

IN THE COURT OF APPEAL OF NEW ZEALAND

**CA358/2012
[2012] NZCA 365**

BETWEEN THE SECRETARY FOR EDUCATION
Applicant

AND NEW ZEALAND EDUCATIONAL
INSTITUTE TE RIU ROA INC
Respondent

Court: Harrison, Wild and White JJ

Counsel: J C Holden for Applicant
P Cranney for Respondent

Judgment: 14 August 2012
(On the papers)

JUDGMENT OF THE COURT

- A Leave to appeal is granted.**
- B The approved question of law is whether the Secretary for Education is properly named as the sole respondent when the Employment Relations Authority investigates claims of the NZEI for declaratory and compliance orders for alleged breaches by the Secretary of the Primary Teachers' Collective Agreement.**
- C Costs are reserved.**

Solicitors:
Crown Law Office, Wellington for Applicant
Oakley Moran, Wellington for Respondent