

IN THE SUPREME COURT OF NEW ZEALAND

SC 91/2006  
[2007] NZSC 12

BETWEEN THE NEW ZEALAND AIRLINE PILOTS'  
ASSOCIATION INDUSTRIAL UNION  
OF WORKERS INCORPORATED  
Appellant

AND AIR NEW ZEALAND LIMITED  
Respondent

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: R E Harrison QC and R McCabe for Appellant  
C H Toogood QC and K M Thompson for Respondent

Judgment: 7 March 2007

---

JUDGMENT OF THE COURT

---

- A Leave to appeal is granted**
- B The approved grounds of appeal are:**
- (a) **Can an employee's entitlements to a public holiday be transferred by agreement to another day (which the majority in the Court of Appeal called the "exchange day")?**
  - (b) **If so, does the exchange day have to be identified or capable of identification with certainty in the employment agreement?**
  - (c) **In light of the answers to the first two questions, did the Collective Employment Agreement which is the subject of the dispute validly transfer the entitlements?**

Solicitors:  
Richard McCabe, Auckland for Appellant  
G L Norton, Auckland for Respondent