

IN THE SUPREME COURT OF NEW ZEALAND

**SC 13/2007
[2007] NZSC 22**

BETWEEN	NEW ZEALAND PROFESSIONAL FIREFIGHTERS UNION Appellant
AND	NEW ZEALAND FIRE SERVICE COMMISSION Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: P Cranney for Appellant
C H Toogood QC and G C Davenport for Respondent

Judgment: 17 April 2007

JUDGMENT OF THE COURT

A Leave to appeal is granted.

B The approved grounds are:

(a) Whether the Court of Appeal correctly construed the phrase “a day that would otherwise be a working day for the employee” in s 57(1)(b) of the Holidays Act 2003; and

(b) Whether the Court of Appeal was right to conclude that s 57(1)(a) does not require specific agreement between the employer and employee as to a specific day for the taking of an alternative holiday.

Solicitors:
Oakley Moran, Wellington for Appellant
McBride Davenport James, Wellington for Respondent