

[3] Mr Lill says that his firm undertakes workplace investigations. He says the role of tikanga within those processes is increasingly important and prevalent.

[4] It is well accepted that the Court may grant access to documents held on the court file.² Considering an application for access to Court documents involves a discretion.³

[5] Mr Mapu, advocate for the plaintiff, stated that the plaintiff has no issue regarding this application. The defendant has not participated in these proceedings.

[6] Mr Harrison KC, counsel to assist, is currently overseas and asked that his attendance be excused.

[7] A copy of the application was forwarded by the registry to Ms Stephens, who advised she has no difficulties with her report being made available, as requested.

[8] In all the circumstances, I accept that providing access to the report as requested is appropriate, given the reasons advanced for obtaining it and the principle of open justice (which has greater weight since the substantive hearing has concluded).⁴ There is no suggestion that confidentiality or privacy interests will be imperilled.

[9] The application to access Court documents is granted.

[10] A copy of the pūkenga report is accordingly to be provided to Mr Lill.

² In analysing an application for access, the Court has previously found it helpful to have regard to the approach set out in the Senior Courts (Access to Court Documents) Rules 2017, applied via reg 6 of the Employment Court Regulations 2000. See, for example, *Prasad v LSG Sky Chefs New Zealand Ltd* [2017] NZEmpC 160; and *KAQ v Attorney-General* [2021] NZEmpC 196.

³ *Sawyer v Vice-Chancellor of Victoria University of Wellington* [2019] NZEmpC 7; citing *Greymouth Petroleum Holdings Ltd v Empresa Nacional del Petróleo* [2017] NZCA 490, [2017] NZAR 1617.

⁴ See Senior Court (Access to Court Documents) Rules, rr 12 and 13.

[11] No issue as to costs arises.

Signed at 10.30 am on 30 September 2024

B A Corkill
Judge