

[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