



Employment Court of New Zealand

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Leota v Parcel Express Limited [2019] NZEmpC 119 (5 September 2019)

Last Updated: 10 September 2019

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2019\] NZEmpC 119](#)

EMPC 167/2019

IN THE MATTER OF an application for a declaration under
[s 6\(5\)](#) of the [Employment Relations Act 2000](#)

AND IN THE MATTER OF an application for access to court
documents by Emma Jane Butcher on
behalf of Freightways Limited

BETWEEN MIKA LEOTA
Plaintiff

AND PARCEL EXPRESS LIMITED
Defendant

Hearing: On the papers

Judgment: 5 September 2019

JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

(Application for access to court documents)

[1] This is an application for access to documents held by the Court. The applicant seeks access to copies of:

- (a) the statement of claim filed by the plaintiff;
- (b) the statement of defence filed by the defendant; and
- (c) any directions made by the Court in relation to this proceeding.

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[2] The applicant, Ms Butcher, is content for any or all of the documents sought to be redacted to protect privacy and any confidential information.

[3] Ms Butcher is not party to these proceedings but represents a company which is said to have an interest in the plaintiff's application for a declaration under [s 6\(5\)](#) of the [Employment Relations Act 2000](#).

[4] The approach to applications of this sort has previously been dealt with by the Court and can be summarised as follows. The starting point is that the [Employment Relations Act 2000](#) does not deal with access to documents held on the court file; nor do the [Employment Court Regulations 2000](#). The approach adopted under the [Senior Courts \(Access to Court Documents\) Rules 2017](#) is to be applied.¹ Access to court documents will only be provided for a recognised and legitimate purpose.²

[5] The present application is not opposed by the defendant. It is opposed by the plaintiff. The opposition appears to be focused on the possibility of an application for leave to intervene following on from any grant of access to the Court file and the perceived merits of any such application. If an application for intervention is advanced, it will need to be dealt with on its merits, and the parties given an opportunity to be heard on it. I do not consider that the fact that the material

that Ms Butcher wishes to view may then be used to support an application to intervene in the proceedings is a reason to decline the application for access.

[6] In the circumstances, and having regard to the reasons why access is sought, the application is granted. I do not understand the plaintiff to be suggesting that, if granted, further orders should be made redacting certain information (as Ms Butcher suggested).

1. [Senior Courts \(Access to Court Documents\) Rules 2017](#), r 12(a)–(h), r 13. See the approach taken in *Prasad v LSG Sky Chefs New Zealand Ltd* [2017] NZEmpC 160 at [4], [8]. See too the discussion in *Prasad v LSG Sky Chefs New Zealand Ltd* [2018] NZEmpC 9.
2. *Greymouth Petroleum Holdings Ltd v Empresa Nacional Del Petróleo* [2017] NZCA 490, [2017] NZAR 1617 at [36].

[7] The Registrar is directed to provide the documentation sought by the applicant.

Christina Inglis Chief Judge

Judgment signed at 12 pm on 5 September 2019

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