



# Employment Court of New Zealand

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## UXK v Talent Propeller Limited [2021] NZEmpC 122 (6 August 2021)

Last Updated: 12 August 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2021\] NZEmpC 122](#)

EMPC 226/2021

IN THE MATTER OF an application for judicial review  
AND IN THE MATTER OF an application for leave to appear as intervener  
BETWEEN UXK  
Applicant  
AND TALENT PROPELLER LIMITED  
First Respondent  
AND EMPLOYMENT RELATIONS  
AUTHORITY  
Second Respondent

**EMPC 229/2021**

IN THE MATTER OF a challenge to minutes of the Employment Relations Authority  
AND IN THE MATTER OF an application for leave to appear as intervener  
BETWEEN UXK  
Plaintiff  
AND TALENT PROPELLER LIMITED  
First Defendant  
AND EMPLOYMENT RELATIONS  
AUTHORITY  
Second Defendant

Hearing: On the papers

Appearances: A Fechny, advocate for UXK  
R Upton, counsel for Talent Propeller Ltd  
P Gunn, counsel for the Employment Relations Authority  
A Scott-Howman, counsel for the Attorney-General

Judgment: 6 August 2021

UXK v TALENT PROPELLER LIMITED [\[2021\] NZEmpC 122](#) [6 August 2021]

INTERLOCUTORY JUDGMENT OF JUDGE J C HOLDEN

(Application for leave to appear as intervener)

[1] This interlocutory judgment resolves an application by the Attorney-General (in respect of the Ministry of Business, Innovation and Employment (MBIE)) for leave to intervene and be heard in these proceedings.

[2] This application arises in the context of judicial review proceedings and a de novo challenge to minutes of the Employment Relations Authority (the Authority) directing the disclosure of an unredacted District Court judgment in circumstances where the judgment apparently is subject to name suppression and non-publication orders.

[3] All parties support the Attorney-General's involvement in these proceedings, although Talent Propeller Ltd points out that the Authority is already a party.

[4] The matter at issue has possible wider implications for the Authority, and therefore for MBIE, who has relevant statutory responsibilities in relation to the Authority. The Court is likely to be assisted by the proposed intervention. Accordingly, it is appropriate that the application be granted. Leave is granted on the following basis:

(a) The Attorney-General is to be served by UXK with all pleadings and documents filed in the proceeding, and a copy of any agreed bundle of documents prepared for the substantive hearing.

(b) The Attorney-General may file and serve written submissions no later than three days before the date set for hearing.

(c) The Attorney-General may appear by counsel at the hearing, but not call evidence.

(d) The Attorney-General may address the Court on his submissions at the hearing.

(e) The Attorney-General may not apply for costs against any party.

[5] For completeness, I note the Authority (as a party) has filed an appearance abiding the decision of the Court but reserving certain rights and has sought leave to be excused from further attendance. The Authority's position is noted and leave to be excused is granted.

[6] Costs are reserved.

J C Holden Judge

Judgment signed at 12 noon on 6 August 2021

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