

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2023] NZEmpC 154
EMPC 288/2023**

IN THE MATTER OF a review of a search order

AND IN THE MATTER OF an application for a non-publication order

BETWEEN CHAIN & RIGGING SUPPLIES LIMITED
 Applicant

AND JUSTIN DOUGLAS WERAHOKO
 NIKORIMA
 First Respondent

AND RAPIDO SAFETY SOLUTIONS LIMITED
 Second Respondent

Hearing: On the papers

Appearances: P Amaranathan, counsel for applicant
 No appearance for first respondent
 T Jarman and J Shaw, counsel for second respondent

Judgment: 15 September 2023

**JUDGMENT (NO 4) OF JUDGE B A CORKILL
(Application for non-publication order)**

[1] In a series of prior judgments,¹ the Court made a search order, and then reviewed its implementation at a review hearing on 4 September 2023.²

¹ *Chain & Rigging Supplies Ltd v Nikorima* [2023] NZEmpC 133; and *Chain & Rigging Supplies Ltd v Nikorima (No 2)* [2023] NZEmpC 134.

² *Chain & Rigging Supplies Ltd v Nikorima (No 3)* [2023] NZEmpC 148.

[2] The first two judgments were the subject of interim non-publication orders whilst the search order was implemented.

[3] At the review hearing, I raised with counsel whether there was a need to review the interim order thus made. Counsel indicated they needed to consider whether there were any particular issues which should be drawn to the attention of the Court, particularly in light of the fact that a person whose circumstances had been referred to in the proceeding, a former employee of the applicant, was referred to anonymously for natural justice reasons.³

[4] Accordingly, I made an interim non-publication order whilst submissions were filed.⁴

[5] Counsel for both parties then filed submissions. Ms Amaranathan, counsel for the applicant, submitted there should be a non-publication order in respect of the person who I have just alluded to. She also submitted it would be necessary to make non-publication orders in relation to the contents of some paragraphs of the first judgment which referred to that same person. Mr Jarman, counsel for the second respondent, agreed.

[6] I make a non-publication order in respect of the name and identifying details of the former employee in light of the natural justice reasons referred to in my first judgment.⁵ However, I do not consider it necessary to direct that the material contained in the paragraphs referred to by Ms Amaranathan be the subject of any order.⁶ It has not been shown, in my view, that they risk identifying that person.

[7] Accordingly, I direct that the previous interim non-publication orders be discharged. The three judgments, and this judgment, are now to be published.

³ *Chain & Rigging Supplies Ltd v Nikorima*, above n 1, at [7].

⁴ *Chain & Rigging Supplies Ltd v Nikorima (No 3)*, above n 2, at [43].

⁵ *Chain & Rigging Supplies Ltd v Nikorima*, above n 1, at [7].

⁶ Agreement of both parties to the making of the order sought is not determinative, the Court must also ensure the order has regard to the principle of open justice: *Q v W* [2013] NZEmpC 143 at [4].

[8] Costs are reserved.

B A Corkill
Judge

Judgment signed at 3.15 pm on 15 September 2023