Version
as at 1 July 2026

Employment Court Regulations 2000

(SR 2000/250)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 20th day of November 2000

Present:
The Right Hon Helen Clark presiding in Council

Pursuant to section 237 of the Employment Relations Act 2000, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Enacting statement: amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1 Title

These regulations are the Employment Court Regulations 2000.

2 Commencement

These regulations come into force on 27 November 2000.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Employment Relations Act 2000

address for service, in relation to any party, means the address from time to time given by or on behalf of that party in accordance with regulation 27 or, if the party is a defendant as defined in section 4(1) of the Trans-Tasman Proceedings Act 2010 who is served in Australia under section 13 of that Act with an initiating document for a proceeding, the address of a place in New Zealand or Australia that, under section 18 of that Act, is or is to be treated as the defendant's address for service for the proceeding

Authority means the Employment Relations Authority established by section 156 of the Act

court means the Employment Court established by section 186 of the Act

management system means the system for the management of hearings that is provided for in regulations 55 to 60

officer of the Authority means any employee of the department designated by the chief executive under section 185 of the Act to act as an officer of the Employment Relations Authority

overseas company has the meaning given to it by section 2 of the Companies Act 1993

overseas party means a party—

(a) who is to be served out of New Zealand; or

(b) who has been served out of New Zealand

registered post includes any postal service providing a system of recorded delivery, whether provided by New Zealand Post Limited or not

Registrar of the court means any employee of the department designated under section 198 of the Act to act as a Registrar of the court.

(2) In these regulations, unless the context otherwise requires,—

(a) any word or expression that is defined in the Act and that is used, but not defined, in these regulations has the same meaning as it has in the Act:

(b) a reference to a numbered form is a reference to the form so numbered in Schedule 1.

Compare: SR 1991/226 r 2

Regulation 3(1) **address for service**: amended, on 11 October 2013, by regulation 4 of the Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346).

Regulation 3(1) **overseas company**: inserted, on 10 December 2004, by regulation 3 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Regulation 3(1) **overseas party**: inserted, on 10 December 2004, by regulation 3 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Regulation 3(2)(a): replaced, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

4 Determination of proceedings

These regulations must be construed in a manner that best secures the speedy, fair, and just determination of proceedings before the court.

Compare: SR 1991/226 r 3

5 Filing by post

(1) Any document that is required by these regulations to be filed with the Registrar of the court may be sent by post addressed to the Registrar of the court at the place at which the document is to be filed.

(2) If a document is sent by post in accordance with subclause (1), any prescribed fees payable in respect of the filing of that document must accompany that document unless they have already been paid.

(3) The Registrar of the court must acknowledge receipt of all documents sent to the Registrar by post in accordance with subclause (1).

6 Procedure

(1) Every matter that comes before the court must be disposed of as nearly as may be in accordance with these regulations.

(2) If any case arises for which no form of procedure has been provided by the Act or these regulations or any rules made under section 212(1) of the Act, the court must, subject to section 212(2) of the Act, dispose of the case—

(a) as nearly as may be practicable in accordance with—

(i) the provisions of the Act or the regulations or rules affecting any similar case; or

(ii) the provisions of the High Court Rules 2016 affecting any similar case; or

(iii) the provisions of the rules (other than those on registrable Australian judgments) in the Trans-Tasman Proceedings Regulations and Rules 2013, but only insofar as the case is or involves a proceeding in which an initiating document is to be or has been served on a defendant in Australia under section 13 of the Trans-Tasman Proceedings Act 2010; or

(b) if there are no such provisions, then in such manner as the court considers will best promote the object of the Act and the ends of justice.

Regulation 6(2)(a)(ii): amended, on 18 October 2016, by section 183(c) of the Senior Courts Act 2016 (2016 No 48).

Regulation 6(2)(a)(iii): inserted, on 11 October 2013, by regulation 5 of the Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346).

6A Challenge in respect of dismissal of frivolous or vexatious proceedings

(1) An election under section 178Aof the Act is made by filing with the Registrar of the court, within the time prescribed by section 178A(2) of the Act, 3 copies of a statement of claim in form 1AA.

(2) The statement of claim must be accompanied by a copy of the determination to which the election relates.

(3) The prescribed fee must be paid at or before the time at which the statement of claim is filed.

Regulation 6A: inserted, on 1 April 2011, by regulation 4 of the Employment Court Amendment Regulations 2011 (SR 2011/25).

Proceedings

7 Challenges to determinations of Authority

(1) An election under section 179 of the Act is made by filing with the Registrar of the court, within the time prescribed by section 179(2) of the Act, 3 copies of a statement of claim in form 1.

(1A) *[Revoked]*

(2) The statement of claim must be accompanied by a copy of the determination to which the election relates.

(3) The prescribed fee must be paid at or before the time at which the statement of claim is filed.

Regulation 7(1A): revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

8 Other proceedings

(1) This regulation applies to the following proceedings:

(a) every application, under section 6(5) of the Act, for an order declaring whether the person or persons named in the application are—

(i) employees under the Act; or

(ii) employees or workers within the meaning of any of the Acts specified in section 223(1) of the Act:

(b) any proceedings founded on tort and brought under section 99 of the Act:

(c) any proceedings under section 100 of the Act for the grant of an injunction:

(d) any action under section 133 of the Act for the recovery of a penalty under the Act:

(e) any application under section 139(4) of the Act for a compliance order:

(f) any application for review, or other proceedings, brought under section 194 of the Act:

(g) any other proceedings within the jurisdiction of the court that do not involve a challenge to a determination, or any part of a determination, of the Authority.

(2) Proceedings to which this regulation applies are commenced by filing, with the Registrar of the court, 3 copies of a statement of claim in form 2.

(3) The amount of the prescribed fee for filing a statement of claim is reduced by the amount of any fee paid by the plaintiff under regulation 13A for filing an application for leave to serve a statement of claim on an overseas party in the same proceedings.

(4) The prescribed fee, or the reduced prescribed fee, must be paid at or before the time at which the statement of claim is filed.

Regulation 8(3): substituted, on 10 December 2004, by regulation 4 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Regulation 8(4): added, on 10 December 2004, by regulation 4 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

9 Proceedings founded on tort and proceedings for grant of injunctions

(1) The provisions of the High Court Rules 2016 that apply in relation to proceedings founded on tort apply, with all necessary modifications, in relation to any proceedings to which regulation 8(1)(b) applies.

(2) The provisions of the High Court Rules 2016 that apply in relation to proceedings for the grant of injunctions apply, with all necessary modifications, in relation to any proceedings to which regulation 8(1)(c) applies.

(3) Subclauses (1) and (2) are subject to the other provisions of these regulations and to any rules made, or directions given, by the court.

Compare: SR 1991/226 rr 16(4), 17(4)

Regulation 9(1): amended, on 18 October 2016, by section 183(c) of the Senior Courts Act 2016 (2016 No 48).

Regulation 9(2): amended, on 18 October 2016, by section 183(c) of the Senior Courts Act 2016 (2016 No 48).

10 Proceedings on application for review

(1) The provisions of the Judicial Review Procedure Act 2016 and the provisions of the High Court Rules 2016 that apply in relation to applications for review apply, with all necessary modifications, in relation to any proceedings to which regulation 8(1)(f) applies.

(2) Subclause (1) is subject to the other provisions of these regulations and to any rules made, or directions given, by the court.

Compare: SR 1991/226 r 21(4)

Regulation 10(1): amended, on 1 March 2017, by section 24 of the Judicial Review Procedure Act 2016 (2016 No 50).

Regulation 10(1): amended, on 18 October 2016, by section 183(c) of the Senior Courts Act 2016 (2016 No 48).

10A Statement of claim: challenge in respect of dismissal of frivolous or vexatious proceedings

(1) A statement of claim filed under regulation 6A must specify, in consecutively numbered paragraphs,—

(a) the general nature of the claim:

(b) the facts (but not the evidence of the facts) upon which the claim is based:

(c) any relevant employment agreement or employment contract or legislation and any provisions of the agreement or the contract or the legislation that are relied upon:

(d) the grounds of the claim.

(2) The matters listed in subclause (1) must be specified with such reasonable particularity as to fully, fairly, and clearly inform the court and the defendant of—

(a) the nature and details of the claim; and

(b) the grounds upon which the relief set out in section 178A(4) of the Act is sought.

(3) Each paragraph of a statement of claim must be concise and confined to 1 topic.

Regulation 10A: inserted, on 1 April 2011, by regulation 5 of the Employment Court Amendment Regulations 2011 (SR 2011/25).

11 Statement of claim

(1) Every statement of claim filed under regulation 7 or regulation 8 must specify, in consecutively numbered paragraphs,—

(a) the general nature of the claim:

(b) the facts (but not the evidence of the facts) upon which the claim is based:

(c) any relevant employment agreement or employment contract or legislation and any provisions of the agreement or the contract or the legislation that are relied upon:

(d) the relief sought, including, in the case of money, the method by which the claim is calculated:

(e) the grounds of the claim:

(f) any claim for interest, including the method by which the interest is to be calculated:

(g) in the case of a statement of claim filed under regulation 7, whether a full hearing (a hearing *de novo*) is sought, and, if not, the matters required by section 179(4) of the Act, namely,—

(i) any error of law or fact alleged by the plaintiff; and

(ii) any question of law or fact to be resolved; and

(iii) the grounds on which the election is made, which grounds are to be specified with such reasonable particularity as to give full advice to both the court and the other parties of the issues involved; and

(iv) the relief sought.

(2) The matters listed in subclause (1) must be specified with such reasonable particularity as to fully, fairly, and clearly inform the court and the defendant of—

(a) the nature and details of the claim; and

(b) the relief sought; and

(c) the grounds upon which it is sought.

(3) Each paragraph of a statement of claim must be concise and must be confined to 1 topic.

Compare: SR 1991/226 r 25

Regulation 11(1)(g): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

11A Statement of claim to challenge determination of Authority under Fair Pay Agreements Act 2022

[Revoked]

Regulation 11A: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

12 Service of statement of claim

The plaintiff must, as soon as practicable after filing a statement of claim, serve a copy of that statement of claim, and of any attachments to that statement of claim, on the defendant.

Compare: SR 1991/226 rr 14(3), 15(3), 16(3), 17(3)

13 Summary of argument

(1) This regulation applies to the following proceedings:

(a) any matter which is the subject of an election under section 179 of the Act, but which is not to be heard *de novo*:

(aa) *[Revoked]*

(b) any application for review, or other proceedings, brought under section 194 of the Act:

(c) any other proceedings to which this regulation applies by virtue of a direction of the court.

(2) The plaintiff, in any proceedings to which this regulation applies, must, at least 14 clear days before the date fixed for the hearing, file, with the Registrar of the court, a summary of the plaintiff's argument in support of the statement of claim.

(3) The defendant, in any proceedings to which this regulation applies, must, at least 7 clear days before the date fixed for the hearing, file, with the Registrar of the court, a summary of the defendant's argument in opposition to the statement of claim.

(4) The plaintiff must, as soon as practicable after filing a summary under subclause (2), serve a copy of that summary on the defendant.

(5) The defendant must, as soon as practicable after filing a summary under subclause (3), serve a copy of that summary on the plaintiff.

Compare: SR 1991/226 rr 10, 11

Regulation 13(1)(aa): revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

13A Application for leave

(1) An application for leave in any proceedings must be made in form 2A.

(2) The application must—

(a) state the grounds on which the application is made; and

(b) be accompanied by an affidavit verifying the grounds on which the application is made.

(3) The prescribed fee for filing an application for leave to serve a statement of claim on an overseas party is not payable by a plaintiff who has paid a fee under regulation 8 for filing a statement of claim in the same proceedings.

(4) The prescribed fee, if payable, must be paid at or before the time at which the application is filed.

Regulation 13A: inserted, on 10 December 2004, by regulation 5 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Special leave to remove matter to court

14 Application for special leave to remove matter to court

(1) Every application under section 178(3) of the Act for special leave to remove a matter from the Authority to the court must be filed with the Registrar of the court.

(2) The application—

(a) must be in form 3; and

(b) must state the grounds on which the application is made; and

(c) must be accompanied by a copy of the Authority's determination declining to remove the proceedings to the court; and

(d) may be accompanied by an affidavit verifying the grounds on which the application is made.

(3) The prescribed fee must be paid at or before the time at which the application is filed.

Compare: SR 1991/226 r 18(1), (2)

Regulation 14(1): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

15 Service of application for special leave

The applicant must, as soon as practicable after filing the documents required by regulation 14, serve a copy of each of those documents on the respondent to the application for special leave.

Compare: SR 1991/226 r 18(3)

16 Opposition to application for special leave

Except where the Registrar of the court or a Judge otherwise orders, every respondent who intends to oppose the application for special leave must—

(a) file with the Registrar of the court, within 30 clear days after the date of the service on the respondent of the application for special leave, a written notice stating that the respondent opposes the application for special leave; and

(b) without delay, serve a copy of that written notice on the applicant.

Compare: SR 1991/226 r 18(4)

Joinder of causes of action

17 Joinder of causes of action

(1) A person who wishes to commence, at the same time, 2 or more proceedings against the same person or against different persons in relation to the same subject matter, may commence those proceedings by filing, with the Registrar of the court,—

(a) a statement of claim in form 2; and

(b) all of the other documents required for the commencement of the proceedings.

(2) Proceedings commenced under subclause (1) must, for the purpose of the payment of a prescribed fee, be deemed to be 1 proceeding; but the fee payable in respect of those proceedings is the highest single fee that would be payable if each of those proceedings were commenced separately.

