

IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON DISTRICT
WELLINGTON REGISTRY

A580/72

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BETWEEN SKOPF ENTERPRISES LIMITED a duly
incorporated company having its
registered office at Christchurch

Plaintiff

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AND THE CONSUMER COUNCIL a body
corporate established by the
Consumer Council Act 1966
and having its principal offices
at Wellington

Defendant

7/6A

Hearing: 19 March 1973

Oral Judgment: 20 March 1973

Counsel: Mortlock and Brace for Plaintiff
Grey for Defendant

ORAL JUDGMENT OF COOKE J.

Yesterday it was ordered that these proceedings should be heard in camera until the further order of the Court. As then explained the reason was that an injunction was sought to prevent the publication of material which it was claimed would prejudice the fair trial of another action in which the present plaintiff is a defendant. Justice to the plaintiff company therefore required the Court to prevent the possibility of any of the material being published, at least until the injunction claim had been decided.

As a result of an examination of the matter in Court yesterday and discussions between the parties at the suggestion of the Court, they have reached a settlement. It protects both the interests of the company and the interests of consumers, with which the Consumer Council is rightly concerned. The parties are to be congratulated on achieving this result.

It has been agreed that an injunction should be granted on certain terms, subject to the approval of the Court.

The Court does approve and the injunction is granted on these terms. The terms enable the Consumer Council to make a certain press release and to publish a certain article in its magazine 'Consumer'. These will no doubt appear in due course.

I am making this order in open Court. The proceedings are no longer in camera. Indeed it may well be in the interests of both parties that it should be known that both the company and the council are urging people who have bought wax filled space heaters manufactured by the company to take advantage of the arrangements for replacing the wax filling by a sand aggregate filling. As the Court understands it the company is making conversion kits available to power supply authorities and conversion should be possible at a relatively small charge to the consumer; and in the interests of greater safety both the company and the council advise consumers to take the precaution of making this change.

I should emphasise that it certainly does not follow that in the other action liability will be found to fall on the company. That is a different question which has yet to be gone into. Nothing that has happened in the present case should lead anyone to make any assumption about that other case.

By consent there will be an order accordingly in the form submitted.

Solicitors for Plaintiff : Hensley & Mortlock Christchurch
Solicitors for Defendant : Tribe Matthews & Foist, Wellington