

16/09/2005 15:38 NZ FIREFIGHTERS UNION -> MIKE MCEARNEY

NO.618 DB?

16-SEP-2005 15:31 FROM OAKLEY MORAN

TO FIREFIGHTERS

P.08/10

IN THE COURT OF APPEAL OF NEW ZEALAND

CA

IN THE MATTER The Employment Relations Act
2000
AND

IN THE MATTER of an application for leave to appeal
to the Court of Appeal

BETWEEN **NEW ZEALAND FIRE
SERVICE COMMISSION**

Appellant

AND **NEW ZEALAND
PROFESSIONAL
FIREFIGHTERS' UNION INC**

Respondent

**APPLICATION FOR LEAVE TO APPEAL TO THE COURT OF APPEAL
AGAINST A DECISION OF THE EMPLOYMENT COURT**

DATED 16 SEPTEMBER 2005

COURT OF APPEAL
16 SEP 2005
WELLINGTON

Broadmore Barnett
Solicitors
21-23 Blair Street
P.O. Box 19001
BX SP 21007
WELLINGTON
Phone: 04 801 5427
Fax: 04 801 5428
Email: firm@bbblaw.co.nz

THE APPLICANT hereby gives notice that it is applying for leave to appeal to the Court against the whole of the decision of the Employment Court in New Zealand Professional Firefighters Union Inc v The Chief Executive of the New Zealand Fire Service, dated 22 August 2005 (WC 18/05).

The Applicant is seeking to appeal against the whole of the decision.

The application is made pursuant to section 214 of the Employment Relations Act 2000.

UPON THE GROUNDS:

1. That the decision is erroneous in law;
2. That the questions of law involved in the appeal are questions that, by reason of their general or public importance or for any other reason, ought to be submitted to this Court for decision;
3. That the views expressed by this Court in its decision in New Zealand Fire Service Commission v New Zealand Professional Firefighters' Union Inc (CA 268/04, 17 March 2005) support such application;
4. As appearing in the Memorandum of Counsel filed herein.

The judgment I seek from the Court of Appeal, if leave is granted, is the reversal of the decision appealed from.

DATED at Wellington this 16th day of September 2005

.....*W M Wilson*.....

W M Wilson QC
Counsel for the Appellant

TO: | The Registrar,
| Court of Appeal,
| Wellington

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16/09/2005 15:38 NZ FIREFIGHTERS UNION -> MIKE MOONEY

NO. 518 009

16-SEP-2005 15:31 FROM OAKLEY MORAN

TO FIREFIGHTERS

P.10/10

AND TO: The abovenamed Respondent

This Application for Leave to Appeal is filed by G C Davesport, Solicitor for the Appellant whose address for service is at the offices of Broadmore Barnett, Solicitors, 21-23 Blair Street, P.O. Box 19001, DX SB 21007, Wellington, Telephone 04 801 5427; Fax No. 04 801 5428).

TOTAL P.10