(3) If proceedings commenced under subclause (1) are against more than 1 person, the plaintiff must serve the statement of claim on each such person.

Compare: SR 1991/226 r 24(1), (3)

18 Power of court to order separate hearings

In any case where justice so requires, the court may order separate hearings of proceedings and, for that purpose, may direct the sequence of the separate hearings, or may make such other order as the court thinks just.

Compare: 1908 No 89 Schedule 2 r 113

Statement of defence

19 Obligation to file statement of defence

(1) Except where the Registrar of the court or a Judge otherwise orders, every defendant who intends to defend any proceedings in the court must file a statement of defence with the Registrar of the court.

(2) The statement of defence must be filed,—

(a) for a defendant served in New Zealand, within 30 clear days after the date of the service of the statement of claim on the defendant; or

(b) for an overseas party, within the time specified in regulation 31E.

(3) Every defendant must, as soon as practicable after filing a statement of defence under subclause (1), serve a copy of the statement of defence on the plaintiff.

(4) Every defendant who fails to comply with subclauses (1) to (3) may defend the proceedings only with the leave of the court.

(5) Except where a Judge otherwise directs, nothing in this regulation applies to any action that has been accorded urgency under clause 21 of Schedule 3 of the Act or the court's equity and good conscience jurisdiction.

Compare: SR 1991/226 r 26(1)–(5), (7)

Regulation 19(2): substituted, on 10 December 2004, by regulation 6 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

20 Statement of defence

(1) Every statement of defence filed in accordance with these regulations—

(a) must be in form 4; and

(b) must specify, in consecutively numbered paragraphs,—

(i) whether the defendant admits or denies each of the allegations of fact contained in the plaintiff's statement of claim so far as those allegations affect the defendant; and

(ii) where the defendant has a positive defence, the details of that defence.

(2) The details of a positive defence must include—

(a) the general nature of the defence; and

(b) the facts (but not the evidence of the facts) upon which the defence is based; and

(c) references to any relevant employment agreement or employment contract or legislation and to any provisions of the agreement or the contract or the legislation that are relied upon.

(3) Each paragraph of the statement of defence must be concise and must be confined to 1 topic.

(4) Every statement of defence must specify the matters listed in subclause (1)(b) with such reasonable particularity as to fully, fairly, and clearly inform the court and the other parties of the nature and details of the defence to the plaintiff's claim.

(5) Every admission or denial must not be evasive but must substantively answer the point.

Compare: SR 1991/226 r 27

21 Response where hearing *de novo* not sought

(1) This regulation applies if a statement of claim has been filed in accordance with regulation 7, but the plaintiff does not seek a hearing *de novo*.

(2) If this regulation applies, the defendant may, in addition to complying with regulation 20, include in the statement of defence filed in accordance with regulation 19, an indication of the defendant's view of the appropriate nature and extent of the hearing.

(3) When a defendant has filed a statement of defence that includes a response in accordance with subclause (2), the plaintiff may file with the Registrar a further document replying to the defendant's response.

(4) Any such further document must be filed within 14 clear days after the date of the service of the statement of defence on the plaintiff.

(5) The court must, after the plaintiff has filed a further document under subclause (3), or the time allowed by subclause (4) for filing a further document under subclause (3) has expired, give a direction under section 182(3) of the Act as to the nature and extent of the hearing.

Presentation of cases

22 Right to begin

If any proceedings involve a challenge to a determination of the Authority, the court must decide the order in which the plaintiff and the defendant are to present their respective cases and, in so deciding, must take into account the nature of the proceedings.

Place for filing documents

23 Place for filing statement of claim under regulation 7

Every statement of claim filed under regulation 7 must be filed in the office of the court that is in the same area as the office of the Authority that originally determined the matter.

Compare: SR 1991/226 r 28

24 Place for filing other originating documents

(1) Every statement of claim filed under regulation 8 and every other originating document required to be filed must be filed in such office of the court (being an office in Auckland, Wellington, or Christchurch)—

(a) as the person filing the statement of claim or other originating document considers to be nearest by the most convenient route to the place at which the events that gave rise to the cause of action or matter occurred; or

(b) as is agreed on by the parties and noted on the statement of claim or other originating document.

(2) The Registrar of the court of his or her own motion, or on the application of any party, may direct the transfer of any proceedings (including proceedings relating to an offence) from any office of the court to any other office of the court.

(3) The filing of an originating document in the wrong office of the court does not render the proceedings or the document invalid.

Compare: SR 1991/226 r 29

Regulation 24(1)(a): amended, on 10 December 2004, by regulation 7 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

25 Place of hearing

(1) The place at which any proceedings are heard must (unless the court, of its own motion or on the application of any party, otherwise directs) be the place at which the originating documents in those proceedings are filed.

(2) The court, in giving a direction under subclause (1), must have regard to—

(a) the needs of the parties and of the court; and

(b) the convenience to the parties, the witnesses, and the court; and

(c) the interests of justice.

Compare: SR 1991/226 r 30

26 Place for filing other documents

(1) Every document filed in proceedings that have been commenced must be filed—

(a) in the office of the court in which the originating documents in the proceedings are filed; or

(b) if those proceedings have, pursuant to a direction under regulation 24(2), been transferred from one office of the court to another, in the office of the court to which those proceedings have been transferred.

(2) The filing of a document in the wrong office of the court does not render the proceedings or the document invalid.

Compare: SR 1991/226 r 31

Service

27 Address for service

(1) Every document filed with the Registrar of the court must contain at its foot a memorandum stating by whom the document was filed, and, if filed on behalf of any person, the name of that person.

(2) The memorandum must also state an address for service, being an address at which any document may be left for, or sent to, the party filing the memorandum.

(3) Any party may change that party's address for service by—

(a) filing with the Registrar of the court a notice of the change showing the new address for service; and

(b) serving a copy of the notice on the opposing party.

(4) Every memorandum or notice giving an address for service must set out a sufficient address for service, which must be the full postal address of either—

(a) a place in New Zealand; or

(b) a postal box provided in New Zealand by New Zealand Post Limited or some other provider of a postal service.

(4A) Subclause (4) is subject to section 18 of the Trans-Tasman Proceedings Act 2010 in the case of a defendant as defined in section 4(1) of that Act who is served in Australia under section 13 of that Act with an initiating document for the proceeding.

(5) Every memorandum or notice may, in addition to giving the full postal address required by subclause (4), give—

(a) a facsimile number for service; and

(b) a document exchange number for service; and

(c) an email address for service; and

(d) a telephone number of the person by whom or on whose behalf the document is filed.

Compare: SR 1991/226 r 32

Regulation 27(4A): inserted, on 11 October 2013, by regulation 6 of the Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346).

28 Service of notices and documents

(1) Except where the Registrar of the court or a Judge otherwise orders or these regulations otherwise require, every notice, order, or other document which is required to be served under the Act or these regulations and which relates to proceedings before the court may be served only—

(a) by a party to the proceedings; or

(b) by the authorised agent of a party to the proceedings; or

(c) in the case of a notice of hearing, by the Registrar of the court.

(2) Except where an Act, or these regulations, prescribes a particular or exclusive mode of service, service of a notice, order, or other document which is required to be served by the Act or these regulations and which relates to proceedings before the court may be effected,—

(a) if the opposing party has not given an address for service,—

(i) by leaving the notice, order, or document with the person to be served, or, if that person does not accept it, by putting it down in that person's presence and bringing it to that person's notice; or

(ii) by sending it by registered post to the last known residence or place of business of the person to be served; or

(iii) if the person to be served is a company or an organisation (including a union), by sending the notice, order, or document by registered post to the registered office of that company or organisation or to any postal box held in New Zealand by that company or

organisation and provided by New Zealand Post Limited or some other provider of a postal service; or

(iv) in such other manner as the Registrar of the court or a Judge directs:

(b) if the opposing party has given an address for service,—

(i) by leaving the notice, order, or document with the person to be served or, if that person does not accept it, by putting it down in that person's presence and bringing it to that person's notice; or

(ii) by leaving the notice, order, or document at that address for service at any time between 9 am and 5 pm; or

(iii) if the person to be served has given a facsimile number for service, by transmitting the notice, order, or document to that facsimile number; or

(iv) if the person to be served has given a document exchange box number for service, by sending the notice, order, or document to that document exchange box; or

(v) if the person to be served has given an email address for service, by sending the notice, order, or document to that email address; or

(vi) by sending the notice, order, or document by registered post, ordinary post, or courier to that address for service; or

(vii) if a person, being a barrister, solicitor, or other representative, represents in writing that that person is authorised to accept service of any notice, order, or document on behalf of the person to be served, by serving the notice, order, or document on that barrister, solicitor, or other representative in accordance with subparagraphs (i) to (vi); or

(viii) in such other manner as the Registrar of the court or a Judge directs.

(3) Nothing in this regulation applies to the service of a witness summons.

Compare: SR 1991/226 r 34

29 Service on New Zealand corporations

(1) Service of a notice, order, or other document required to be served by the Act or these regulations may be effected on a corporation incorporated in New Zealand—

(a) by service in accordance with regulation 28(2)(a)(i) or regulation 28(2)(b)(i) on—

(i) the mayor, chairperson, president, principal administrative officer, managing director, secretary, treasurer, or other similar officer of the corporation; or

(ii) any member, officer, or employee of the corporation at the corporation's head office or principal place of business; or

(b) by leaving the notice, order, or document at the corporation's registered office; or

(c) by serving the notice, order, or document on a member, officer, or employee of the corporation in such manner as the Registrar of the court or a Judge directs.

(2) Subclause (1) is in addition to any provision made by or under any Act or these regulations for service of a notice, order, or other document on a corporation unless the provision so made is expressed to be exclusive of any other mode of service.

Compare: SR 1991/226 r 35

29A Service in New Zealand on overseas companies

A document that must be served in legal proceedings under the Act on an overseas company may be served in New Zealand only under section 389 of the Companies Act 1993.

Regulation 29A: inserted, on 10 December 2004, by regulation 8 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

29B Service in Australia on corporations

(1) A document in a proceeding in which an initiating document is to be or has been served on a defendant under section 13 of the Trans-Tasman Proceedings Act 2010 may be served in Australia—

(a) on a company registered in Australia under the Corporations Act 2001 (Aust), by sending the document by registered post to—

(i) the registered office of that company; or

(ii) a postal box held in Australia by that company and provided by an Australian postal operator (as defined in subclause (2)):

(b) on a corporation incorporated in Australia (other than a company specified in paragraph (a)) in the same way as if it were a corporation to which regulation 29 applies:

(c) on a foreign company registered under section 601CE of the Corporations Act 2001 (Aust) as follows:

(i) by delivery to a person named in the register kept for the purposes of Division 2 of Part 5B.2 of that Act as a director of the foreign company and who is resident in Australia; or

(ii) by delivery to a person named in that register as being authorised to accept service in Australia of documents on behalf of the foreign company; or

(iii) by delivery to an employee of the foreign company at the foreign company's place of business in Australia or, if the foreign company has more than 1 place of business in Australia, at the foreign company's principal place of business in Australia; or

(iv) by serving it in accordance with any directions as to service given by the court having jurisdiction in the proceeding; or

(v) in accordance with an agreement made with the foreign company:

(d) on a foreign corporation of the kind specified in subclause (3) by serving it in accordance with regulation 28(2)(a)(i)—

(i) on a person appearing to have control of the business of that corporation; and

(ii) at the principal or only place of business of that corporation in Australia.

(2) **Australian postal operator**, in subclause (1)(a)(ii), means—

(a) a corporation that is, or is a successor to, the corporation that on 11 October 2013 was the Australian Postal Corporation (and was also known as Australia Post) continued in existence by the Australian Postal Corporation Act 1989 (Aust); or

(b) a PPO (that is to say, a private postal operator) that is a registered PPO as defined in section 3(1) of the Ombudsman Act 1976 (Aust).

(3) Subclause (1)(d) applies to a foreign corporation that—

(a) is not a foreign company registered under section 601CE of the Corporations Act 2001 (Aust); and

(b) is incorporated but not in Australia and not in New Zealand; and

(c) has a place of business in Australia; and

(d) does not have a place of business in New Zealand.

(4) Subclause (1) does not affect service on a party in accordance with regulation 28(2)(b) if the party has given, or is to be treated as having given, an address for service.

Regulation 29B: inserted, on 11 October 2013, by regulation 7 of the Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346).

30 Service on unincorporated societies

(1) Service of a notice, order, or other document required to be served by the Act or these regulations may be effected on an unincorporated society by service in accordance with regulation 28(2)(a)(i) or regulation 28(2)(b)(i) on the president, chairperson, or secretary or any similar officer of the society.

(2) Subclause (1) is in addition to any provision made by or under any Act or these regulations for service of a notice, order, or other document on an unincorpor-

ated society unless the provision so made is expressed to be exclusive of any other mode of service.

Compare: SR 1991/226 r 36

31 Service on partnership or apparent partnership

(1) Service of a notice, order, or other document required to be served by the Act or these regulations on a partnership or on a person carrying on business in the name of a firm apparently consisting of more than 1 person may be effected by service in accordance with regulation 28(2)(a)(i) or regulation 28(2)(b)(i)—

(a) on any partner or on any such person; or

(b) at the principal place in New Zealand of the business of the partnership or apparent partnership, on any person appearing to have the control of the business there.

(2) Subclause (1) is in addition to any provision made by or under any Act or these regulations for service of a notice, order, or document on a partnership or on a person carrying on business in the name of a firm apparently consisting of more than 1 person unless the provision so made is expressed to be exclusive of any other mode of service.

