

**Attention is drawn to the
order prohibiting
publication of certain
information in this
determination**

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2025] NZERA 283
3236939

BETWEEN ANNE ABERNETHY AND
OTHERS
Applicant

AND KONO NZ LP
Respondent

Member of Authority: Peter van Keulen

Representatives: Peter Cranney and Simon Mitchell KC, counsel for the
Applicant
Maria Dew KC, Daniel Josephs and Carl Blake counsel for
the Respondent

Investigation Meeting: On the papers

Submissions and Further
Information Received: 16 May 2025 from the Applicants
16 May 2025 from the Respondent

Date of Determination: 19 May 2025

SECOND DETERMINATION OF THE AUTHORITY

Non-publication orders and agreement regarding access to evidence

[1] I issued my determination for this employment relationship problem on 15 May 2025.¹ In that determination I recorded that an interim non-publication order was in place

¹ *Anne Abernathy and Ors v Kono NZ LP* [NZERA] 268.

prohibiting from publication any of the sensitive commercial and financial information relating to Kono NZ LP that related to this matter. I also recorded that there was an agreement between the parties that Kono's witness statements and documents served on the applicants would be held by Applicant's counsel and not released in hard copy or email to the applicants with the applicants having the right to view the evidence only.

[2] Kono has now applied to have the interim non-publication order and the agreement regarding the restrictions on dealing with Kono's witness statements and documents made permanent.

[3] The applicants do not object to Kono's application.

[4] After reviewing Kono's application, reflecting on the nature of the information over which restrictions are sought and Kono's reasons for seeking those restrictions and considering that the applicants do not oppose the permanent orders sought I am satisfied that permanent non-publication order should be made.

[5] So pursuant to Clause 10 of schedule 2 of the Employment Relations Act 2000, I prohibit from publication the sensitive commercial and financial information relating to Kono that was disclosed in this employment relationship problem. And as a condition of this non-publication order, to further protect the sensitive commercial and financial information, I order that Kono's witness statements and documents lodged for the investigation of the employment relationship problem be held by the applicants' counsel for the applicants to view only, and this evidence is not to be released in email or hard copy to the applicants.

Peter van Keulen
Member of the Employment Relations Authority