

Reference No. HRRT 024/2015

UNDER THE HUMAN RIGHTS ACT 1993

BETWEEN NEW ZEALAND PRIVATE
PROSECUTION SERVICE LIMITED

PLAINTIFF

AND JOHN PHILIP KEY

DEFENDANT

TRIBUNAL: Rodger Haines QC, Chairperson

REPRESENTATION:

Mr G McCready in person for plaintiff

Mr P Kiely for defendant

DATE OF MINUTE: 15 June 2015

**MINUTE OF CHAIRPERSON DECLINING APPLICATION BY PLAINTIFF FOR
INFORMATION ABOUT DEFENDANT AND AGGRIEVED PERSON¹**

Background

[1] By *Minute* dated 11 June 2015 I declined an application by Mr McCready (NZPPSL) in which he sought the residential address and contact phone number of the aggrieved person (Ms Amanda Bailey) as well as the name and contact number of counsel representing Ms Bailey. The *Minute* was served on Mr McCready (NZPPSL) on 11 June 2015, receipt being acknowledged by Mr McCready (NZPPSL) in an email dated 11 June 2015 timed at 3:05pm and which read:

Thank you for that.

Hopefully the plaintiff and the Tribunal will get into step in the near future.

Application for information relating to Amanda Bailey

¹ [This decision is to be cited as: *NZ Private Prosecution Service Ltd v Key (Application for Disclosure Order No. 2)* [2015] NZHRRT 24]

[2] On the morning of 12 June 2015 by email timed at 10:49am Mr McCready filed a memorandum (copied to about 10 news media organisations or journalists) requesting:

[2.1] The address for service for Ms Bailey.

[2.2] The contact details of counsel for Ms Bailey.

[2.3] Confirmation of “the date that Amanda Bailey was served with all the documents filed by the Plaintiff”.

[2.4] Confirmation that Ms Bailey has or has not filed a separate statement of claim.

[2.5] That the Tribunal serve Mr McCready (NZPPSL) with any documents filed by Ms Bailey or Unite Union.

[3] It is to be remembered Ms Bailey is not a party to these proceedings and that these proceedings have been brought without her knowledge or consent. As stated in the first *Minute* issued on 21 May 2015:

Neither Mr McCready nor NZPPSL claims to be the victim of the alleged sexual harassment nor do they claim to have brought the proceedings with the knowledge and consent of the alleged victim, Amanda Bailey. Indeed the statement of claim specifically acknowledges Ms Bailey has refused to cooperate in the bringing of this claim. The allegations in the statement of claim appear to have been gleaned from media reports.

[4] In my view the application filed on 12 June 2015 is little more than a reformulation of the application declined the previous day by *Minute* of 11 June 2015. Neither Mr McCready nor NZPPSL appear to have read the *Minute* with care or to have understood its content. They are not entitled to the information sought and the application is dismissed.

Application for information relating to defendant

[5] In the 12 June 2015 memorandum Mr McCready (NZPPSL) has also requested:

[5.1] The address for service for the defendant.

[5.2] Confirmation the date the defendant was served with the statement of claim.

[5.3] Confirmation that the defendant has or has not filed a statement of defence.

[5.4] A request that Mr McCready (NZPPSL) be served with any documents filed by the defendant.

[6] Once again it must be observed neither Mr McCready nor NZPPSL appear to have read or understood the *Minute* of 11 June 2015. The date on which notice of these proceedings was served on the defendant has already been provided in that *Minute* along with the date on which the statement of reply is due. To date nothing has been filed by the defendant. However, time does not run out until on or about 20 June 2015.

Observation

[7] By failing to read with any care the *Minutes* issued on 21 May 2015 and 11 June 2015 and by failing to acquaint themselves with the Tribunal’s processes as set out in the Human Rights Act 1993 and the Human Rights Review Tribunal Regulations 2002 Mr McCready and NZPPSL are wasting the Tribunal’s time with applications of no merit. Their attention is drawn to the fact that the Tribunal has statutory authority under s 115

of the Human Rights Act to dismiss proceedings if it is satisfied those proceedings are trivial, frivolous, or vexatious or are not brought in good faith.

[8] It has already been made plain to Mr McCready and NZPPSL that they are not to bother, vex or harass Ms Bailey. Their apparent resolve to ignore directions given by the Tribunal and to continue pressing the Tribunal for information they are not entitled to may in due course reinforce any application brought by the defendant or by Ms Bailey under s 115. The overt attempts by Mr McCready and NZPPSL to seek wide publicity for their case will not assist them were such application to be made. Mr McCready and NZPPSL are accordingly on notice.

Order

[9] For the foregoing reasons the application by Mr McCready (NZPPSL) dated 12 June 2015 is dismissed.

“Rodger Haines”

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Rodger Haines QC
Chairperson
Human Rights Review Tribunal