Compare: SR 1991/226 r 37

31AA Service in Australia on partnerships and attorneys

(1) A document in a proceeding in which an initiating document is to be or has been served on a defendant under section 13 of the Trans-Tasman Proceedings Act 2010 may be served in Australia—

(a) on a partnership, or on a person carrying on business in the name of a firm apparently consisting of more than 1 person, by serving it in accordance with regulation 28(2)(a)(i)—

(i) on any partner or on that person; or

(ii) at the principal place in Australia of the business of the partnership or apparent partnership, on any person appearing to have control of the business there:

(b) on a person who is out of Australia and New Zealand by serving, in accordance with regulation 28(2)(a)(i), an attorney or agent of that person in Australia if the attorney or agent is authorised—

(i) to transact that person's affairs generally and to defend proceedings; or

(ii) to transact the person's affairs in respect of the subject matter of the proceeding and to defend the particular proceeding.

(2) Subclause (1) does not affect service on a party in accordance with regulation 28(2)(b) if the party has given, or is to be treated as having given, an address for service.

Regulation 31AA: inserted, on 11 October 2013, by regulation 8 of the Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346).

31A Leave to serve statement of claim on overseas party

(1) This regulation applies when a plaintiff seeks the leave of the court under clause 5A(a) of Schedule 3 of the Act to serve a statement of claim on an overseas party (because that party is not a defendant in Australia on whom, or on which, the statement of claim may under section 13 of the Trans-Tasman Proceedings Act 2010 be served without the court's leave).

(2) An application for leave must be made on notice to every party to the proceedings other than the overseas party.

(3) An application for leave must be supported by an affidavit providing the court with information for the purposes of subclause (5) or subclause (6).

(4) The court may give leave—

(a) in the cases described in subclause (5); or

(b) in any case in which the court considers that it should give leave, having regard to the factors in subclause (6).

(5) For the purposes of subclause (4)(a), the cases are as follows:

(a) the overseas party has submitted to the jurisdiction of the court; or

(b) the employment agreement that is the subject of the proceedings—

(i) was made in New Zealand; or

(ii) was made by or through an agent trading or residing in New Zealand; or

(iii) was to be wholly or partly performed in New Zealand; or

(iv) was expressly or impliedly to be governed by New Zealand law; or

(v) is said in the statement of claim to have been breached in New Zealand, wherever it was made; or

(c) the overseas party is a necessary and proper party to the proceedings brought by the plaintiff against a person who is to be, or has been, served in New Zealand.

(6) For the purposes of subclause (4)(b), the factors are as follows:

(a) where the overseas party is or may be found; and

(b) whether the overseas party is a New Zealand citizen; and

(c) the amount or value of the matter in dispute; and

(d) the importance of the matter; and

(e) the existence of a court with jurisdiction in the matter in the place where the overseas party is; and

(f) the comparative cost and convenience of having the matter dealt with in New Zealand or in the place where the overseas party is.

(7) The court gives leave by making an order.

Regulation 31A: inserted, on 10 December 2004, by regulation 9 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Regulation 31A(1): amended, on 11 October 2013, by regulation 9 of the Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346).

31B Service on overseas party in convention country

(1) This regulation applies when—

(a) the court gives a plaintiff leave under regulation 31A; and

(b) a convention on the service of documents in proceedings in the courts is in force between—

(i) the Sovereign of New Zealand and the Head of State of another country; or

(ii) the New Zealand Government and the government of another country; and

(c) the convention provides for the service of documents by official means in the other country; and

(d) the plaintiff wants to use the convention's provisions; and

(e) there in nothing in the convention's provisions that prevents the plaintiff from using them.

(2) The plaintiff may file a request for the service of the plaintiff's statement of claim on an overseas party.

(3) The request must be made in form 2B.

(4) The request must be accompanied by the following for each overseas party:

(a) the statement of claim; and

(b) a copy of the order made under regulation 31A(7); and

(c) a copy of the statement of claim for the purpose of using it as an exhibit to the evidence verifying service; and

(d) a notice in form 2C; and

(e) if any overseas party's language is not English,—

(i) a translation of the statement of claim into the party's language for service with the statement of claim; and

(ii) a statement that satisfies the Registrar verifying the translation as correct; and

(iii) a copy of the translation for the purpose of using it as an exhibit to the evidence verifying service.

(5) The Registrar must—

(a) seal the documents described in subclause (4)(a), (b), (c), (e)(i), and (e)(iii) with the seal of the court; and

(b) send the request for service and the documents described in subclause (4) to the chief executive of the Ministry of Justice for transmission through the appropriate channels to the other country for service.

(6) Sufficient proof of service is provided by a certificate that—

(a) describes the documents served; and

(b) states the fact and date of service; and

(c) is given by—

(i) the competent authority of the other country; or

(ii) a New Zealand consular officer; or

(iii) a British consular officer; and

(d) is sent by the chief executive of the Ministry of Justice to the Registrar.

(7) If the Registrar files the certificate, it is equivalent to an affidavit of service of the documents described in the certificate.

(8) This regulation does not render invalid or insufficient any mode of service in a country referred to in subclause (1) if the mode of service—

(a) is otherwise valid or sufficient under these regulations; and

(b) is not—

(i) expressly excluded by the convention; or

(ii) contrary to the law of the country.

Regulation 31B: inserted, on 10 December 2004, by regulation 9 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

31C Service on overseas party in other circumstances

(1) This regulation applies when—

(a) the court gives a plaintiff leave under regulation 31A; and

(b) regulation 31B does not apply.

(2) The following must be served on each overseas party:

(a) the statement of claim; and

(b) a copy of the order made under regulation 31A(7); and

(c) a notice in form 2C; and

(d) if any overseas party's language is not English,—

(i) a translation of the statement of claim into the party's language for service with the statement of claim; and

(ii) a statement that satisfies the Registrar verifying the translation as correct.

(3) The Registrar must seal the following documents with the seal of the court before they are sent overseas:

(a) the statement of claim; and

(b) a copy of the order made under regulation 31A(7); and

(c) a copy of the statement of claim for the purpose of using it as an exhibit to the evidence verifying service; and

(d) if any overseas party's language is not English,—

(i) a translation of the statement of claim into the party's language for service with the statement of claim; and

(ii) a copy of the translation for the purpose of using it as an exhibit to the evidence verifying service.

Regulation 31C: inserted, on 10 December 2004, by regulation 9 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

31D Overseas party may file objection to jurisdiction

(1) An overseas party served under regulation 31B or regulation 31C may file an objection to the court's jurisdiction in the proceedings.

(2) The objection must be made in form 2D.

(3) This regulation is subject to section 27(1) of the Trans-Tasman Proceedings Act 2010, which provides that a New Zealand court cannot stay a civil proceeding before it on forum grounds connected with Australia otherwise than in accordance with subpart 2 of Part 2 of that Act.

Regulation 31D: inserted, on 10 December 2004, by regulation 9 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Regulation 31D(3): inserted, on 11 October 2013, by regulation 10 of the Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346).

31E Time within which overseas party to file objection to jurisdiction or statement of defence

(1) This regulation applies to an overseas party filing an objection to the court's jurisdiction or a statement of defence.

(2) The overseas party must file within one of the following times:

(a) for a party served within the Commonwealth of Australia, 30 clear days after the date of service on the party or, if the party is served under section 13 of the Trans-Tasman Proceedings Act 2010, the applicable period specified in section 17(1)(a) or (b) of that Act; or

(b) for a party served elsewhere, 50 clear days after the date of service on the party; or

(c) wherever the party is served, the time specified by the court in an order made under subclause (3).

(3) The court may make an order extending the time for an overseas party to file an objection or a statement.

Regulation 31E: inserted, on 10 December 2004, by regulation 9 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Regulation 31E(2)(a): amended, on 11 October 2013, by regulation 11 of the Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346).

31F Application of regulations 27 to 31 to service on overseas party

Regulations 27 to 31 apply to service on an overseas party, with any necessary modifications.

Regulation 31F: inserted, on 10 December 2004, by regulation 9 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

31G Court may decline jurisdiction

(1) The court may decline to hear and determine proceedings in which there is an overseas party if it is satisfied that—

(a) it is more appropriate for the matter to be resolved in a place outside New Zealand; and

(b) the plaintiff will have a fair opportunity in the place to make the plaintiff's case; and

(c) the plaintiff will receive proper justice in the place; and

(d) the defendant will suffer unfair disadvantage if the proceedings are heard in New Zealand.

(2) This regulation does not limit any rule of law, but is subject to section 27(1) of the Trans-Tasman Proceedings Act 2010 (under which a New Zealand court is prevented from staying a proceeding before it on forum grounds connected with Australia otherwise than in accordance with subpart 2 of Part 2 of that Act).

Regulation 31G: inserted, on 10 December 2004, by regulation 9 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Regulation 31G(2): amended, on 11 October 2013, by regulation 12 of the Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346).

Translations into Maori

32 Translations into Maori

Where, under these regulations, a document is served on any person who is a Maori within the meaning of Te Ture Whenua Maori Act 1993, the provisions of rules 1.16 to 1.19 of the District Courts Rules 2014 apply with all necessary modifications.

Compare: 1957 No 87 s 30

Regulation 32: amended, on 1 July 2014, by regulation 4 of the Employment Court Amendment Regulations 2014 (LI 2014/175).

Witnesses

33 Witness summons

(1) A summons issued under clause 6 of Schedule 3 of the Act (being a summons to a person to appear and give evidence before the court) must be in form 5.

(2) The summons must be in triplicate in respect of each person on whom it is to be served.

(3) Each copy need contain only the name and address of the person on whom it is to be served.

(4) The Registrar must—

(a) sign the summons and the 2 copies; and

(b) seal them with the seal of the court.

(5) If the court is issuing the summons on its own volition, the Registrar of the court must retain both copies and arrange for service of the summons.

(6) If the summons is being issued on the application of a party to the proceedings, the Registrar of the court must retain 1 copy and issue the summons and the other copy to the applicant for the summons for service.

Compare: SR 1991/226 r 38

34 Service of witness summons

(1) A summons issued under clause 6 of Schedule 3 of the Act must be served—

(a) by the applicant for the summons or the applicant's authorised agent; or

(b) if the court issues the summons on its own volition, by the Registrar of the court or the authorised agent of the Registrar of the court.

(2) A summons issued under subclause (1) is served by leaving it with the person to be served, or, if that person does not accept it, by putting it down in that person's presence and bringing it to that person's notice.

(3) In any proceeding (other than a proceeding to which urgency has been accorded under clause 21 of Schedule 3 of the Act or the court's equity and good conscience jurisdiction), the court may set aside a summons if the court considers, on the application of the person served with the summons, that the summons—

(a) is oppressive; or

(b) causes, by reason of distance or short notice, undue hardship to that person.

35 Witnesses' expenses

At the time of the service of a summons in form 5, or at some other reasonable time before the date on which the witness is required to attend, there must be

paid or tendered to the witness the sum fixed under clause 7(3) of Schedule 3 of the Act.

Compare: SR 1991/226 r 40

Disbursements and witnesses' expenses

36 Power of Registrar to fix disbursements and witnesses' expenses

The Registrar of the court, upon being directed to do so by the court or a Judge, may fix the amount of any—

(a) disbursements; and

(b) witnesses' expenses—

that are payable by any party to any proceedings to any other party to those proceedings.

Compare: SR 1991/226 r 41

Mutual disclosure and inspection of documents

37 Object

The object of regulations 40 to 52 is to ensure that, where appropriate, each party to proceedings in the court has access to the relevant documents of the other parties to those proceedings, it being recognised that, while such access is usually necessary for the fair and effective resolution of differences between parties to employment relationships, there are circumstances in which such access is unnecessary or undesirable or both.

Compare: SR 1991/226 r 45

38 Relevant documents

(1) For the purposes of regulation 37 and regulations 40 to 52, a document is relevant, in the resolution of any proceedings, if it directly or indirectly—

(a) supports, or may support, the case of the party who possesses it; or

(b) supports, or may support, the case of a party opposed to the case of the party who possesses it; or

(c) may prove or disprove any disputed fact in the proceedings; or

(d) is referred to in any other relevant document and is itself relevant.

(2) For the purposes of regulation 37, this regulation, and regulations 40 to 52, **document** means a document in any form; and includes—

(a) any writing on any material:

(b) any information recorded or stored by means of any tape recorder, computer, or other device; and any material subsequently derived from information so recorded or stored:

(c) any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:

(d) any book, map, plan, graph, or drawing:

(e) any photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced.

Compare: 1908 No 89 Schedule 2 r 3(1); SR 1991/226 r 46

39 Applicability

(1) Subject to subclause (2), regulations 40 to 52 apply to all proceedings in the court.

(2) Nothing in regulations 40 to 52 applies to any action for the recovery of a penalty.

Compare: SR 1991/226 r 47

40 Availability of disclosure

(1) In proceedings to which this regulation applies, any party may require any opposing party—

(a) to disclose and make available for inspection any documents which are in the opposing party's possession, custody, or control and which are relevant to any disputed matter in the proceedings; and

(b) if any document which has been in the opposing party's possession, custody, or control and which is relevant to any disputed matter in the proceedings is no longer in that party's possession, custody, or control, to disclose both when it was parted with and what became of it.

(2) The parties may agree to dispense with or limit the disclosure of documents to which subclause (1) applies.

Compare: SR 1991/226 r 48

41 Time for disclosure

The right conferred by regulation 40(1) may, in any proceeding, be exercised only after—

(a) a document has been filed in the proceeding by every party; or

(b) the time within which any party opposed to the application or action is required to file that party's first document has expired,—

whichever is the sooner.

