the parties advised they had resolved the matter before the Authority on their own terms. A record of the terms of their resolution, signed by parties, is now held on the Authority file. By consent those terms are now also the orders of the Authority in this matter.

[2] The parties agreed the terms of their resolution would remain confidential to them. For that purpose, under clause 10 of the second schedule of the Employment Relations Act 2000, I prohibit publication of all or any part of those terms.

[3] The Respondent sought a further order prohibiting publication of the evidence given during the first two days of the investigation meeting. In considering applications for non-publication orders, the Authority has “*a broad discretion to do justice on a case by case basis although in a principled way and from a starting point of ‘open justice’*”.¹

[4] I have declined to make an order prohibiting publication of that evidence because the first two days of the Authority’s investigation meeting were held in public and, weighing both the particular circumstances of the parties and the evidence given during those days against the strong presumption in favour of open justice, I considered there were no sufficiently exceptional circumstances disclosed by that evidence to ‘tip the scales’ against applying that presumption.²

Robin Arthur
Member of the Employment Relations Authority

¹ *H v A* [2014] NZ EmpC92 at [76].

² Above at [44].