

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

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

**[2025] NZEmpC 225
EMPC 78/2025**

IN THE MATTER OF proceedings removed in full from the
Employment Relations Authority

AND IN THE MATTER OF an application for variation to Court's
OF disclosure order

BETWEEN THE SECRETARY FOR EDUCATION
Plaintiff

AND NEW ZEALAND POST-PRIMARY
TEACHERS' ASSOCIATION
INCORPORATED TE WEHENGARUA
Defendant

EMPC 79/2025

IN THE MATTER OF proceedings removed in full from the
Employment Relations Authority

BETWEEN NEW ZEALAND POST-PRIMARY
TEACHERS' ASSOCIATION
INCORPORATED TE WEHENGARUA
Plaintiff

AND THE SECRETARY FOR EDUCATION
Defendant

Hearing: On the papers

Appearances: S Hornsby-Geluk, counsel for the Secretary for Education
T Kennedy, counsel for the New Zealand Post-Primary Teachers'
Association Incorporated Te Wehengarua

Judgment: 16 October 2025

CONSENT JUDGMENT OF JUDGE J C HOLDEN

[1] In my judgment of 2 September 2025, I made orders requiring the New Zealand Post Primary Teachers' Association Inc to disclose and make available for inspection documents sought by the Secretary for Education.¹

[2] Following that judgment, the NZPPTA has encountered difficulties in assembling the documents required by the Court's order. They have, therefore, sought an order varying the Court's order for disclosure.

[3] The Secretary for Education has confirmed that she agrees to the proposed variation.

[4] The variation is appropriate in the circumstances.

[5] Accordingly, the order made in my earlier judgment is varied so that the following filters apply:

(a) The documents described in paragraph 1 of the order are limited to the relevant documents, where they are not legally privileged or injurious to the public interest where there is Union advice to a member, that the NZPPTA identifies in the email searches the NZPPTA has conducted focusing on periods when paid union meetings were being called or took place (listed below), using the specific search terms, and by excluding the staff emails of some of the NZPPTA staff over the past 21 years who would not normally be involved in the arrangements for paid union meetings:

(i) August/September 2004;

(ii) May/June 2006;

(iii) October/November 2006;

¹ *The Secretary for Education v New Zealand Post-Primary Teachers' Association Incorporated Te Wehengarua* [2025] NZEmpC 195 at [22].

- (iv) July/August 2007;
- (v) September/October 2007;
- (vi) July/August 2009;
- (vii) October/November 2009;
- (viii) March/April 2010;
- (ix) December 2010 (notice) and February 2011 (when paid union meetings occurred);
- (x) February/March 2012;
- (xi) May/June/July 2012;
- (xii) October/November 2013 Northland paid union meeting;
- (xiii) April/May 2014;
- (xiv) October/November 2014;
- (xv) September/October 2015;
- (xvi) August/September 2016;
- (xvii) March, May, June 2018;
- (xviii) October/November 2018;
- (xix) May/June 2019;
- (xx) October/November 2022;
- (xxi) May/June 2023;
- (xxii) March and May 2024; and
- (xxiii) October/November 2024.

(b) The list of schools in Appendix A excludes St Peter's College.

[6] To the extent the documents ordered to be disclosed under the terms of the varied order have not been disclosed by the NZPPTA, that is to be attended to as soon as practicable.

[7] Costs are reserved.

J C Holden
Judge

Judgment signed at 12.30 pm on Thursday 16 October 2025