

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

**I TE KŌTI TAKE MAHI O AOTEAROA
ŌTAUTAHI**

**[2025] NZEmpC 175
EMPC 101/2025**

IN THE MATTER OF a without notice application for search
orders

AND IN THE MATTER OF an application to access Court documents

BETWEEN WILSON PARKING NEW ZEALAND
LIMITED
Applicant

AND P TURNER
First Respondent

AND ATE PROPERTY LIMITED TRADING
AS MAINLAND PARKING
Second Respondent

Hearing: On the papers

Appearances: K Crossland, counsel for applicant
G Jones, counsel for respondents
H Matthews, for Royal Holidays Group Limited

Judgment: 14 August 2025

**INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS
(Application to access Court documents)**

[1] An application has been made by Royal Holidays Group Ltd (Royal Holidays) to access Court documents in these proceedings. In accordance with usual practice, the parties were invited to express their views on the application. Wilson Parking New Zealand Ltd was prepared to abide the decision of the Court; Mr Turner was opposed to the scope of access sought by Royal Holidays.

[2] Royal Holidays has since advised that it has narrowed its request, confirming that it wishes to access the formal pleadings, namely any statements of claim and any statements of defence. It no longer seeks access to the affidavit evidence filed by the parties. The documents are said to be of potential relevance to proceedings in the High Court.

[3] While Mr Turner is content for Royal Holidays to be given access to the formal Court record (as defined in the Senior Courts (Access to Court Documents) Rules 2017 (the Rules)),¹ he is opposed to access to the pleadings.

[4] The Employment Relations Act 2000 does not deal with access to documents held on the Court file, nor do the Employment Court Regulations 2000.

[5] It is well accepted that the Court may grant access to documents held on the Court file, and has an inherent power to control the use of information disclosed in proceedings, where such control is necessary for the due administration of justice. A balancing exercise is required, including having regard to each party's interests. In undertaking the analysis, the Court has previously found it helpful to have regard to the approach set out in the Rules.

[6] Rule 12 specifies a range of matters that must be considered when determining an application for access. These include the orderly and fair administration of justice; the right to bring and defend civil proceedings without the disclosure of any more information about the private lives of individuals, or matters that are commercially sensitive, than is necessary to satisfy the principle of open justice; the protection of other confidentiality and privacy interests (including those of children and other vulnerable members of the community); the principle of open justice (including the encouragement of fair and accurate reporting of, and comment on, court hearings and decisions); and the freedom to seek, receive, and impart information.

[7] Rule 13 deals with the approach to balancing the matters to be considered under r 12. The balancing act requires regard to be had to what stage the proceedings

¹ Applied via reg 6 of the Employment Court Regulations 2000 and/or by way of helpful analogy.

are at. So, before the substantive hearing, the protection of confidentiality and privacy interests and the orderly and fair administration of justice may require that access to documents be limited; during the substantive hearing, open justice has greater weight than at other stages of the proceeding and greater weight in relation to documents relied on in the hearing than other documents; after the substantive hearing, open justice has greater weight in relation to documents that have been relied on in a determination than other documents, but the protection of confidentiality and privacy interests has greater weight than would be the case during the substantive hearing.²

[8] As counsel for Mr Turner points out, the nature of the proceedings and the stage at which they are at is relevant to an assessment of the application. It arises against the backdrop of without notice search orders made by the Court by way of judgment dated 11 March 2025.³ It is apparent that the allegations made in the company's statement of claim are strongly denied by Mr Turner. No substantive determination of those claims has been made.

[9] In *Auckland Trotting Club Inc v Lane Neave*, the High Court held that where documents relate to interlocutory steps in a proceeding that did not reach a substantive hearing, privacy interests and the orderly and fair administration of justice may require access to documents to be limited.⁴ The point has relevance in the context of the current application, and weigh firmly against the grant of leave.

[10] Counsel for Royal Holidays drew my attention to the approach adopted in the *Minister of Education v James Hardie New Zealand Ltd*.⁵ There the Court observed that where access to Court documents is limited simply to a pleading, the objection cannot be regarded as strong. The Court went on to observe that, in evaluating the criteria under the (previous) Rules, the applicant's position will always be strengthened where the request has direct relevance to their position (in that case the applicant wished to access the pleadings to assist with its own case).

² For a useful summary of the approach, and the weighing exercise, see *Re Price* [2022] NZHC 3324.

³ *Wilson Parking New Zealand Ltd v Turner* [2025] NZEmpC 36.

⁴ *Auckland Trotting Club Inc v Lane Neave* [2024] NZHC 924 at [25]-[26].

⁵ *Minister of Education v James Hardie New Zealand Ltd* [2013] NZHC 1872.

[11] I note that the current Rules do not refer to the interests of the applicant as a relevant factor in assessing an application for access. Reference is however made to “any other matter that the Judge thinks appropriate”, and I accept that the interests of the applicant may be relevant depending on the circumstances. But even assuming that access to the pleadings might assist Royal Holidays in this case, *Minister of Education* was decided against the backdrop of a materially different factual context. In that case the litigation was ongoing; the present case involves untested allegations mounted in support of a without notice application for search orders.

[12] In earlier cases, such as *Bancorp Securities v Reid* and *Reddy Dig Contractors v Connetics & Ors*, the High Court restricted access to documents held on the Court file (including the pleadings) where there were allegations of fraud, deceit, dishonesty or improper conduct.⁶

[13] Weighing all matters before the Court I do not accept that the principle of open justice requires access to the pleadings in this case, at least at this stage of the proceedings. The grant of access would undermine important confidentiality and privacy interests, leading to unfairness in the administration of justice. Royal Holidays is still entitled to view the formal court record. The application is otherwise declined.

[14] Costs are reserved.

Christina Inglis
Chief Judge

Judgment signed at 2.45 pm on 14 August 2025

⁶ *Bancorp Securities Ltd v Reid* (1989) 4 PRNZ 139; *Reddy Dig Contractors Ltd v Connetics Ltd* HC Wellington CP147/02, 12 February 2003.