

IN THE COURT OF APPEAL OF NEW ZEALAND

**CA769/2011
[2012] NZCA 78**

BETWEEN **AMCOR PACKAGING (NZ) LIMITED**
Appellant

AND **NEW ZEALAND AMALGAMATED
ENGINEERING PRINTING &
MANUFACTURING UNION**
Respondent

Hearing: 6 March 2012
Court: O'Regan P, Randerson and Stevens JJ
Counsel: R Harrison for Appellant
 A-M McNally for Respondent
Judgment: 8 March 2012 at 2.30 p.m.

JUDGMENT OF THE COURT

Leave to appeal is granted on the following question:

**Was the decision of the Employment Court on the meaning of clause 10
of the collective agreement in issue wrong because it applied unorthodox
principles of interpretation?**

REASONS OF THE COURT

[1] We record that we are satisfied this Court has jurisdiction to consider the appeal under s 214 of the Employment Relations Act 2000. We reach that conclusion because we consider it is arguable that wrong or unorthodox principles of interpretation were applied by the Employment Court and that jurisdiction exists in terms of the decision of this Court in *Secretary for Education v Yates*.¹

¹ *Secretary for Education v Yates* [2004] 2 ERNZ 313.

[2] Leave to appeal is granted on the following question:

Was the decision of the Employment Court on the meaning of clause 10 of the collection agreement in issue wrong because it applied unorthodox principles of interpretation?

Solicitors:
Quigg Partners, Wellington for Appellant