

**IN THE EMPLOYMENT COURT OF NEW ZEALAND  
WELLINGTON**

**I TE KŌTI TAKE MAHI O AOTEAROA  
TE WHANGANUI-A-TARA**

**[2020] NZEmpC 156  
EMPC 254/2019**

IN THE MATTER OF	an application for a declaration pursuant to s 6(5) of the Employment Relations Act 2000
AND IN THE MATTER	of an application for joinder
BETWEEN	JASON MCCOOK First Plaintiff
AND	KEANU HEAD Second Plaintiff
AND	JAMES LOGIE WRIGHT Third Plaintiff
AND	SAMUEL GREGORY Fourth Plaintiff
AND	REBECCA LANGFORD Fifth Plaintiff
AND	ASHLEIGH CRICHTON Sixth Plaintiff
AND	TAMARA JOAN EVANS Seventh Plaintiff
AND	DYLAN CROOK Eighth Plaintiff
AND	WENDY KAIN Ninth Plaintiff
AND	CHIEF EXECUTIVE OF THE INLAND REVENUE DEPARTMENT First Defendant
AND	MADISON RECRUITMENT LIMITED Second Defendant

Hearing: (on the papers)

Appearances: P Cranney, counsel for plaintiffs  
S Hornsby-Geluk and P Gillespie, counsel for first defendant  
G Service counsel for second defendant

Judgment: 30 September 2020

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**INTERLOCUTORY JUDGMENT (NO 4) OF JUDGE B A CORKILL:  
(Application for joinder)**

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[1] I have today issued a judgment in *Head v Chief Executive of the Inland Revenue Department* (EMPC 292/2020), joining Mr Keanu Head as a plaintiff in this proceeding.<sup>1</sup>

[2] Originally, Mr Head filed his application in this proceeding relying on s 221 of the Employment Relations Act 2000 (the Act). As I have explained in the judgment issued today, this was the incorrect procedure since he was not a party able to make such an application, and I was not prepared to act on the Court's own motion.

[3] Subsequently, Mr Head filed his own proceeding, and in that capacity was able to, and did, apply for joinder as a plaintiff in the present proceedings. As noted, that order has now been made under s 189 of the Act.

[4] In this proceeding, I dismiss Mr Head's application and reserve the costs incurred in dealing with it.

[5] The plaintiffs have filed a sixth statement of claim today, which includes Mr Head as the second plaintiff, and effects what Mr Cranney describes as tidying up amendments.

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<sup>1</sup> *Head v Chief Executive of the Inland Revenue Department* [2020] NZEmpC 155.

[6] In all the circumstances, I grant leave for the filing of this statement of claim and direct that amended statements of defence are to be filed and served within 14 days of today.

B A Corkill  
Judge

Judgment signed at 3.00 pm on 30 September 2020