



Employment Court of New Zealand

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Snowdon v Radio New Zealand Ltd WC19/08 [2008] NZEmpC 105 (12 November 2008)

Last Updated: 22 November 2008

IN THE EMPLOYMENT COURT

WELLINGTONWC 19/08WRC 27/08

IN THE MATTER OF an applicaton for a compliance order

AND IN THE MATTER OF an application by the defendant for an order striking out the plaintiff's statement of claim

BETWEEN LYNNE FRANCES SNOWDON
Plaintiff

AND RADIO NEW ZEALAND LIMITED
Defendant

Hearing: 12 November 2008

(Heard at Wellington)

Appearances: Mr R A Moodie, Counsel for Plaintiff
M F Quigg and J Bates, Counsel for Defendant

Judgment: 12 November 2008

ORAL JUDGMENT OF JUDGE B S TRAVIS

[1] Having had the advantage of very full written submissions from counsel and hearing them address the Court orally, I have reached the conclusion that the application to strike out the plaintiff's compliance proceedings must be granted. The proceedings under WRC 27/08 are struck out accordingly. The defendant is entitled to a reasonable contribution to its costs which I fix at \$5,000. In deference to counsel's lengthy submissions I will give my reasons for this decision in writing as soon as I am able to.

[2] The interim suppression orders will continue in force until I can address this issue in my written judgment. The compliance proceedings now being at an end it is necessary to set down the plaintiff's recusal application for hearing at the earliest date possible.

[3] Mr Moodie has been unable to obtain instructions at this stage, but it does appear that the earliest dates the Court could offer of 17 to 20 November 2008 will cause some difficulties for the plaintiff. The next available dates

are 24 and 25 November 2008. Because of Mr Moodie's submissions that these matters do need to be moved on quickly and with the least possible delay I will set the recusal application for hearing on those dates. In light of previous matters addressed by Her Honour Judge Shaw concerning the recusal application I make the following supplementary directions:

- a. Any further affidavits in support of the application and the plaintiff's written submissions should be filed and served by 4pm on Monday, 17 November 2008.
- b. The defendant's affidavits, if any, in opposition and the defendant's written submissions should be filed and served by 1pm on Thursday, 20 November 2008.
- c. Subject to any other order of the Court the matter will be heard commencing at 10am on Monday, 24 November 2008 with the following day kept in reserve.

[4] Mr Quigg has sought an extension of the suppression orders to cover all pleadings, memoranda, or documents filed and in addition statements made orally by counsel for the plaintiff in today's hearing. Mr Moodie has observed that this is a public hearing in open Court and that there should not be any suppression of what was said today, for if such suppression was granted it would be effectively to have closed the Court.

[5] I accept Mr Moodie's submission and I do not propose to make any orders suppressing the matters canvassed in today's hearing orally by counsel. I observe that the defendant has had no opportunity to respond to the allegations made because this was a limited interlocutory matter dealing with aspects of the pleadings which has resulted in the proceedings being struck out. However, for the avoidance of any doubt, my interim suppression order concerning inspecting, copying or publishing any of the documents on the Court file extends beyond the statement of claim to all pleadings, memoranda and submissions. I will review that as part of my final judgment.

B S Travis
Judge

Oral judgment delivered at 11.27am on Wednesday 12 November 2008