

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

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

**[2025] NZEmpC 178  
EMPC 453/2024**

IN THE MATTER OF a challenge to a determination of the  
Employment Relations Authority

AND IN THE MATTER OF an application to participate at a hearing via  
audio-visual link

BETWEEN ALEXIS ALLAN LÓPEZ  
Plaintiff

AND KĀRIKI PHARMA LIMITED (IN  
LIQUIDATION)  
First Defendant

AND ALEXANDRA LUCIE AIMER SETON  
Second Defendant

AND PAUL FREDERICK SETON  
Third Defendant

**EMPC 454/2024**

IN THE MATTER OF a challenge to a determination of the  
Employment Relations Authority

AND IN THE MATTER OF an application to participate at a hearing via  
audio-visual link

BETWEEN ALEXANDRA LUCIE AIMER SETON  
First Plaintiff

AND PAUL FREDERICK SETON  
Second Plaintiff

AND ALEXIS ALLAN LÓPEZ  
First Defendant

AND KĀRIKI PHARMA LIMITED (IN  
LIQUIDATION)  
Second Defendant

Hearing: On the papers

Appearances: E Butcher and T Preston, counsel for Ms López  
S Langton and RL White, counsel for Ms Seton and Mr Seton  
No appearance for Kāriki Pharma Ltd

Judgment: 18 August 2025

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**INTERLOCUTORY JUDGMENT (NO 2) OF JUDGE KATHRYN BECK**  
**(Application to participate at a hearing via audio-visual link)**

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[1] These proceedings are scheduled to be heard on 27–29 August 2025.

[2] On 14 August 2025, Ms Seton and Mr Seton applied for one of their witnesses, Mr Steadson, to participate in the hearing by audio-visual link (AVL). The grounds for the application are that Mr Steadson currently resides in Hong Kong, and that there would be significant costs involved in travel to New Zealand should he be required to appear at the hearing in person.

[3] The ordinary way for a witness to give evidence in a civil proceeding is orally in a courtroom in the presence of a judge, the parties and any members of the public who choose to attend.<sup>1</sup>

[4] There is no presumption in favour of giving evidence in the ordinary way.<sup>2</sup>

[5] The Court may allow evidence to be given by AVL in civil proceedings including for the appearances of a party and witness. However, before such an order is made, the Court must take into account whether or not the other party consents and must have regard to the criteria set out in s 5 of the Courts (Remote Participation) Act 2010.<sup>3</sup> The criteria are:

- (a) the nature of the proceeding;
- (b) the availability and quality of the technology that is to be used;
- (c) the potential impact on the use of the technology on the effective maintenance of the rights of the other parties to the proceeding, including—

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<sup>1</sup> See High Court Rules 2016, r 9.51; and Evidence Act 2006, s 83.

<sup>2</sup> *Wealleans v R* [2015] NZCA 353 at [34].

<sup>3</sup> Courts (Remote Participation) Act 2010, s 7.

- (i) the ability to assess the credibility of witnesses and the reliability of evidence presented to the Court; and
  - (ii) the level of contact with other participants:
- (d) any other relevant matters.

[7] The parties' counsel have conferred and counsel for Mr López has indicated that she does not object to Mr Steadson giving his evidence via AVL pursuant to s 7 of the Courts (Remote Participation) Act 2010.

[8] There is nothing about the nature of the proceeding that would suggest that using AVL is unsuitable. Counsel has confirmed that Mr Steadson has access to suitable technology.

[9] There are no factors that weigh against granting the application.

[10] The application is granted. It is usual for participation by AVL to be accompanied by the satisfactory completion of a test to ensure that the device or devices to be used are adequate for the Court's purposes.

[11] Counsel for Ms and Mr Seton will need to ensure that documents to be relied on are available for Mr Steadson's use during the hearing. Counsel will also need to confirm that Mr Steadson has been provided with a copy of the Court's "Summary of Guidelines for a Witness Giving Evidence by Audio-Visual Link Including in Virtual Hearings".<sup>4</sup>

[12] Costs are reserved.

Kathryn Beck  
Judge

Judgment signed at 2 pm on 18 August 2025

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<sup>4</sup> Employment Court of New Zealand "Summary of Guidelines for a Witness Giving Evidence by Audio-Visual Link Including in Virtual Hearings" (27 February 2025) <[www.employmentcourt.govt.nz](http://www.employmentcourt.govt.nz)>.