

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

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

**[2021] NZEmpC 54
EMPC 146/2021**

IN THE MATTER OF an application for permanent injunction

AND IN THE MATTER OF an application for interim injunction

BETWEEN HUGH MACLEOD AND OTHERS
First Plaintiffs

AND KITTY TAEWA AND OTHERS
Second Plaintiffs

AND NEW ZEALAND TRAMWAYS AND
PUBLIC PASSENGER TRANSPORT
EMPLOYEES' UNION WELLINGTON
BRANCH INCORPORATED
Third Plaintiff

AND WELLINGTON CITY TRANSPORT
LIMITED
First Defendant

AND CITYLINE (NZ) LIMITED
Second Defendant

Hearing: 24 April 2021
(Heard at Wellington by telephone)

Appearances: P Cranney, counsel for plaintiffs (Messrs O'Sullivan and Dawson
in attendance)
A Caisley and S Worthy, counsel for defendants
J Laing, counsel for Greater Wellington Regional Council (under
a watching brief)

Judgment: 24 April 2021

**INTERLOCUTORY JUDGMENT OF JUDGE B A CORKILL
(Application for interim injunction)**

[1] Late yesterday, the plaintiffs filed an application for an urgent interim injunction to restrain a lockout of drivers operating bus services under notices served on the third plaintiff by the defendants on 22 April 2021.

[2] I timetabled the application for an urgent hearing this morning.

[3] That hearing concluded a short time ago.

[4] I have reached a clear view as to the outcome of the application. I will give my reasons in writing as soon as possible.

[5] I am satisfied that the plaintiffs have, on an interim basis, established that they have an arguable case that the lockout notices do not comply with relevant provisions of the Employment Relations Act 2000.

[6] There is a range of factors relevant to the balance of convenience, but overall these favour the plaintiffs.

[7] In assessing overall justice, I take into account the interests of the public, who are affected by a lockout which is open-ended, in the sense that it will end only when the third plaintiff accepts the offer of a proposed collective agreement which has been advanced by the defendants for acceptance.

[8] The plaintiffs are accordingly entitled to the interim relief they seek.

[9] The form of the order will be that until further order of the Court, the defendants are prohibited from locking out employees in reliance on the two notices served by the defendants dated 22 April 2021.

[10] I record I have been advised that were I to reach this conclusion, the defendants will use their best endeavours to comply with the Court's judgment at the earliest opportunity.

[11] I am also advised that arrangements are being made for the parties to attend a private mediation process next week; I strongly urge them to engage in that process in good faith.

[12] The Court is prepared to accommodate an early substantive fixture in the week of 3 May 2021. The Registrar is to arrange a telephone conference with counsel for the parties early next week, to enable timetabling directions for that fixture to be made.

[13] Costs are reserved.

BA Corkill
Judge

Judgment signed at 2.30 pm on 24 April 2021