



# Employment Court of New Zealand

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## Carrigan v Attorney-General [2020] NZEmpC 36 (25 March 2020)

Last Updated: 27 March 2020

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2020\] NZEmpC 36](#)

EMPC 340/2019

IN THE MATTER OF	a declaration under <a href="#">s 6(5)</a> of the <a href="#">Employment Relations Act 2000</a>
AND IN THE MATTER OF	an application for leave to appear and be heard as intervenor
BETWEEN	JANE CARRIGAN First Plaintiff
AND	CHRISTINE FLEMING Second Plaintiff
AND	THE ATTORNEY-GENERAL sued on behalf of THE HONOURABLE CARMEL SEPULONI in her capacity as THE MINISTER FOR DISABILITY First Defendant
AND	THE ATTORNEY-GENERAL sued on behalf of THE HONOURABLE DAVID CLARK in his capacity as MINISTER OF HEALTH Second Defendant
AND	JUSTIN JAMES COOTE by his litigation guardian Luke Meys Third Defendant

Hearing: On the papers

Appearances: First plaintiff in person  
P Dale QC, counsel for second plaintiff  
S McKechnie and T Bremner, counsel for defendants

Judgment: 25 March 2020

JANE CARRIGAN v THE ATTORNEY-GENERAL sued on behalf of THE HONOURABLE CARMEL SEPULONI in her capacity as THE MINISTER FOR DISABILITY [\[2020\] NZEmpC 36](#) [25 March 2020]

INTERLOCUTORY JUDGMENT (NO 2) OF CHIEF JUDGE CHRISTINA INGLIS

(Application for leave to appear and be heard as intervenor)

[1] In my judgment of 17 March 2020, I granted leave to the Human Rights Commission (the Commission) to apply to

intervene and be heard in the proceedings.<sup>1</sup>

[2] The Attorney-General is content to abide the decision of the Court on the Commission's application; the plaintiffs consent to it.

[3] In the circumstances, I am satisfied that it is appropriate to grant leave, given the nature of the matters at issue, the assistance the Court is likely to obtain from hearing from the Commission, and the absence of any discernible prejudice to any party. The Commission's application is accordingly granted, on the following basis:

- a. The Commission is to be served by the defendants 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 Commission is granted leave to file written submissions with regard to the plaintiffs' application for a declaration under [s 6\(5\)](#) of the [Employment Relations Act 2000](#); such submissions to be filed and served by a date to be fixed by the trial Judge.
- c. The Commission is granted leave for its counsel to appear at the substantive hearing, but not to call evidence or cross-examine any witness.
- d. The Commission is not to address the Court on its submissions unless leave to do so is granted by the trial Judge.

<sup>1</sup> *Carrigan v the Attorney-General* [2020] NZEmpC 33.

- e. The Commission may not seek costs against any party.

[4] Costs are reserved.

Christina Inglis Chief Judge

Judgment signed at 2 pm on 25 March 2020

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