Compare: SR 1991/226 r 49

42 Notice requiring disclosure

(1) If a party to any proceedings is entitled to exercise the right conferred by regulation 40(1), that party may serve on the opposing party a notice requiring disclosure.

(2) The notice must be in form 6.

(3) Within 14 clear days after the service of the notice, the opposing party must—

(a) assemble in a convenient place all the relevant documents in the opposing party's possession, custody, or control and make a concise and ordered list or index of those documents; and

(b) state in writing to the party who served the notice a time at which (which time must be within 7 clear days after the date on which the time is stated) and a place where the documents assembled, and the list or index made under paragraph (a), may be inspected and copied; and

(c) if any document which has been in the opposing party's possession, custody, or control and which is relevant to any disputed matter in the proceedings is no longer in that party's possession, custody, or control, state in writing to the party who served the notice both when that document was parted with and what became of that document.

(4) The substance of a notice in form 6 may be included in a statement of defence and service of the statement of defence constitutes, in any such case, service of a notice in form 6.

Compare: SR 1991/226 r 50

43 Duty to comply

Subject to regulation 44, every party who has been served with a notice in form 6—

(a) must comply with the tenor of that notice; and

(b) must, in addition, take every reasonable step to facilitate the mutual inspection of documents and any necessary copying.

Compare: SR 1991/226 r 51

44 Objections to disclosure

(1) Any party who is served with a notice in form 6 may, within 5 clear days after the day on which that party is served with the notice, object to the disclosure of any document or class of documents by giving to the party requesting disclosure a notice of objection in form 7.

(2) The notice of objection must specify the document or documents to which the objection relates and must state the grounds of objection.

(3) The only grounds upon which objections may be based are that the document or class of documents—

(a) is or are subject to legal professional privilege; or

(b) if disclosed, would tend to incriminate the objector; or

(c) if disclosed, would be injurious to the public interest.

Compare: SR 1991/226 r 52

45 Challenges to objections

(1) Any party who is served with a notice of objection in form 7 and who wishes to challenge the objection may, within 5 clear days after the day on which that party is served with the notice, apply to the court in form 8 for an order—

(a) declaring that the objection to disclosure is ill-founded; and

(b) directing that the documents be disclosed.

(2) In deciding whether or not to make an order under subclause (1), the court may inspect the document or documents in issue to ascertain the validity of the claim or objection.

Compare: SR 1991/226 r 53

46 Verification of disclosure

(1) Any party who is dissatisfied with the documents disclosed in response to a notice in form 6 may, within 5 clear days after the disclosure, apply to the court for a verification order.

(2) The application must be in form 9.

(3) For the purposes of this regulation and regulations 47 and 48, **verification order** means an order requiring the opposing party to disclose, in a sworn or affirmed statement, whether any document or any class of documents specified or described in the notice in form 6 that has not been disclosed in the response to that notice—

(a) is in the possession, custody, or control of the opposing party; and

(b) if not, whether any such document or class of documents was ever in the possession, custody, or control of the opposing party; and

(c) if so, when it was parted with and what became of it.

Compare: SR 1991/226 r 54

47 Power of court to make verification order

If the court, on receiving an application in form 9, is satisfied of the probable existence of the document or class of documents specified or described in the notice in form 6, it may make a verification order.

Compare: SR 1991/226 r 55

48 Verifying statements

Every party who has been served with a verification order made under regulation 47 may swear or affirm a verifying statement before any person empowered to administer oaths or affirmations under the Oaths and Declarations Act 1957.

Compare: SR 1991/226 r 56

49 Business book entries

(1) If any party requires disclosure of any entries in a business book, the opposing party may, instead of disclosing the original book, provide a copy of any entries in that book.

(2) Such copies must be verified by an affidavit of some person who has compared the copy with the original book.

Compare: SR 1991/226 r 57

50 Continuing obligation

If any party who has been served with a notice in form 6 obtains, during the proceedings and after responding to that notice, possession, custody, or control of a document relevant to the proceedings, that party's possession, control, or custody of that document must immediately be disclosed by that party to both the other party to the proceedings and the court.

51 Conditions of disclosure

It is a condition of the disclosure of documents that the integrity and confidentiality of any documents disclosed pursuant to any provision of regulations 40 to 50 or to any notice or order given or made under such provision must be maintained at all times and for all purposes and, in particular, that—

(a) the party obtaining disclosure must use such documents and their contents for the purposes of the proceeding only and for no other purposes:

(b) if copies of any documents have been made available by any party,—

(i) those copies must be returned to that party within 28 clear days after the conclusion of the proceedings or after the conclusion of any related appeal, whichever is the later; and

(ii) copies of any of those copies must not be retained by the party to whom those copies were made available:

(c) the information contained in any document so disclosed but not used in evidence in the proceeding—

(i) must, to the extent that that information is derived from that document, remain confidential to the party whose document it is or in whose possession it was immediately before it was made available to any other party; and

(ii) must not, to the extent that that information is derived from that document, be disclosed by any person except as may be necessary for the conduct of the proceeding.

Compare: SR 1991/226 r 58

52 Consequence of failure to comply

(1) If any party who is required by any of these regulations, or by any notice given or order made under the authority of any such provision, to disclose any

documents, or to produce any documents for the purpose of inspection, fails to comply with any provision of that regulation or with that order, as the case may be, then, without prejudice to the power of the court to make compliance orders, the court may make such order as it thinks just.

(2) The orders that may be made under subclause (1) include, if default is made by an applicant, an order that the proceeding or action be adjourned pending compliance or, in the event of repeated defaults, dismissed.

(3) The court may refuse to receive in evidence any documents tendered by a party who is in default under subclause (1).

Compare: SR 1991/226 r 59

Notice of hearing

53 Notice of hearing

(1) Subject to subclause (3), where the court is to hear and determine any matter, the Registrar of the court must, unless the parties to the proceeding otherwise agree or the court otherwise orders, give at least 7 clear days notice to those parties of the sitting of the court.

(2) The notice must be in form 10.

(3) If a Judge, acting under clause 21 of Schedule 3 of the Act or in the exercise of the equity and good conscience jurisdiction of the court, accords urgency to a proceeding, notice of the sitting of the court at which the court is to hear any matter must be given to the parties by the Registrar of the court in such manner and at such time as the Judge directs.

Compare: SR 1991/226 r 42

Conference

54 Power to convene conference

(1) A Judge may, at any time before a hearing commences, convene a conference of the parties—

(a) for the purpose of ensuring the most efficient disposition of the matter; or

(b) for the purpose of considering the extent to which an attempt has been made to resolve the matter by mediation.

(2) The Judge who convenes the conference under subclause (1) may take part in the conference, but must not preside at the hearing of the proceeding unless—

(a) all parties taking part in the conference consent; or

(b) the only matter for resolution at the hearing is a question of law.

(3) A Judge may, at any time during the hearing, with the consent of the parties, convene a conference of the parties—

(a) for the purpose of ensuring the most efficient disposition of the matter; or

(b) for the purpose of considering the extent to which an attempt has been made to resolve the matter by mediation.

(4) The Judge presiding at the hearing must arrange for another Judge to take part in the conference unless the parties agree that the hearing Judge should assist, in which case that Judge may do so and continue to preside at the hearing.

(5) Every conference held under subclause (1) or subclause (3) must be held in Chambers.

Compare: 1908 No 89 Schedule 2 r 442

System for management of hearings

55 Application of system for management of hearings

(1) Regulations 56 to 60 set out a system for the management of hearings of proceedings before the court.

(2) The management system applies only to the following cases:

(a) any substantive case, the hearing of which is estimated by the parties or the court to occupy not less than 3 days (at 5 hours per day); and

(b) any other case to which the management system is applied by a Judge,—

(i) of his or her own motion; or

(ii) on the application of 1 or more of the parties.

(3) The extent (if any) to which the requirements of the management system are to be observed in relation to the hearing of a particular case is to be such as is determined by a direction given by a Judge after obtaining the views of the parties.

56 Object of management system

The object of the management system is—

(a) to improve the accuracy with which time is allocated for hearings:

(b) to reduce the time that Judges are required to spend attending hearings:

(c) to increase the number of matters resolved without the need for a hearing:

(d) to reduce the number of interlocutory appearances required:

(e) to reduce the cost to the parties:

(f) to improve the speed with which matters are resolved.

57 Plaintiff's management memorandum

(1) If the management system applies in relation to the hearing of any proceedings, the plaintiff must, at least 28 clear days before the date appointed for the hearing, file a management memorandum with the Registrar of the court.

(2) The management memorandum required by subclause (1) must be in form 11.

(3) The plaintiff must, as soon as practicable after filing the management memorandum required by subclause (1), serve a copy of that memorandum on the defendant.

58 Defendant's management memorandum

(1) If the management system applies to the hearing of any proceedings, the defendant must, within 7 clear days after being served with the management memorandum required by regulation 57(1), file a management memorandum with the Registrar of the court.

(2) The management memorandum required by subclause (1) must be in form 12.

(3) The defendant must, as soon as practicable after filing the management memorandum required by subclause (1), serve a copy of that memorandum on the plaintiff.

59 Contents of each management memorandum

(1) Each management memorandum filed by a party under regulation 57 or regulation 58 must—

(a) make known, by means of a detailed plan set out in the memorandum, that party's view of the time required to present that party's case to the court; and

(b) unless the parties agree otherwise, be accompanied by details of the evidence to be relied on by that party (which details should preferably be in the form of a brief, or draft briefs, of that evidence); and

(c) subject to subclause (2), be accompanied by a loose leaf and indexed volume containing the documents intended to be used in evidence by that party.

(2) It is not necessary to comply with subclause (1)(c) if the parties to the proceeding file, in accordance with an agreement between them, a single volume containing the documents to be used in evidence by each party.

Management meeting

60 Management meeting

(1) In the period of 14 clear days before the first day appointed for the hearing, counsel or advocates must meet a Judge in Chambers so that the Judge may make, in relation to the hearing, with or without the consent of the counsel or advocates, management decisions of the kind described in subclause (3).

(2) The place, date, and time at which the meeting will be held will be specified in the notice of hearing issued under regulation 53.

(3) The management decisions in relation to a hearing that may be made at the meeting include decisions that—

(a) reduce the number of exhibits by excluding any that are—

(i) irrelevant; or

(ii) repetitious; or

(iii) duplicated:

(b) limit the evidence in chief to be given—

(i) by specifying evidence that will not be admitted or is repetitious; or

(ii) by imposing a limit on the number of witnesses who may be called to prove a particular fact in issue; or

(iii) by removing material that is not in dispute or not directly relevant to the central issue:

(c) set the limits in time or subject matter of cross-examination:

(d) set the order of trial, the length of submissions, and any requirements of the court.

(4) The requirements of the court under subclause (3)(d) may include a requirement that each party provide, at the end of the presentation of the case, a concise statement of the findings of fact sought from the court.

(5) On the completion of the management meeting, the presiding Judge will issue to all parties who attended the meeting a memorandum recording the management decisions made at the meeting.

(6) Unless the court otherwise agrees, the hearing must proceed in accordance with the memorandum issued under subclause (5).

Rehearing

61 Application for rehearing

(1) Every application under clause 5 of Schedule 3 of the Act for a rehearing must be filed with the Registrar of the court.

(2) The application—

(a) must be in form 13; and

(b) must state fully, but concisely, the grounds on which the application is made; and

(c) must be accompanied by the verifying affidavit required by clause 5(4) of Schedule 3 of the Act.

(3) The prescribed fee must be paid at or before the time at which the application is filed.

(4) Under clause 5(2) of Schedule 3 of the Act, a rehearing may not be granted on an application made more than 28 days after the decision or order, unless the court is satisfied that the application could not reasonably have been made sooner.

Compare: SR 1991/226 r 19(1), (2)

62 Service of application for rehearing

(1) As soon as practicable after the documents are filed under regulation 61, a copy of each of those documents must be served on the respondent to the application for a rehearing.

(2) Service under subclause (1) must, in accordance with clause 5(3)(a) of Schedule 3 of the Act, take place not less than 7 clear days before the day fixed for the hearing of the application.

Compare: SR 1991/226 r 19(3)

63 Opposition to application for rehearing

Except where the Registrar of the court or a Judge otherwise orders, every respondent to the application for rehearing who intends to oppose the application for rehearing must—

(a) file with the Registrar of the court, within 30 clear days after the date of the service on the respondent of the application for rehearing, a written notice stating that the respondent opposes the application for rehearing; and

(b) without delay, serve a copy of that written notice on the applicant.

Compare: SR 1991/226 r 19(4)

Stay of proceedings

64 Power to order stay of proceedings

(1) If an election is made under section 179 of the Act, the Authority and the court each have power to order a stay of proceedings under the determination to which the election relates.

(2) If an application for a rehearing is made under clause 5 of Schedule 3 of the Act, the court has power to order a stay of proceedings under the decision or order to which the application relates.

(3) An order under subclause (1) or subclause (2)—

(a) may relate to the whole or part of a determination or decision or order, or to a particular form of execution; and

(b) may be made subject to such conditions, including conditions as to the giving of security, as the Authority or the court thinks fit to impose.

Regulation 64(1): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

65 Application for stay of proceedings

(1) Every application for an order under regulation 64(1) or regulation 64(2) must,—

(a) if made to the Authority, be lodged with an officer of the Authority; and

(b) if made to the court, be filed with the Registrar of the court.

(2) The application—

(a) must, if it is made in relation to an election under section 179 or clause 5 of Schedule 3 of the Act, be in form 14; and

(b) must state the grounds on which the application is made; and

(c) must be filed in duplicate.

