



Employment Court of New Zealand

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Severinsen v AFFCO New Zealand Limited [2015] NZEmpC 18 (18 February 2015)

Last Updated: 23 February 2015

IN THE EMPLOYMENT COURT WELLINGTON

[\[2015\] NZEmpC 18](#)

EMPC 27/2015

IN THE MATTER OF an application for leave to file a
 challenge
 out of time

BETWEEN PAUL SEVERINSEN, JIM PULLINS,
 RICHARD STEELE, ROSS WAKELING,
 KERRY BOURKE, BARRY HINGA,
 LEE KARAMAINA, ERIC HULENA,
 PAUL MASTERS and JASON RANGI
 Applicants

AND AFFCO NEW ZEALAND LIMITED
 Respondent

Hearing: (on the papers by application dated 30 January
 2015)

Appearances: J Unsworth, counsel for the applicants
 R Webster, counsel for the respondent

Judgment: 18 February 2015

JUDGMENT OF JUDGE A D FORD

[1] The applicants seek leave to file a statement of claim out of time challenging on a non de novo basis a determination of the Employment Relations Authority dated

19 December 2014.1

[2] [Section 179\(2\)](#) of the [Employment Relations Act 2000](#) affords 28 days to lodge such a challenge and reg 74B of the [Employment Court Regulations 2000](#) provides that the 12 days starting with 12 December in one year and ending with the close of 5 January in the next year are not counted in the calculation of the 28-day

period.

1 *Severinsen & Anor v AFFCO New Zealand Ltd* [2014] NZERA Wellington 135.

PAUL SEVERINSEN, JIM PULLINS, RICHARD STEELE, ROSS WAKLING, KERRY BOURKE, BARRY HINGA, LEE KARAMAINA, ERIC HULENA, PAUL MASTERS and JASON RANGI v AFFCO NEW ZEALAND LIMITED NZEmpC WELLINGTON [\[2015\] NZEmpC 18](#) [18 February 2015]

[3] The application for leave was filed on 10 February 2015. The explanation for the delay was said to be that the time limit for commencing a challenge had been miscalculated by the staff solicitor tasked with preparing the statement of claim. A supporting affidavit was filed confirming the grounds for the application.

[4] Counsel for the respondent has responsibly confirmed her client does not oppose the application for leave.

[5] In the circumstances, leave to challenge out of time is granted. A statement of claim in the form of the draft filed on 30 January 2015 is to be filed forthwith and served on the respondent.

A D Ford

Judge

Judgment signed at 10.00 am on 18 February 2015

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