

**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 determination¹ 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

¹ [2012] NZERA Wellington 43.

before the Court² 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.

A D Ford
Judge

Judgment signed at 5.00 pm on 24 April 2012

² [2011] NZEmpC 154.

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