

**IN THE EMPLOYMENT COURT  
AUCKLAND**

**[2011] NZEmpC 60  
ARC 35/11**

IN THE MATTER OF      a removal from the Employment Relations  
   Authority

BETWEEN                      HALLY LABELS LIMITED  
   Plaintiff

AND                              KEVIN POWELL  
   Defendant

Hearing:                      7, 8 and 10 June 2011  
   (Heard at Auckland)

Counsel:                      Chris Patterson and Shelley Kopu, counsel for plaintiff  
   Andrew Gallie, counsel for defendant

Judgment:                      13 June 2011

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**JUDGMENT OF JUDGE B S TRAVIS**

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[1]      For reasons which I will give in writing the following orders are made:

- (a)      A declaration will issue that the defendant's purported cancellation of the restraint of trade against him was invalid and of no effect.
  
- (b)      A permanent injunction will issue restraining the defendant from carrying on, being connected, engaged or interested, either directly or indirectly, alone or with any person or persons and whether as Principal, Partner, Agent, Director Shareholder, Employee or otherwise in any business in the adhesive label manufacturing industry, within New Zealand or Australia, that is in competition, either directly or indirectly, with the plaintiff for a period of twelve months, commencing on 8 February 2011.

- (c) A declaration will issue that the defendant has breached the employment agreement between the parties by breaching his restraint of trade.
- (d) Costs are reserved.

B S Travis  
Judge

Judgment signed at 10.30am on 13 June 2011