Regulation 65(2)(a): replaced, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

65A Application for stay of proceedings under Fair Pay Agreements Act 2022

[Revoked]

Regulation 65A: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

66 Service of application for stay of proceedings

The applicant must, as soon as practicable after lodging or filing an application for an order under regulation 64(1) or regulation 64(2), serve a copy of that application on the other party to the proceedings.

Regulation 66: amended, on 10 December 2004, by regulation 10 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

67 Opposition to application

Except where the Authority or the Registrar of the court or a Judge otherwise orders, every respondent to an application for an order under regulation 64(1) or regulation 64(2) who intends to oppose the application must—

(a) file with an officer of the Authority or the Registrar of the court, as the case may require, within 14 clear days after the date of the service on the respondent of the application, a written notice stating that the respondent opposes the application; and

(b) without delay, serve a copy of that written notice on the applicant.

67A Notice of ordering stay of proceedings under Fair Pay Agreements Act 2022

[Revoked]

Regulation 67A: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Costs

68 Discretion as to costs

(1) In exercising the court's discretion under the Act to make orders as to costs, the court may have regard to any conduct of the parties tending to increase or contain costs, including any offer made by either party to the other, a reasonable time before the hearing, to settle all or some of the matters at issue between the parties.

(2) Under subclause (1), the court—

(a) may have regard to an offer despite that offer being expressed to be without prejudice except as to costs; but

(b) may not have regard to anything that was done in the course of the provision of mediation services.

69 Security for costs

(1) This regulation applies in any case where a party to any proceedings that have been decided by the court (not being proceedings in respect of an offence) applies, in accordance with section 214 of the Act, for leave to appeal against the decision of the court.

(2) In any such case, rule 11 of the Court of Appeal (Civil) Rules 1997 applies, with all necessary modifications, in relation to the application for leave to appeal as if it were an appeal.

Certificate of judgment

70 Power of Registrar to issue certificate of judgment

(1) If the court, in any proceeding or action, gives a judgment or makes an order requiring the payment of a sum of money, the Registrar of the court may issue a certificate of judgment in relation to that judgment or order.

(2) Every certificate of judgment issued must be in form 15 and must be sealed with the seal of the court.

(3) The certificate of judgment may be filed in any District Court, and the judgment or order to which the certificate relates is then enforceable on the basis of that certificate in the same manner as a judgment given or order made by a District Court.

Compare: SR 1991/226 r 44

Offences

71 Prosecutions for offences

(1) The provisions of Schedule 2 have effect in relation to prosecutions for offences.

(2) Every charging document in respect of an offence must be in form 16.

(3) Every charging document for an offence must be filed within 6 months after the date on which the offence was committed.

(4) Every summons to a defendant that is issued in respect of an offence must be in form 17.

(5) In this regulation and in regulation 72 and in Schedule 2, **offence** means an offence against section 30 or section 195(1) or section 235(1) of the Act.

Regulation 71(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 71(3): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

72 Records in respect of offences

(1) The Registrar of the court must keep Criminal Records of all proceedings of the court in respect of offences.

(2) Subject to the necessary modifications, the Criminal Records kept under subclause (1) must be kept in the form prescribed for the purposes of section 184 of the Criminal Procedure Act 2011.

(3) There must be entered in those records a minute or memorandum of all proceedings of the court in respect of offences.

(4) Every such minute or memorandum must be signed by the Judge presiding over the court.

(5) Any entry in the records kept under subclause (1) or a copy of any such entry or an extract from any such entry, sealed with the seal of the court and purporting to be signed and certified by the Registrar of the court as a true copy or correct extract, is at all times without further proof to be admitted in all courts and places whatsoever as evidence of the entry and proceeding referred to thereby and of the regularity of the proceeding.

(6) Any such copy of any entry in the records kept under subclause (1) or any such extract from any such entry may be given to any person whom the Registrar of the court is satisfied has a genuine and proper interest in obtaining the copy or extract. In case of doubt or difficulty, the Registrar of the court may refer the matter to a Judge, whose decision is to be final.

Compare: 1957 No 87 s 71(1), (3), (4)

Regulation 72(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Miscellaneous provisions

73 Validation of informal proceedings, etc

Nothing in these regulations limits the powers of the court under section 219 of the Act.

74 Joinder, waiver, and extension of time

Nothing in these regulations limits the powers of the court under section 221 of the Act.

74A What happens to timing when court is closed

(1) This regulation applies when—

(a) the time for doing an act at an office of the court ends on a day on which the office is closed; and

(b) the act cannot be done because the office is closed.

(2) The act is treated as being in time if it is done on the next day on which the office is open.

Regulation 74A: inserted, on 10 December 2004, by regulation 11 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

74B What happens to timing in Christmas period

(1) This regulation applies when the period of time within which an act must be done is calculated.

(2) The 12 days starting with 25 December in one year and ending with the close of 5 January in the next year are not counted.

(3) Subclause (2) is subject to—

(a) an express provision in any Act; or

(b) an express provision in these regulations; or

(c) a direction of the court.

Regulation 74B: inserted, on 10 December 2004, by regulation 11 of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Fees

75 Fees

(1) The fees specified in Schedule 3 are payable to the Registrar of the court for the matters set out in that schedule.

(2) Every such fee is payable by the person commencing the proceedings in respect of which the fee is payable.

(3) The fees specified in Schedule 3 are exclusive of goods and services tax.

Regulation 75(3): replaced, on 8 June 2023, by regulation 15 of the Employment Court (Fair Pay Agreements) Amendment Regulations 2023 (SL 2023/67).

Revocations and saving

76 Revocations and saving

(1) The Employment Court Regulations 1991 (SR 1991/226) and the Employment Court and Employment Tribunal (Fees) Regulations 1997 (SR 1997/122) are revoked.

(2) Despite subclause (1), those regulations continue to apply, as if they had not been revoked, to any proceedings in respect of which the Employment Court has jurisdiction under any provision of section 247 or section 248 of the Act.

Schedule 1
Forms

r 3(2)(b)

Form 1AA	Statement of claim: challenge in respect of dismissal of frivolous or vexatious proceedings
Form 1	Statement of claim (election to have matter heard in Employment Court)
Form 2	Statement of claim
Form 2A	Application for leave
Form 2B	Request for service overseas
Form 2C	Notice accompanying statement of claim served outside New Zealand
Form 2D	Objection to court's jurisdiction
Form 3	Application for special leave to remove matter to Employment Court
Form 4	Statement of defence
Form 5	Witness summons
Form 6	Notice requiring disclosure
Form 7	Notice of objection to disclosure
Form 8	Challenge to objection to disclosure
Form 9	Application for verification order
Form 10	Notice of hearing
Form 11	Plaintiff's management memorandum
Form 12	Defendant's management memorandum
Form 13	Application for rehearing
Form 14	Application for stay of proceedings
Form 15	Certificate of judgment
Form 16	Charging document
Form 17	Summons to defendant

Form 1AA
Statement of claim: challenge in respect of dismissal of frivolous or vexatious proceedings

r 6A

Section 178A, Employment Relations Act 2000

In the Employment Court

[*Name of registry*] Registry

No: [*number of proceeding*]

Election to have matter heard in the Employment Court

Between [*full name, address*]

(plaintiff)

And [*full name, address*]

(defendant)

To the defendant

and

To the Registrar of the Employment Court

Election

1 I, the plaintiff, by filing this statement of claim, elect to have the Employment Court at [*place*] hear a matter dealt with in a determination of the Employment Relations Authority.

Determination

2 I attach a copy of the determination to which this election relates.

Particulars of claim

3, 4, 5 etc [*State, in consecutively numbered paragraphs, the particulars required by regulation 10A of the Employment Court Regulations 2000*.]

Hearing *de novo*

6 I seek a full hearing of the entire matter (a hearing *de novo*).

Prescribed fee

7 The prescribed fee accompanies this statement of claim/has already been paid*.

*Select one.

Date:

Signature (plaintiff):

Notice to defendant

1 If you intend to defend the proceedings, you must—

(a) file a statement of defence with the Registrar of the Employment Court at [*place*] within—

(i) 30 (*or the appropriate number if the court has given an extension for an overseas party*) days after the date on which you were served this statement of claim, if you were served in New Zealand or the Commonwealth of Australia; or

(ii) 50 (*or the appropriate number if the court has given an extension for an overseas party*) days after the date on which you were served this statement of claim, if you were served outside New Zealand or the Commonwealth of Australia; and

(b) without delay, serve 1 copy of that statement of defence on the plaintiff.

2 If you fail to file a statement of defence within the time allowed, you may defend the proceedings only with the leave of the court.

3 You will be notified of the place, date, and time of the hearing of the claim.

Date:

Registrar of the Employment Court:

Details of person filing notice*

Filed by: [*full name*]

Address for service:

Telephone:

Fax:

Email:

Document exchange box number:

or

Filed by [*full name*] on behalf of the plaintiff:

Address for service:

Telephone:

Fax:

Email:

Document exchange box number:

*Although a full postal address must always be supplied, the supply of a telephone number and the supply for service of any fax number, document exchange box number, or email address is optional.

Schedule 1 form 1AA: inserted, on 1 April 2011, by regulation 6 of the Employment Court Amendment Regulations 2011 (SR 2011/25).

Form 1

r 7(1)

Under the Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry

Election to have matter heard
in the Employment Court

Between [*full name*] of [*address*]
Plaintiff
And [*full name*] of [*address*]
Defendant

To the defendant

And to the Registrar of the Employment Court

Statement of claim

Section 179, Employment Relations Act 2000

Election

1 I, the plaintiff, by filing this statement of claim, elect to have the Employment Court hear a matter dealt with in a determination of the Employment Relations Authority.

Determination

2 I attach a copy of the determination to which this election relates.

3 This election relates to the whole of that determination (*or* the following part of that determination, namely, [*specify the part of the determination to which this election relates*]).

Particulars of claim

4, 5, 6, etc [*Specify, in consecutively numbered paragraphs, the particulars required by regulation 11 of the Employment Court Regulations 2000.*]

Hearing de novo

7 I seek a full hearing of the entire matter (a hearing *de novo*).

or

Hearing only in respect of certain issues

7 I do not seek a full hearing of the entire matter (a hearing *de novo*). I seek a hearing only in relation to certain issues involved in the matter.

7A [*If a hearing de novo is not sought, specify in consecutively numbered paragraphs the matters required by section 179(4) of the Employment Relations Act 2000, namely*,—

(a) any error of law or fact alleged by the plaintiff; and

(b) any question of law or fact to be resolved; and

(c) the grounds on which the election is made, which grounds are to be specified with such reasonable particularity as to give full advice to both the court and the other parties of the issues involved; and

(d) the relief sought.]

Prescribed fee

8 The prescribed fee accompanies this statement of claim (*or* has already been paid).

Signature of plaintiff: .....
Date: .....

Notice to the defendant

(1) If you intend to defend the proceedings, you must,—

(a) file a statement of defence with the Registrar of the Employment Court at [*place*] within—

(i) 30 (*or the appropriate number if the court has given an extension for an overseas party*) clear days after the date of the service of this statement of claim on you, if you were served in New Zealand or the Commonwealth of Australia; or

(ii) 50 (*or the appropriate number if the court has given an extension for an overseas party*) clear days after the date of the service of this statement of claim on you, if you were served out of New Zealand and the Commonwealth of Australia; and

(b) without delay, serve 1 copy of that statement of defence on the plaintiff.

(2) If you fail to file a statement of defence, you may defend the claim only with the leave of the court.

(3) You will be notified of the place, date, and time of the hearing of the claim and of any management meeting in respect of the hearing of the claim.

Registrar of the Employment Court: .....
Date: .....

This statement of claim is filed by ....., whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

or

This statement of claim is filed by ....., on behalf of the above-named plaintiff, whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

[1] Although a full postal address must always be supplied, the supply of a telephone number and the supply for service of any 1 or more of the following, namely, a fax number, a document exchange box number, or an email address, are optional.

Schedule 1 form 1: amended, on 10 December 2004, by regulation 12(2) of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Form 2

rr 8(2), 17(1)(a)

Under the Employment Relations Act 2000

In the Employment Court .....Registry	No: .... /.... [*Specify the nature of the claim, eg,* Action for recovery of penalty]
Between	[*full name*] of [*address*] Plaintiff
And	[*full name*] of [*address*] Defendant

To the defendant

And to the Registrar of the Employment Court

Statement of claim

1 I, the plaintiff, by filing this statement of claim, am commencing in the Employment Court at [*place*] an action against you in which I seek from the Employment Court [*specify the nature of the relief sought, eg, an injunction against the defendant, a compliance order, etc*].

Particulars of claim

2, 3, 4, etc [*Specify, in consecutively numbered paragraphs, the particulars required by regulation 11 of the Employment Court Regulations 2000.*

If the action is brought under section 99 of the Employment Relations Act 2000, specify in those particulars the tort on which the action is founded.

If the plaintiff is making an application for review or bringing proceedings of the type referred to in section 194(1) of the Employment Relations Act 2000, specify in those particulars details of the exercise, refusal to exercise, or proposed or purported exercise, of the statutory power or statutory power of decision to which the application or proceedings relate.]

Prescribed fee

5 The prescribed fee accompanies this statement of claim (*or* has already been paid).

Signature of plaintiff: .....
Date: .....

Notice to the defendant

(1) If you intend to defend the proceedings, you must,—

(a) file a statement of defence with the Registrar of the Employment Court at [*place*] within—

(i) 30 (*or the appropriate number if the court has given an extension for an overseas party*) clear days after the date of the service of this statement of claim on you, if you were served in New Zealand or the Commonwealth of Australia; or

(ii) 50 (*or the appropriate number if the court has given an extension for an overseas party*) clear days after the date of the service of this statement of claim on you, if you were served out of New Zealand and the Commonwealth of Australia; and

(b) without delay, serve 1 copy of that statement of defence on the plaintiff.

