

Reference No. HRRT 036/2017

UNDER THE PRIVACY ACT 1993

BETWEEN DIRECTOR OF HUMAN RIGHTS
PROCEEDINGS (in respect to BENJAMIN
LIGHTBODY)

PLAINTIFF

AND THE CHIEF EXECUTIVE OF THE
DEPARTMENT OF CORRECTIONS

FIRST DEFENDANT

AND SERCO NEW ZEALAND LIMITED

SECOND DEFENDANT

AT WELLINGTON

BEFORE:

Mr RPG Haines ONZM QC, Chairperson
Dr SJ Hickey MNZM, Member
Mr BK Neeson JP, Member

REPRESENTATION:

Mr R Kee, Director of Human Rights Proceedings
Ms V McCall for first defendant
Mr B Duthie for second defendant

DATE OF HEARING: Heard on the papers

DATE OF DECISION: 22 January 2019

**DECISION OF TRIBUNAL GRANTING SECOND DEFENDANT
EXTENSION OF TIME FOR FILING STATEMENT OF REPLY¹**

¹ [This decision is to be cited as *Director of Human Rights Proceedings [Lightbody] v Corrections (Extension of Time)* [2019] NZHRRT 3.]

[1] Regulation 15(1) of the Human Rights Review Tribunal Regulations 2002 provides that a defendant who intends to defend proceedings must, within 30 days after the day on which the notice of proceedings is served on him or her, file in the office of the Tribunal a statement of reply to the plaintiff's claim and must serve a copy of the statement of reply on the plaintiff and any other party.

[2] By memorandum dated 16 January 2019 Serco New Zealand Ltd (Serco) has sought an extension of time for filing its statement of reply until 4pm on Friday 8 February 2019. The grounds of the request are that Serco was not served with a copy of the second amended statement of claim until Thursday 13 December 2018 with the result the statement of reply fell due for filing and service by 16 January 2019. As service occurred just prior to the Christmas shutdown period Serco has had limited time to seek legal advice and to prepare a considered statement of reply.

[3] Both the Director and Ms McCall for the first defendant consent to the extension.

[4] Given the circumstances it is appropriate the application for extension of time be granted.

Order

[5] Serco New Zealand Ltd is to file and serve a statement of reply to the second amended statement of claim by 4pm on Friday 8 February 2019.

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Mr RPG Haines ONZM QC
Chairperson

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Dr SJ Hickey MNZM
Member

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Mr BK Neeson JP
Member