

Reference No. HRRT 028/2013

UNDER THE PRIVACY ACT 1993

BETWEEN ANGELA EMMA WATSON

PLAINTIFF

AND CAPITAL AND COAST DISTRICT
HEALTH BOARD

DEFENDANT

AT WELLINGTON

BEFORE:

Mr RPG Haines QC, Chairperson

Mr RK Musuku, Member

Hon KL Shirley, Member

REPRESENTATION:

Mr AJ McKenzie for plaintiff

Mr D La Hood for defendant

DATE OF HEARING: 16 and 17 February 2015

DATE OF DECISION: 7 July 2015

DATE OF VARIATION OF ORDER: 13 July 2015

**DECISION OF TRIBUNAL VARYING TIME WITHIN WHICH
CERTAIN DOCUMENTS TO BE PROVIDED TO PLAINTIFF¹**

Background

[1] The decision of the Tribunal given on 7 July 2015 required the Capital & Coast District Health Board (CCDHB) to provide to Ms Watson certain documents within five days after the date on which the Tribunal's decision was delivered. See para [149.4]:

¹ [This decision is to be cited as: *Watson v Capital & Coast DHB (Variation of Time)* [2015] NZHRRT 29]

[149.4] The Response to Complaint and the Meeting Notes of 16 January 2013 are to be provided to Ms Watson (without redaction) within five days after the date on which this decision is given.

[2] On 9 July 2015 the CCDHB sought a variation of that order, proposing it take effect five working days after the expiry of the 30 day appeal period. Otherwise the CCDHB's right to appeal would be rendered nugatory.

[3] Ms Watson opposes the application on the grounds the CCDHB is a large organisation possessed of sufficient funds and access to legal advice to permit an early decision whether to appeal. In the alternative, if some delay is to be allowed, it should not exceed 10 days.

Discussion

[4] It is not asserted by Ms Watson she will be prejudiced by the delay. As against this the CCDHB is able to point to a real risk of prejudice.

[5] In these circumstances the application by the CCDHB is granted.

FORMAL ORDER

[6] The order at [149.4] of the Tribunal decision given on 7 July 2015 is varied to the extent only that it is now to take effect five working days after the expiry of the statutory appeal period.

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Mr RPG Haines QC
Chairperson

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Mr RK Musuku
Member

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Hon KL Shirley
Member