(2) If you fail to file a statement of defence, you may defend the claim only with the leave of the court.

(3) You will be notified of the place, date, and time of the hearing of the claim and of any management meeting in respect of the hearing of the claim.

Registrar of the Employment Court: .....
Date: .....

This statement of claim is filed by ....., whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

or

This statement of claim is filed by ....., on behalf of the above-named plaintiff, whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

[1] Although a full postal address must always be supplied, the supply of a telephone number and the supply for service of any 1 or more of the following, namely, a fax number, a document exchange box number, or an email address, are optional.

Schedule 1 form 2: amended, on 10 December 2004, by regulation 12(3) of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Form 2A
Application for leave

r 13A

Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry Application for leave

Between [*full name*] of [*address*]
Applicant

And [*full name*] of [*address*]
Respondent

To the Registrar
Employment Court
at [*place*]

and

To the respondent

Application for leave

I am applying to the Employment Court at [*place*] for leave to [*specify leave sought*].

Grounds

The application is based on the following grounds: [*specify grounds*].

Prescribed fee

The prescribed fee accompanies this application (*or* has already been paid *or* is not payable).

.....
Signature of applicant

.....
Date

Notice to the respondent to application for leave

(1) If you intend to oppose the application for leave, you must,—

(a) within 14 clear days after the date of the service on you of this notice, file with the Registrar of the Employment Court at [*place*] a written notice stating that you oppose the application for leave; and

(b) without delay, serve 1 copy of the written notice on the applicant.

(2) If you fail to file a written notice stating that you oppose the application for leave, you may oppose the application for leave only with the leave of the court.

(3) You will be notified of the place, date, and time of the hearing of the application for leave and of any management meeting about the hearing of the application.

.....
Registrar

.....
Date

*This application is filed by [*full name*], whose—

full postal address for service is [*address*]

document exchange box number for service is [*number*]

email address for service is [*address*]

fax number for service is [*number*]

telephone number is [*number*].[1]

or

*This application is filed, on behalf of the applicant named above, by [*full name*], whose—

full postal address for service is [*address*]

document exchange box number for service is [*number*]

email address for service is [*address*]

fax number for service is [*number*]

telephone number is [*number*].[1]

*Delete if inapplicable.

[1] A full postal address must always be supplied. The supply of any of the following is optional: document exchange box number, email address, fax number, and telephone number.

Schedule 1 form 2A: inserted, on 10 December 2004, by regulation 12(4) of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Form 2B
Request for service overseas

r 31B

Schedule 3, clause 5A, Employment Relations Act 2000

In the Employment Court		No: .... /....
..... Registry		Request for service overseas
	Between	[*full name*] of [*address*] Plaintiff
	And	[*full name*] of [*address*] Defendant

To the Registrar
Employment Court
at [*place*]

Request for service overseas

I request that the statement of claim in these proceedings be transmitted through the proper channel to [*name of country*] for service (*or* substituted service) on [*name of defendant*] at [*place*] or elsewhere in [*name of country*]. The service is to be effected by the competent authority of the country (*or* through a New Zealand consular officer *or* through a British consular officer).

I personally undertake to be responsible for all the expenses of effecting or trying to effect service incurred by the New Zealand Government or the British Government. When I receive the appropriate notification of the amount of the expenses, I personally undertake to—

(a) pay the amount immediately to a Crown bank account; and

(b) provide the Registrar with evidence of the payment.

This request is accompanied by the following for each overseas party:

(a) the statement of claim; and

(b) a copy of the order made under regulation 31A(7) of the Employment Court Regulations 2000; and

(c) a copy of the statement of claim for the purpose of using it as an exhibit to the evidence verifying service; and

(d) a notice in form 2C of the Employment Court Regulations 2000; and

(e) if any overseas party's language is not English,—

(i) a translation of the statement of claim into the party's language for service with the statement of claim; and

(ii) a statement that satisfies the Registrar verifying the translation as correct; and

(iii) a copy of the translation for the purpose of using it as an exhibit to the evidence verifying service.

.....
Signature of (solicitor for) plaintiff

.....
Date

Schedule 1 form 2B: inserted, on 10 December 2004, by regulation 12(4) of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Schedule 1 form 2B: amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Form 2C

Notice accompanying statement of claim served outside New Zealand

rr 31B, 31C

Schedule 3, clause 5A, Employment Relations Act 2000

1 The plaintiff named in the attached statement of claim has commenced proceedings against you by filing a statement of claim in the Employment Court.

2 Even though you are outside New Zealand, the court may hear and determine these proceedings. It may do so if the proceedings come within its jurisdiction. The grounds on which the plaintiff says that the proceedings come within the court's jurisdiction are set out in the statement of claim.

3 Even if the proceedings come within the court's jurisdiction, it may decide not to hear and determine them. It may do so if it is satisfied that it is more appropriate for the matter to be resolved in a place outside New Zealand, that the plaintiff will have a fair opportunity in the place to make the plaintiff's case, that the plaintiff will receive proper justice in the place, and that the defendant will suffer unfair disadvantage if the proceedings are heard in New Zealand.

4 The notice to you on the statement of claim tells you that, if you intend to defend the proceedings, you must file your statement of defence within 30 (*or* 50 *or the appropriate number if the court has given an extension*) days after the date of the service of the statement on you.

5 However, you may want to say that these proceedings do not come within the court's jurisdiction or that, even if they do, the court should decide not to hear and determine them. If so, you do not file a statement of defence. Instead, you file an objection to the court's jurisdiction within 30 (*or* 50 *or the appropriate number if the court has given an extension*) days after the date of service on you.

Schedule 1 form 2C: inserted, on 10 December 2004, by regulation 12(4) of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Form 2D
Objection to court's jurisdiction

r 31D

Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry Objection to court's jurisdiction

Between [*full name*] of [*address*]
Plaintiff

And [*full name*] of [*address*]
Defendant

To the Registrar
Employment Court
at [*place*]

and

To the plaintiff

Objection to court's jurisdiction

1 The defendant, [*full name*], objects to the jurisdiction of the court to hear and determine these proceedings.

2 The defendant's objection is based on the following grounds: [*specify grounds*].

.....
Signature of defendant

.....
Date

Schedule 1 form 2D: inserted, on 10 December 2004, by regulation 12(4) of the Employment Court Amendment Regulations 2004 (SR 2004/422).

Form 3

r 14(2)(a)

Under the Employment Relations Act 2000

In the Employment Court ..... Registry		No: .... /.... Application for special leave to remove matter to Employment Court
	Between	[*full name*] of [*address*] Applicant
	And	[*full name*] of [*address*] Respondent

To the respondent

And to the Registrar of the Employment Court

Application for special leave to remove matter to Employment Court

Section 178(3), Employment Relations Act 2000

Proceedings before the Employment Relations Authority

I am a party to proceedings before the Employment Relations Authority.

Those proceedings are between the above-mentioned parties.

The file number of those proceedings is: .....

The Employment Relations Authority has declined my application for the removal to the Employment Court of the matter to which those proceedings relate (*or* part of the matter to which those proceedings relate).

Application for special leave

I am applying to the Employment Court at [*place*] for special leave to remove to the Employment Court that matter (*or* that part of that matter, namely, [*specify the part of that matter to which the application relates*]).

Grounds

The application is based on the following grounds [*specify the grounds*]:

Determination of Employment Relations Authority

I attach a copy of the determination by which the Employment Relations Authority declined to remove the matter (*or* part of the matter) to the Employment Court.

Prescribed fee

The prescribed fee accompanies this application (*or* has already been paid).

Signature of applicant: .....
Date: .....

Notice to the respondent to application for special leave

(1) If you intend to oppose the application for special leave, you must,—

(a) within 30 clear days after the date of the service on you of this notice, file with the Registrar of the Employment Court at [*place*] a written notice stating that you oppose the application for special leave; and

(b) without delay, serve 1 copy of that written notice on the applicant.

(2) If you fail to file a written notice stating that you oppose the application for special leave, you may oppose the application for special leave only with the leave of the court.

(3) You will be notified of the place, date, and time of the hearing of the application for special leave and of any management meeting in respect of the hearing of the application.

Registrar of the Employment Court: .....
Date: .....

This application is filed by ....., whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

or

This application is filed by ....., on behalf of the above-named applicant, whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

[1] Although a full postal address must always be supplied, the supply of a telephone number and the supply for service of any 1 or more of the following, namely, a fax number, a document exchange box number, or an email address, are optional.

Schedule 1 form 3: amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Schedule 1 form 3: amended, on 8 June 2023, by regulation 16 of the Employment Court (Fair Pay Agreements) Amendment Regulations 2023 (SL 2023/67).

Form 4

r 20(1)(a)

Under the Employment Relations Act 2000

In the Employment Court .....Registry		No: .... /.... [*State nature of claim*]
	Between	[*full name*] of [*address*] Plaintiff
	And	[*full name*] of [*address*] Defendant

To the plaintiff

And to the Registrar of the Employment Court

Statement of defence

[*Specify, in consecutively numbered paragraphs, the particulars required by regulation 20 of the Employment Court Regulations 2000.*]

Signature of defendant: .....
Date: .....

This statement of defence is filed by ....., whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

or

This statement of defence is filed by ....., on behalf of the above-named plaintiff, whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

[1] Although a full postal address must always be supplied, the supply of a telephone number and the supply for service of any 1 or more of the following, namely, a fax number, a document exchange box number, or an email address, are optional.

Form 5

r 33(1)

Under the Employment Relations Act 2000

In the Employment Court		No: .... /....
..... Registry		[*State nature of claim*]
	Between	[*full name*] of [*address*]
		Plaintiff
	And	[*full name*] of [*address*]
		Defendant

Witness summons

Schedule 3, clause 6, Employment Relations Act 2000

To [*name*], of [*address*]

You are required to attend before the Employment Court at [*address*] on [*date*] at [*time*], and from day to day thereafter until you are discharged from attendance, to give evidence at the hearing of the above-mentioned proceedings.

And you are ordered to bring with you and produce at the same time and place [*set out details of the books, papers, or other documents in the person's possession or under the person's control to be produced*].

This summons is issued by the Employment Court at [*place*] on the application of [*full name*], the [*state the party, ie, plaintiff, defendant, etc*], under the seal of the Employment Court at [*place*] on [*date*].

or

This summons is issued by the Employment Court at [*place*], of its own volition, under the seal of the Employment Court at [*place*] on [*date*].

Registrar of the Employment Court: .....

Form 6

r 42(2)

Under the Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry

[*State nature of proceedings*]

Between [*full name*] of [*address*]
Plaintiff

And [*full name*] of [*address*]
Defendant

To the above-named plaintiff (*or* defendant)

Notice requiring disclosure

Take notice that, under regulation 42 of the Employment Court Regulations 2000, you are required, within 14 clear days after the day on which this notice is served on you,—

(a) to assemble in a convenient place all the relevant documents or class of documents listed below which are, or were at the time of the service of this notice on you, in your possession, custody, or control; and

(b) to make a concise and ordered list or index of those documents; and

(c) to state in writing, to the party who served this notice on you, a time (which must be within 7 clear days after the date on which you state that time) and a place where the documents assembled, and the list or index made, may be inspected and copied; and

(d) if any document which has been in your possession, custody, or control and which is relevant to any disputed matter in the proceedings is no longer in your possession, custody, or control, to state in writing to the party who served this notice on you both when that document was parted with and what became of that document.

List of documents

[*The documents described must be listed and numbered in a convenient sequence. Do this as concisely as possible, but describe each document or, in the case of a class of documents of the same nature, describe the class sufficiently to enable the class to be identified.*]

Notes

(1) You may be entitled to object to the disclosure of any document or class of document by serving on the opposing party an objection to disclosure.

(2) The only grounds upon which objections may be based are that the document or class of documents—

(a) is or are subject to legal professional privilege; or

(b) if disclosed, would tend to incriminate the objector; or

(c) if disclosed, would be injurious to the public interest.

(3) Any objection to disclosure must, within 5 clear days after the day on which you were served with this notice, be given to the party requesting disclosure.

(4) The form of the objection to disclosure is form 7 of Schedule 1 of the Employment Court Regulations 2000. If in doubt, please contact the Registrar of the court immediately.

(5) If you obtain, during the proceedings and after responding to this notice, possession, custody, or control of a document relevant to the proceedings, your possession, control, or custody of that document must immediately be disclosed by you to both the other party to the proceedings and the court.

Signature of defendant (*or* plaintiff): .....
Date: .....

Form 7

r 44(1)

Under the Employment Relations Act 2000

In the Employment Court ..... Registry — No: .... /....

[*State nature of proceedings*]

Between [*full name*] of [*address*] Plaintiff

And [*full name*] of [*address*] Defendant

To the above-named plaintiff (*or* defendant)

Objection to disclosure

Take notice that I, the above-named defendant (*or* plaintiff), object to the disclosure of [*describe the document or class of documents sufficiently so as to enable it or the class to be identified*] upon the grounds that [*specify the grounds, which must be grounds specified in regulation 44(3) of the Employment Court Regulations 2000, upon which objections may be made*].

This objection to disclosure is, in accordance with regulation 44(1) of the Employment Court Regulations 2000, being given within 5 clear days after the notice requiring disclosure was served on me.

Signature of defendant (*or* plaintiff): .....
Date: .....

