

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

CA 216A/09
5286673

BETWEEN PRECISION TRACKING (NZ)
 LIMITED (Formerly CTL
 Finance Limited)
 Applicant

AND JEFFREY DAVID TAIT
 Respondent

Member of Authority: Helen Doyle

Representatives: Sherridan Cook and Aaron Harlowe, Counsel for
 Applicant
 Andrew Marsh, Counsel for Respondent

Investigation Meeting: On the papers

Determination: 21 December 2009

DETERMINATION OF THE AUTHORITY

The application for removal of a matter to the Employment Court

[1] The Authority determined an application for an interim injunction by Precision Tracking (NZ) Limited and issued a determination on 16 December 2009.

[2] Precision Tracking (NZ) Limited has challenged that interim decision and has also applied to the Authority for the removal of the substantive proceeding to the Court under s.178 (2) of the Employment Relations Act 2000. Mr Marsh on behalf of Jeffery Tait has advised the Authority that the matter can be removed by consent on the basis that the substantive hearing in the Employment Court has been set for 27 January 2010.

[3] The Authority is satisfied that under s.178((2)(a) of the Employment Relations Act 2000 the grounds for removal are met in this case because there is an important

question of law arising as to whether the benefit of the restraint of trade in an employment agreement can be assigned to and enforced by a third party.

I also consider under s. 178 (2) (b) of the Employment Relations Act 2000 that there is urgency given the nature of the case and that there will be public interest in the question of law in terms of employment law generally and not simply for the parties.

Determination

[4] By consent this is a matter that should be removed to the Court.

[5] This matter is to be removed to the Court in its entirety for hearing and determination of the substantive proceeding without prior investigation by the Authority.

Costs

[6] The issue of costs will no doubt be dealt with at an appropriate time by the Court.

Helen Doyle
Member of the Employment Relations Authority