

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 57/2007  
[2007] NZSC 85**

BETWEEN                      MARK RAYMOND CREEDY  
   Appellant

AND                              COMMISSIONER OF POLICE  
   Respondent

Court:                      Elias CJ, McGrath and Anderson JJ

Counsel:                      J A Hope for Appellant  
   C Inglis and C Curran-Tietjens for Respondent

Judgment:                      19 October 2007

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**JUDGMENT OF THE COURT**

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**Leave to appeal is granted on the following approved grounds:**

- A    Was the Court of Appeal wrong to conclude that delay by the appellant in raising the personal grievance concerning his unjustifiable dismissal was not due to “exceptional circumstances” under s 114 of the Employment Relations Act 2000?**
- B    Did the Employment Court have jurisdiction to review:**
- (i)   the laying of charges of misconduct against the appellant and police conduct in prosecuting those charges before the Tribunal; and**
  - (ii)  the Tribunal’s own conduct of the proceeding and report to the Commissioner.**

## **REASONS**

[1] The Court is satisfied that leave to appeal should be given on the grounds set out which are in some respects narrower than those proposed by the appellant. The approved grounds reflect the extent to which the statutory criteria are met. The grounds are also expressed in terms that will allow the Court to address all matters of potential relevance to the legal issues arising in the appeal.

Solicitors:  
Till Henderson, Hamilton for Appellant  
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