



Employment Court of New Zealand

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Hally Labels Limited v Powell [2011] NZEmpC 60 (13 June 2011)

Last Updated: 5 July 2011

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

JUDGMENT OF JUDGE B S TRAVIS

[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.

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(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
