

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**I TE KŌTI PĪRA O AOTEAROA**

**CA185/2022  
[2022] NZCA 211**

BETWEEN MOUNT COOK AIRLINE LIMITED  
Appellant

AND E TŪ INCORPORATED  
Respondent

Counsel: J G Miles QC and S R Worthy for Appellant  
P Cranney for Respondent

Judgment: 26 May 2022 at 10.00 am  
(On the papers)

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**JUDGMENT OF GODDARD J**

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**A** Leave is granted to appeal to this Court against the decision of the Employment Court in *E Tū Inc v Mount Cook Airline Ltd* [2022] NZEmpC 48.

**B** The approved question of law is:

**Was the Employment Court correct in its interpretation of clause 4(d) of the Minimum Wage Order 2021 as it applies to part-time salaried employees?**

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**REASONS**

[1] Mount Cook Airline Ltd has applied for leave to appeal to this Court on a question of law under s 214 of the Employment Relations Act 2000 from a decision of

the Employment Court concerning the interpretation of cl 4(d) of the Minimum Wage Order 2021.<sup>1</sup>

[2] The respondent does not oppose the application for leave to appeal.

[3] The respondent did however object to the appellant's initial formulation of the question of law on appeal. I directed that the parties confer further with a view to reaching agreement on an appropriate question of law. By memorandum dated 17 May 2022 the parties advised that they had reached agreement on the following question:

Was the Employment Court correct in its interpretation of clause 4(d) of the Minimum Wage Order 2021 as it applies to part-time salaried employees?

[4] I consider that it is appropriate for leave to be granted to appeal to this Court on the question of law agreed by the parties. It is a question of public and general importance that ought to be heard and determined by this Court.

Solicitors:  
Kiely Thompson Caisley, Auckland for Appellant  
Oakley Moran, Wellington for Respondent

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<sup>1</sup> *E Tū Inc v Mount Cook Airline Ltd* [2022] NZEmpC 48.