



# Employment Court of New Zealand

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## Ministry of Business, Innovation and Employment [2019] NZEmpC 36 (2 April 2019)

Last Updated: 8 April 2019

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2019\] NZEmpC 36](#)

EMPC 377/2017

IN THE MATTER OF      an application for access to court documents by Ann-Marie Keating on behalf of the Ministry of Business, Innovation and Employment

Hearing:            On the papers

Judgment:        2 April 2019

### JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

[1] This is an application for access to documents held by the Court. The application is crafted broadly, expanding to the “name of the parties to, the last action that was taken on, and any timetabling order made for, any claim purporting to be a pay equity claim currently filed with the Employment Court that is not *NZPPTA & Ors v Secretary of Education & Ors*”.

[2] The applicant is the Ministry of Business, Innovation and Employment. The Ministry is not party to any proceeding of the type described. Its interest in the proceeding is stated in the application, namely that it wishes to “best understand the practical impact of the transitional provisions in the Equal Pay Amendment Bill as introduced (as currently drafted, those provisions will discontinue pay equity claims)”.

[3] 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.<sup>1</sup> Access to court documents will only be provided for a recognised and legitimate purpose.<sup>2</sup>

[4] The application is not opposed by any party to proceedings filed in the Court which fall within the category of case identified by the applicant. In the circumstances, and having regard to the reasons why access is sought, the application is granted (insofar as it relates to proceedings filed in the Court as at today’s date). The Registrar is accordingly to provide the details sought to the applicant.

Christina Inglis Chief Judge

Judgment signed at 12.30 pm on 2 April 2019

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 [\[36\]](#).

