

BETWEEN C
 Applicant

AND AIR NELSON LIMITED
 Respondent

Court: Blanchard, Tipping and McGrath JJ
Counsel: J Haigh QC for Applicant
 C H Toogood QC and K M Thompson for Respondent
Judgment: 30 August 2010

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**

- B The interim order for suppression of the applicant’s name made by the Court of Appeal on 23 June 2010 is to continue in force until 5pm on 7 September 2010.**

REASONS

[1] By a majority the Court of Appeal refused to grant the applicant leave to appeal from a decision of the Employment Court declining to suppress his name pending determination of his claim against the respondent. The applicant has now applied for leave to appeal directly from the Employment Court to this Court on the same issue. This Court has jurisdiction to grant such an application but, because to do so would effectively negate this Court’s inability to give leave to appeal from the Court of Appeal’s refusal to grant leave,¹ the applicant must show “extremely

¹ See s 7(b) of the Supreme Court Act 2003.

compelling circumstances” justifying the grant of leave.² None exist here. No point of law or principle of general or public importance is involved. Nor can the miscarriage ground be invoked. For these reasons the application for leave must be dismissed.

[2] But the interim order for suppression of the applicant’s name made by the Court of Appeal on 23 June 2010 should be continued until 5pm on 7 September 2010. This will enable the applicant to apply to the Employment Court again, if so advised, should the present state of the case in that Court be thought to justify a suppression order. Our giving the applicant this opportunity does not imply any view of the merits of such an application.

Solicitors:
NZALPA, Auckland for Applicant
Air New Zealand Limited, Auckland for Respondent

² *White v Auckland District Health Board* [2007] NZSC 64, (2007) 18 PRNZ 698 at [5] and [6].