Form 8

r 45(1)

Under the Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry

[*State nature of proceedings*]

Between [*full name*] of [*address*]
Plaintiff

And [*full name*] of [*address*]
Defendant

To the above-named plaintiff (*or* defendant)

And to the Registrar of the Employment Court

Challenge to objection to disclosure

I, the above-named plaintiff (*or* defendant), challenge the objection to disclosure served on me by the above-named defendant (*or* plaintiff).

I apply for an order—

(a) declaring the objection to be ill-founded; and

(b) directing that the document (*or* class of documents) be disclosed.

Grounds

This challenge is based on the following grounds: [*state fully, but concisely, why you believe that the defendant's or plaintiff's objection is ill-founded*].

Time

This challenge is, in accordance with regulation 45(1) of the Employment Court Regulations 2000, being made within 5 clear days after the day on which the defendant's (*or* plaintiff's) objection to disclosure was served on me.

Notice of objection

A copy of the defendant's (*or* plaintiff's) objection to disclosure is attached.

Signature of plaintiff (*or* defendant): .....
Date: .....

Notice to the defendant (or plaintiff)

Hearing

You will be notified of the place, date, and time of any hearing of the challenge.

Registrar of the Employment Court: .....
Date: .....

This challenge is filed by ....., whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

or

This challenge is filed by ....., on behalf of the above-named plaintiff (*or* defendant), whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

[1] Although a full postal address must always be supplied, the supply of a telephone number and the supply for service of any 1 or more of the following, namely, a fax number, a document exchange box number, or an email address, are optional.

Form 9

r 46(2)

Under the Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry

[*State nature of proceedings*]

Between [*full name*] of [*address*]
Plaintiff

And [*full name*] of [*address*]
Defendant

To the above-named plaintiff (*or* respondent)

And to the Registrar of the Employment Court

Application for verification order

I am the above-named defendant (*or* plaintiff).

I apply under regulation 46 of the Employment Court Regulations 2000 for a verification order, requiring the above-named plaintiff (*or* defendant) to make a sworn or affirmed statement, stating whether [*specify the document or class of documents, being a document or class of documents specified or described in the notice in form 6 which is or has at any time been in the possession, custody, or control of the opposing party and, if such document or class of documents is no longer in that party's possession, custody, or control, when it was parted with and what has become of it*].

Signature of defendant (*or* plaintiff): .....
Date: .....

This application is filed by ....., whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

or

This application is filed by ....., on behalf of the above-named defendant (*or* plaintiff), whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

[1] Although a full postal address must always be supplied, the supply of a telephone number and the supply for service of any 1 or more of the following, namely, a fax number, a document exchange box number, or an email address, are optional.

Form 10

rr 53(2), 60(2)

Under the Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry

[*State nature of proceedings*]
Between [*full name*] of [*address*]
Plaintiff (*or* Applicant)
And [*full name*] of [*address*]
Defendant (*or* Respondent)

To the plaintiff (*or* applicant)

And to the defendant (*or* respondent)

Notice of hearing

The above-mentioned action (*or* proceedings *or* application *or* challenge) will be heard in the Employment Court at [*address*] on [*date*] at [*time*].

Consequences of non-attendance

If the plaintiff (*or* applicant) does not attend the hearing, the action (*or* proceedings *or* application *or* challenge) may be dismissed and the court may award costs against the plaintiff (*or* applicant).

If the defendant (*or* respondent) does not attend the hearing, the court may, without hearing evidence from the defendant (*or* respondent), give judgment for the plaintiff (*or* applicant).

Evidence

You may give your evidence by reading from a typewritten or written brief and swearing or affirming its contents. If you give your evidence in that way, you must supply [*number*] copies of that brief to the Registrar of the Employment Court.

**Summary of argument in support*

The plaintiff, in any proceedings to which regulation 13 of the Employment Court Regulations 2000 applies, must—

(a) file with the Registrar of the court, at least 14 clear days before the date fixed for the hearing, a summary of the plaintiff's argument in support of the statement of claim; and

(b) as soon as practicable after filing the summary, serve a copy of the summary on the defendant.

**Summary of argument in opposition*

The defendant, in any proceedings to which regulation 13 of the Employment Court Regulations 2000 applies, must—

(a) file with the Registrar of the court, at least 7 clear days before the date fixed for the hearing, a summary of the defendant's argument in opposition to the statement of claim; and

(b) as soon as practicable after filing the summary, serve a copy of the summary on the plaintiff.

**Management meeting*

A management meeting in relation to the hearing is to be held in chambers at the Employment Court at [*address*] on [*date*] at [*time*].

Dated at [*place*] this ..... day of ..... 20 ....

Registrar of the Employment Court: .....

Note: If in doubt, please contact the Registrar of the Employment Court immediately.

*Delete if inapplicable.

Form 11

r 57(2)

Under the Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry

[*State nature of proceedings*]

Between [*full name*] of [*address*]
Plaintiff

And [*full name*] of [*address*]
Defendant

To the Registrar of the Employment Court

And to to the above-named defendant

Plaintiff's management memorandum

1 Issues

[*Describe from the plaintiff's perspective the main issues involved in the case (maximum of 6).*]

2 Brief statement of facts

[*State the facts essential to this case indicating in respect of each whether the fact is admitted, denied, or partly admitted, and partly denied.*]

3 Law

[*List the case and statutory authority on which the case depends. Any reference to a case should include the exact page in the case where the relevant principle can be found. There should be no more than 3 cases for each principle. Any reference to a statute should include the exact section of the statute upon which the party relies.*]

4 Witnesses

[*List each witness to be called for the plaintiff and, unless the parties agree otherwise, give details of the evidence each witness will give (which details should preferably be in the form of a brief, or draft briefs, of that evidence. Witnesses of fact should be separated from expert opinion witnesses.*]

The plaintiff is not undertaking, by providing briefs, to call all or any of the witnesses briefed.

5 Length of hearing

[*Using the format below, set out a plan showing the order in which the witnesses will be called at the hearing and an estimate of the approximate time in hours and minutes that each witness for the plaintiff will testify.*[1]]

1 Witnesses for plaintiff

No	Name	Description	Evidence-in-chief (time in hours and minutes)		Length of brief (in pages)	Cross-examination (time in hours and minutes)		Total time (in hours and minutes)		Actual time (in hours and minutes)[2]
			High	Low		High	Low	High	Low	

	Total witness time (in hours)	
2	Submissions by plaintiff to Judge (in hours)	
3	Total time for presenting case for plaintiff (in hours)	
4	Total number of court days required by plaintiff (at 5 hours per day)	

6 Remedies

[*Spell out all remedies still being actively sought and, to the extent that the statement of claim does not do so, set out the range of amounts being sought and any necessary calculations.*]

Signature of counsel (*or* solicitor *or* advocate)

for plaintiff: .....

Date: .....

[1] As a guide, count 2 minutes per page for the first 10 pages of the brief and 3 minutes per page for each extra page.

[2] To be completed at the hearing.

Form 12

r 58(2)

Under the Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry

[*State nature of proceedings*]

Between [*full name*] of [*address*]
Plaintiff

And [*full name*] of [*address*]
Defendant

To the Registrar of the Employment Court

And to to the above-named defendant

Defendant's management memorandum

1 Issues

[*Describe from the defendant's perspective the main issues involved in the case (maximum of 6).*]

2 Brief statement of facts

[*State the facts essential to the defence.*]

3 Law

[*List the case and statutory authority on which the defence depends. Any reference to a case should include the exact page in the case where the relevant principle can be found. There should be no more than 3 cases for each principle. Any reference to a statute should include the exact section of the statute upon which the party relies.*]

4 Witnesses

[*List each witness to be called for the defendant and, unless the parties agree otherwise, give details of the evidence each witness will give (which details should preferably be in the form of a brief, or draft briefs, of that evidence. Witnesses of fact should be separated from expert opinion witnesses.*]

The defendant is not undertaking, by providing briefs, to call all or any of the witnesses briefed.

5 Length of hearing

[*Using the format below, set out a plan showing the order in which the witnesses will be called at the hearing and an estimate of the approximate time in hours and minutes that each witness for the defence will testify.*[1]]

1 Witnesses for defendant

No	Name	Description	Evidence-in-chief (time in hours and minutes)		Length of brief (in pages)	Cross-examination (time in hours and minutes)		Total time (in hours and minutes)		Actual time (in hours and minutes)[2]
			High	Low		High	Low	High	Low	

	Total witness time (in hours)
2	Submissions by defendant to Judge (in hours)
3	Total time for presenting case for defendant (in hours)
4	Total number of court days required by defendant (at 5 hours per day)

Signature of counsel (*or* solicitor *or* advocate)

for defendant: .....

Date: .....

[1] As a guide, count 2 minutes per page for the first 10 pages of the brief and 3 minutes per page for each extra page.

[2] To be completed at the hearing.

Form 13

r 61(2)(a)

Under the Employment Relations Act 2000

In the Employment Court No: .... /....
..... Registry

[*State nature of proceedings*]

Between [*full name*] of [*address*]
Applicant

And [*full name*] of [*address*]
Respondent

To the respondent

And to to the Registrar of the Employment Court

Application for rehearing

Schedule 3, clause 5, Employment Relations Act 2000

I am the original plaintiff (*or* the original defendant) in the proceedings mentioned above.

I am applying to the Employment Court at [*place*] for a rehearing of those proceedings.

The date of the judgment (*or* order) of the court is [*date*].

Grounds

I am applying for a rehearing on the following grounds [*specify fully, but concisely, the grounds on which the application for a rehearing is being made*].

Verifying affidavit

This application is accompanied by an affidavit verifying the grounds on which the application for a rehearing is being made.

Prescribed fee

The prescribed fee accompanies this application (*or* has already been paid).

Signature of applicant: .....
Date: .....

Notice to the respondent

(1) If you intend to defend the application for a rehearing, you must,—

(a) within 30 clear days after the date of the service of this notice on you, file with the Registrar of the Employment Court at [*place*] a written notice stating that you oppose the application for a rehearing; and

(b) without delay, serve 1 copy of that written notice on the applicant.

(2) You will be notified of the place, date, and time of the hearing of the application for a rehearing and of any management meeting in respect of the hearing of the application.

Registrar of the Employment Court: .....
Date: .....

This application is filed by ....., whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

or

This application is filed by ....., on behalf of the above-named applicant, whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

[1] Although a full postal address must always be supplied, the supply of a telephone number and the supply for service of any 1 or more of the following, namely, a fax number, a document exchange box number, or an email address, are optional.

Form 14

r 65(2)(a)

Under the Employment Relations Act 2000

In the Employment Court ..... Registry	No: .... /.... Application to Employment Relations Authority (*or* Employment Court) for stay of proceedings
Between	[*full name*] of [*address*] Applicant
And	[*full name*] of [*address*] Respondent

To the respondent

And to the Employment Relations Authority (*or* the Registrar of the Employment Court)

Application for stay of proceedings

Regulation 65, Employment Court Regulations 2000

I, the applicant, apply for a stay of proceedings.

Particulars of election under section 179, Employment Relations Act 2000

This application relates to proceedings on a determination of the Employment Relations Authority.

I have, under section 179 of the Employment Relations Act 2000, elected to have the matter to which that determination relates heard by the Employment Court.

The file number of that determination is .....

The file number of my election is .....

Particulars of application for rehearing under clause 5 of Schedule 3, Employment Relations Act 2000

This application relates to proceedings on a decision (*or* order) of the Employment Court.

I have, under clause 5 of Schedule 3 of the Employment Relations Act 2000, applied for a rehearing of the matter to which the decision (*or* order) relates.

The file number of that decision (*or* order) is .....

Grounds for application for stay of proceedings

This application for a stay of proceedings is made on the following grounds [*specify the grounds with such reasonable particularity as to give full advice to both the Authority (or the court) and the other parties of the issues involved*].

Signature of applicant: .....
Date: .....

Notice to the respondent

(1) If you intend to oppose this application for a stay of proceedings, you must,—

(a) within 14 clear days after the date of the service on you of this application for a stay of proceedings, file with an officer of the Employment Relations Authority at [*place*] (*or* the Registrar of the Employment Court at [*place*]) a written notice stating that you oppose this application for a stay of proceedings; and

(b) without delay, serve 1 copy of that written notice on the applicant.

(2) If you fail to file a written notice stating that you oppose this application for a stay of proceedings, you may oppose this application for a stay of proceedings only with the leave of the court.

(3) You will be notified of the place, date, and time of the hearing of this application for a stay of proceedings.

Registrar of the Employment Court: .....
Date: .....

This application for a stay of proceedings is filed by ....., whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

or

This application for a stay of proceedings is filed by ....., on behalf of the above-named applicant, whose address for service is ..... and whose telephone number is ..... and whose fax number for service is ..... and whose document exchange box number for service is ..... and whose email address for service is ..... [1]

[1] Although a full postal address must always be supplied, the supply of a telephone number and the supply for service of any 1 or more of the following, namely, a fax number, a document exchange box number, or an email address, are optional.

Form 15

r 70(2)

Under the Employment Relations Act 2000

In the Employment Court		No: .... /....
..... Registry	Between	[*full name*] of [*address*]
		Plaintiff (*or* Applicant)
	And	[*full name*] of [*address*]
		Defendant (*or* Respondent)

Certificate of judgment

This is to certify that on [*date*] the Employment Court adjudged that the sum of $..... , together with $..... for costs (the particulars of which are set out below) be paid by [*name*], of [*address*], to [*name*], of [*address*].

Dated at [*place*] this ..... day of ..... 20....

