

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2012] NZEmpC 74
ARC 27/12**

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

BETWEEN N LIMITED
Plaintiff

AND O
Defendant

Hearing: 3 May 2012
(Heard at Auckland)

Counsel: Chris Patterson and Anneke Reid, counsel for plaintiff
Garry Pollak, counsel for defendant

Judgment: 3 May 2012

ORAL JUDGMENT OF JUDGE B S TRAVIS

[1] Having had the benefit of very full written submissions supplemented today, I have formed a clear view that the challenge is unsuccessful and will be dismissed, and that costs will be reserved. The interim stay will carry on in effect until midday tomorrow when the defendant will then be free to resume his normal duties.

[2] In deference to the full argument I have received, the reasons for that judgment will be given in writing. As I have indicated to the parties today, in light of the suppression orders that have been made and also because I do not wish to influence the Authority one way or the other, I will be very guarded in canvassing the facts. They will be kept a minimum for the purpose of at least explaining the reasons for dismissing the challenge today.

[3] I record, while the parties are present in person, my appreciation for the thoroughness and fairness of the arguments presented by both sides, and that they have been extremely well served by their counsel.

BS Travis
Judge

Judgment delivered orally at 12.27 pm on Thursday 3 May 2012