

ATTENTION IS DRAWN TO THE ORDER
PROHIBITING PUBLICATION AT PARAGRAPHS
[6 & 7] OF THIS DETERMINATION

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2016] NZERA Auckland 174
5390540

BETWEEN

DEBORAH OWEN
Applicant

A N D

THE CHIEF EXECUTIVE OF
THE DEPARTMENT OF
CORRECTIONS
Respondent

Member of Authority: Eleanor Robinson

Representatives: Juliet Dobson & Tara Sewell, Counsel for the Applicant
Brian Henry, Counsel for the Respondent

Date of Determination: 7 June 2016

DETERMINATION OF THE AUTHORITY

The application

[1] The Respondent has applied in a memorandum dated 23 May 2016 for non-publication orders in relation to documents and/or other evidence which identifies or might identify a former Department of Corrections employee who is neither a part nor a witness to the investigation now before the Authority.

[2] The Applicant by email dated 1 June 2016 and by Memorandum dated 3 June 2016 does not oppose the Respondent's application for non-publication orders.

[3] I have considered the submission of the Respondent and the fact that the Applicant does not oppose the application for non-publication orders in respect of the matters set out above and I accept that a non-publication order is both necessary and appropriate in this case, and that it is in the interests of justice to make such an order.

Order

[4] I order the documents and/or other evidence which identifies or might identify a former Department of Corrections employee who is not party to, or witness in, the investigation is subject to a non-publication order.

[5] In so deciding I have considered whether or not the granting of a non-publication order would prevent the Applicant from having a fair hearing and being awarded the remedies sought. I conclude that it would not do so.

[6] **Accordingly, pursuant to clause 10 (1) of Schedule 2 of the Act, I order that the name of the former Department of Corrections employee in the application before the Authority, and any information which may lead to the identification of the former Department of Corrections employee, is subject to a permanent non-publication order.**

[7] **Pursuant to Schedule 2 clause 10(1) of the Act the name of the former Department of Corrections employee referred to in this matter is not be published. It is to be referred to by letters bearing no relationship to his actual name.**

Eleanor Robinson
Member of the Employment Relations Authority