The seal of the Employment Court was affixed by me, [*name*], Registrar of the Employment Court }

.....
Signature

Particulars of amounts adjudged to be paid, etc

Sum adjudged to be paid: $.....

Costs: $.....

Form 16
Charging document

r 71(2)

Under the Employment Relations Act 2000

I, [*full name*], of [*address, occupation*] have just cause to suspect, and do suspect, that on the ..... day of ..... 20.... , at ..... , [*full name*] of [*address, occupation*], *who was born on the ..... day of ..... 20.... , [*here set out the substance of the offence*] [*here add section of the Employment Relations Act 2000 applicable*].

.....
[*Signature of prosecutor*]

*Delete if inapplicable.

Schedule 1 form 16 heading: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 1 form 16: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Form 17
Summons to defendant

r 71(4)

Under the Employment Relations Act 2000

To [*full name*], of [*address, occupation*].

[*Full name*], of [*address, occupation*] has stated that he (*or* she) has just cause to suspect, and does suspect, that you, the said [*full name*], on the ..... day of ..... 20.... , at ..... , [*here set out the substance of the offence*] [*here add section of the Employment Relations Act 2000 applicable*].

You are summoned to appear on ..... day, the ..... day of ..... 20.... , at ..... am (*or* pm), at the Employment Court at [*address*], to answer to the charging document.

Dated at ..... this ..... day of ..... 20....

.....
Judge of the Employment Court
(*or* Registrar of the Employment Court)

Schedule 1 form 17: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2
Provisions having effect in relation to prosecutions for offences

r 71(1)

1 Commencement of prosecution

(1) Every prosecution for an offence must be commenced by the filing of a charge in form 16.

(2) Every charge must be substantiated on oath or by affirmation before a Judge of the Employment Court or Justice of the Peace or before a Registrar of the Employment Court.

(3) Without limiting any provision of the Act or of these regulations or any other enactment, no charge is invalid by reason only that it does not contain the date of birth of the defendant or does not correctly describe the defendant's date of birth, and no amendment will be required to remedy that omission or error before the hearing of the charge.

Compare: 1957 No 87 s 15

Schedule 2 clause 1(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 1(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 1(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

2 Charge may be for more than 1 offence

A charge may allege more than 1 offence, either cumulatively or in the alternative.

Compare: 1957 No 87 s 16(1)

Schedule 2 clause 2 heading: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 2: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

3 Charge to contain sufficient particulars

Every charge must contain such particulars as will fairly inform the defendant of the substance of the offence or offences with which he or she is charged.

Compare: 1957 No 87 s 17

Schedule 2 clause 3 heading: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 3: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

4 Charge to be filed in nearest court

As soon as practicable after a charge is substantiated on oath or by affirmation, that charge must be filed by the prosecutor in such office of the court as the

prosecutor considers to be nearest by the most convenient route to the place at which the offence was alleged to have been committed.

Compare: 1957 No 87 s 18(1)

Schedule 2 clause 4 heading: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 4: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

5 Issue of summons to defendant

When a charging document has been filed, any Judge or the Registrar of the court may issue a summons to the defendant in form 17.

Compare: 1957 No 87 s 19(1)(a)

Schedule 2 clause 5: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

6 Withdrawal of charge by prosecutor

(1) Any charge may by leave of the court be withdrawn by the prosecutor before the defendant has been convicted or the charge has been dismissed or, in any case where the defendant has pleaded guilty, before he or she has been sentenced or otherwise dealt with.

(2) The withdrawal of a charge does not operate as a bar to any other proceedings in the same matter.

Compare: 1957 No 87 s 36(1), (3)

Schedule 2 clause 6 heading: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 6(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 6(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

7 Witnesses at hearing

(1) The court may, if it thinks fit, of its own motion or at the request of any party at any time during the hearing of any proceeding, order all or any witnesses other than any witness who has given or is giving his or her evidence to leave the courtroom and to remain out of hearing but within call until required to give evidence.

(2) The court may, at any time during the hearing, require the parties to state what witnesses they intend to call, and may, if it thinks fit, refuse to allow any witness whose name was not so stated to give evidence.

Compare: 1957 No 87 s 40

8 Right to plead guilty by notice to Registrar

(1) Any person charged with an offence may in writing addressed to the Registrar of the court give notice that he or she pleads guilty, and the court then has the

same power to deal with him or her as if he or she had appeared before it and pleaded guilty.

(2) As soon as practicable after receiving any such notice from the defendant, the Registrar of the court must give notice of it to the prosecutor.

Compare: 1957 No 87 s 41

Schedule 2 clause 8(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

9 Plea of guilty may be withdrawn by leave of court

A plea of guilty may, by leave of the court, be withdrawn at any time before the defendant has been sentenced or otherwise dealt with.

Compare: 1957 No 87 s 42

10 Amendment of charge where defendant appears

(1) Subject to this clause, where the defendant appears to answer a charge, the court may amend the charge in any way at any time during the hearing.

(2) Without limiting the generality of the powers conferred by subclause (1), it is declared that those powers include power to amend a charge by substituting one offence for another offence.

(3) Where under subclause (2) any charge is amended by substituting one offence for another, then the following provisions apply:

(a) subject to paragraphs (b) and (c), the hearing will be continued as if the defendant had originally been charged with the substituted offence:

(b) before the hearing is continued, the substance of the charge as amended must be stated to the defendant and he or she will be asked how he or she pleads; and, if he or she pleads guilty, the court may convict him or her or deal with him or her in any other manner authorised by law:

(c) any evidence already given is deemed to have been given in and for the purposes of the hearing of the charge as amended, but either party has the right to examine or cross-examine or re-examine any witness whose evidence has already been given in respect of the offence originally charged.

Compare: 1957 No 87 s 43(1), (2), (3)(a), (b), (d)

Schedule 2 clause 10 heading: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 10(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 10(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 10(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

11 Powers of court when defendant does not appear

In any case where a summons has been served on the defendant a reasonable time before the hearing, and at the hearing only the prosecutor appears, evidence of a fact or opinion which would be admissible if given by direct oral evidence is also admissible if given by way of an affidavit.

Compare: 1957 No 87 s 61(c)

Schedule 2 clause 11: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

12 Powers of court when prosecutor does not appear

Where at the hearing of any charge only the defendant appears, the court may dismiss the charge for want of prosecution or adjourn the hearing to such time and place and on such conditions as the court thinks fit.

Compare: 1957 No 87 s 62(b)

Schedule 2 clause 12 heading: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 12: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

13 Powers of court when neither party appears

Where at the hearing of any charge neither the prosecutor nor the defendant appears, the court may dismiss the charge for want of prosecution or adjourn the hearing to such time and place and on such conditions as the court thinks fit.

Compare: 1957 No 87 s 63

Schedule 2 clause 13: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

14 Dismissal for want of prosecution not to operate as bar to other proceedings

The dismissal of a charge for want of prosecution does not operate as a bar to any other proceedings in the same matter.

Compare: 1957 No 87 s 64

Schedule 2 clause 14: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

15 Court to proceed when both parties appear

(1) Where at the hearing of any charge both the prosecutor and the defendant appear, the court must proceed with the hearing.

(2) Despite subclause (1), if the defendant is not personally present, the court may, if it thinks fit, adjourn the hearing to such time and place and on such conditions as it thinks fit to enable the defendant to be present.

Compare: 1957 No 87 s 65

Schedule 2 clause 15(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

16 Conduct of hearing

(1) Before any charge is gone into, the substance of the charge must be stated to the defendant if he or she appears, and the defendant must be asked how he or she pleads.

(2) If the defendant pleads guilty, the court may convict him or her or deal with him or her in any other manner authorised by law.

(3) If the defendant does not plead guilty, the hearing must be conducted in accordance with this clause.

(4) The court must first hear the prosecutor and such evidence as he or she may adduce, and must then hear the defendant and such evidence as he or she may adduce. It will then hear such evidence as the prosecutor may adduce in rebuttal of any evidence given by or on behalf of the defendant.

(5) If the defendant refrains from giving evidence, or from calling his or her spouse or civil union partner, as the case may be, as a witness, no comment adverse to the defendant may be made in that regard by the prosecutor.

(6) The parties may examine, cross-examine, and re-examine witnesses.

(7) Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in the Act, may be proved by the defendant, but need not be negatived in the charge, and, whether or not it is so negatived, no proof in relation to the matter can be required on the part of the prosecutor.

Compare: 1957 No 87 s 67(1)–(6), (8)

Schedule 2 clause 16(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 16(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2 clause 16(5): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 2 clause 16(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

17 Decision of court

(1) The court, having heard what each party has to say and the evidence adduced by each, must consider the matter and may convict the defendant or dismiss the charge, either on the merits or without prejudice to its again being laid, or deal with the defendant in any other manner authorised by law.

(2) The court may, if it thinks fit, reserve its decision, and in that case may give it at any adjourned or subsequent sitting of the court or may draw up the decision in writing, sign it, and send it to the Registrar of the court.

(3) When, under subclause (2), a written decision is sent to the Registrar of the court, the Registrar of the court must deliver it at a time and place appointed by him or her.

(4) Every reserved decision delivered by the Registrar of the court must be entered in the Criminal Records kept pursuant to regulation 72 and signed by the Registrar of the court, and will have the same force and effect as if given by the court on that date.

Compare: 1957 No 87 s 68

Schedule 2 clause 17(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

18 Proof of previous convictions

(1) Where any person is charged with an offence, the prosecutor may serve on the defendant a notice in writing specifying any alleged previous conviction proposed to be brought to the notice of the court in the event of his or her conviction of the offence charged.

(2) Any such notice must specify—

(a) the date of the alleged conviction; and

(b) the court in which the conviction was entered; and

(c) the nature of the offence; and

(d) the sentence of the court in respect of the conviction (including any order of the court made on the conviction); and

(e) a statement to the effect that the court may, where the defendant is not present in person before the court and has not notified the court in writing that he or she disputes any such conviction or any material details in connection with the conviction, in the event of the conviction of the defendant take into account any conviction specified in the notice and the particulars concerning it as specified in the notice, as if the defendant had been present in person and admitted it.

(3) In the event of the conviction of the defendant and upon proof that the notice was served on him or her not less than 7 clear days previously, the court may, if the defendant is not present in person before the court and has not notified the court in writing that he or she disputes the conviction or any material details in connection with the conviction, take into account any conviction specified in the notice and the particulars concerning it as specified in the notice, as if the defendant had been present in person and admitted it.

Compare: 1957 No 87 s 69A

Schedule 2 clause 18(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 3
Fees

r 75

Schedule 3: replaced, on 1 July 2025, by regulation 4 of the Employment Court Amendment Regulations 2025 (SL 2025/101).

Item	Matter for which fee is payable	$ (exclusive of GST)
1AA	Filing statement of claim in form 1AA	206.96
1	Filing statement of claim in form 1	206.96
2	Filing statement of claim in form 2	310.43
2A	Filing application for leave to serve statement of claim on overseas party	206.96
3	Filing application for special leave to remove proceedings to Employment Court	206.96
4	Filing application for rehearing	310.43
5	Filing challenge to objection to disclosure	103.48
6	Filing application for verification order	103.48
7	Hearing fee, for each half-day or part thereof after the first day	253.04

Schedule 3 item 1AA: amended, on 1 July 2026, by regulation 4(1) of the Employment Court Amendment Regulations 2026 (SL 2026/123).

Schedule 3 item 1: amended, on 1 July 2026, by regulation 4(2) of the Employment Court Amendment Regulations 2026 (SL 2026/123).

Schedule 3 item 2: amended, on 1 July 2026, by regulation 4(3) of the Employment Court Amendment Regulations 2026 (SL 2026/123).

Schedule 3 item 2A: amended, on 1 July 2026, by regulation 4(4) of the Employment Court Amendment Regulations 2026 (SL 2026/123).

Schedule 3 item 3: amended, on 1 July 2026, by regulation 4(5) of the Employment Court Amendment Regulations 2026 (SL 2026/123).

Schedule 3 item 4: amended, on 1 July 2026, by regulation 4(6) of the Employment Court Amendment Regulations 2026 (SL 2026/123).

Schedule 3 item 5: amended, on 1 July 2026, by regulation 4(7) of the Employment Court Amendment Regulations 2026 (SL 2026/123).

Schedule 3 item 6: amended, on 1 July 2026, by regulation 4(8) of the Employment Court Amendment Regulations 2026 (SL 2026/123).

Schedule 3 item 7: amended, on 1 July 2026, by regulation 4(9) of the Employment Court Amendment Regulations 2026 (SL 2026/123).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 23 November 2000.

Notes

1 General

This is a consolidation of the Employment Court Regulations 2000 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Employment Court Amendment Regulations 2026 (SL 2026/123)

Employment Court Amendment Regulations 2025 (SL 2025/101)

Fair Pay Agreements Act Repeal Act 2023 (2023 No 65): section 7(2)

Employment Court (Fair Pay Agreements) Amendment Regulations 2023 (SL 2023/67)

Judicial Review Procedure Act 2016 (2016 No 50): section 24

Senior Courts Act 2016 (2016 No 48): section 183(c)

Employment Court Amendment Regulations 2014 (LI 2014/175)

Employment Court (Trans-Tasman Proceedings Act 2010) Amendment Regulations 2013 (SR 2013/346)

Criminal Procedure Act 2011 (2011 No 81): section 413

Employment Court Amendment Regulations 2011 (SR 2011/25)

Relationships (Statutory References) Act 2005 (2005 No 3): section 12

Employment Court Amendment Regulations 2004 (SR 2004/422)

Public Finance Act 1989 (1989 No 44): section 65R(3)

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