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Hepburn v Huhtamaki Henderson Limited [2012] NZEmpC 66 (24 April 2012)

Last Updated: 27 April 2012

IN THE EMPLOYMENT COURT WELLINGTON

[\[2012\] NZEmpC 66](#)

WRC 35/11

IN THE MATTER OF a challenge to a determination of the

Employment Relations Authority

BETWEEN GARRY HEPBURN Plaintiff

AND HUHTAMAKI HENDERSON LIMITED Defendant

Hearing: (urgent hearing on the papers)

Counsel: Tanya Kennedy, counsel for Mr Hepburn

Judgment: 24 April 2012

JUDGMENT OF JUDGE A D FORD

[1] Ms Kennedy has this afternoon made an urgent application for a non- publication order pursuant to cl 12(1) of sch 3 of the Employment Relations Act

2000 (the Act). The application relates to a determination^[1] of the Employment

Relations Authority (the Authority) dated 17 April 2012. There was no copy of the determination attached to the application and the Court has no way of knowing whether an application for a similar publication prohibition had been made directly to the Authority pursuant to cl 10(1) of sch 2 to the Act.

[2] The power of the Court under cl 12(1) is restricted to proceedings that are currently before it. There are no proceedings presently before the Court relating to

the Authority's determination dated 17 April 2012. There was an earlier proceeding

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before the Court^[2] in which Mr Hepburn was the plaintiff but that related specifically to two earlier determinations of the Authority issued in November 2011.^[3]

[3] Ms Kennedy requested that the order presently sought be issued as an amendment to my earlier order in the above entitled proceeding but the determination dated 17 April 2012 does not form part of that proceeding.

[4] The Court does not, therefore, have jurisdiction to issue the non-publication order sought. Application should have been made directly to the Authority for such an order in respect of the determination in question.

Judgment signed at 5.00 pm on 24 April 2012

[1] [2012] NZERA Wellington 43.

[2] [2011] NZEmpC 154.

[3] [2011] NZERA Wellington 184; [2011] NZERA Wellington 191.

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