

- (iii) the Authority can make ex parte orders pursuant to section 173(2C) Employment Relations Act 2000;
- (iv) there is a high likelihood the respondent will undermine the basis of the search orders if put on notice of this application;
- (v) the case is of such a nature and urgency that it is in the public interest that it is immediately removal to the Employment Court.

[3] The Authority does not have jurisdiction to grant search orders. Such orders fall within the jurisdiction of the Employment Court. This matter concerns alleged breaches of an employment agreement, such matters are within the jurisdiction of the Authority. Removal is necessary for the orders sought to be considered.

[4] The Authority is not precluded from making ex parte orders: section 173(2C) Employment Relations Act 2000. The Authority must be satisfied that there is a reasonable basis for making such orders.

[5] The affidavit evidence before the Authority avers that there is a real likelihood that the respondent will undermine the basis of the search orders sought and that the respondent's alleged continued retention of the subject of the search orders has the potential to negatively impact on the applicant and its members. I accept this issue is a matter of public interest: *Julian v Air New Zealand Limited* [1994] 2 ERNZ 88 and that such public interest is a proper basis for removal to the Court.

Determination

[6] It is proper to remove the matter to the Employment Court. The application for removal is granted with immediate effect.

[7] This determination and all documents filed with the application, including the statement of problem, are suppressed and are not to be served on the respondent until:

- (a) the execution of any search order which may be granted; or

- (b) the applicant advises the Authority in writing that the orders sought have been refused and that judgment is not appealed.

Marija Urlich

Member of the Employment Relations Authority