



New Zealand Employment Relations Authority Decisions

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Harland v The Commissioner of Police WA 76/06 (Wellington) [2006] NZERA 728 (11 May 2006)

Last Updated: 2 December 2021

Determination Number:WA 76/06

File Number: 5023806

Under the [Employment Relations Act 2000](#)

BEFORE THE EMPLOYMENT RELATIONS AUTHORITY ER AUTHORITY WELLINGTON OFFICE

BETWEEN Andrew Harland (Applicant)

AND The Commissioner of Police (Respondent)

REPRESENTATIVES P Brosnahan for Applicant

P Gunn for Respondent

MEMBER OF AUTHORITY G J Wood

INVESTIGATION MEETING

DATE OF DETERMINATION

By way of submissions received by 9 May 2006 11 May 2006

DETERMINATION OF THE AUTHORITY

1. Mr Harland has applied to have his employment relationship problem with the Commissioner of Police removed to the Employment Court for it to hear and determine without the Authority investigating the matter.
2. This application is made on the grounds that the Court already has before it proceedings which are between the same parties and which involve the same or similar or related issues ([s.178\(2\)\(c\)](#)). The Commissioner of Police supports the application for removal.
3. The Authority has in fact already removed an employment relationship problem between the Commissioner of Police and Mr Harland on the grounds that an important question of law was likely to arise rather than incidentally.
4. The matter has been to mediation but unfortunately, along with the Commissioner's problem, it was unable to be resolved.
5. It is clear that the employment relationship problem between Mr Harland and the Commissioner of Police involves the same parties and similar and related issues as

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the problem between the Commissioner of Police and Mr Harland. It therefore follows that the requirements of [s.178\(2\)\(c\)](#) have been met.

6. The Authority has a residual discretion not to grant removal applications even where a statutory ground or grounds is made out. For the same reasons given in my previous determination on the Commissioner's application for removal, I find that any factor militating against removal is outweighed by those in favour of removal.
7. I therefore remove the employment relationship problem filed by Andrew Harland with the Commissioner of Police, File No. 5023806, to the Court for the Court to hear and determine it without the Authority investigating the matter.

G J Wood

Member of Employment Relations Authority

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