# Westlaw New Zealand Find and search case law

This guide outlines how to find case law by case citation, case title, citing legislation or by judicial definition. This guide also outlines different search methods using key words.

## Find Case Law

- Find a case using the case citation
- Find a case by title or party name
- Find cases which cite a section of legislation
- Find cases which judicially considers a word or phrase.

## Search Case Law

- Search cases using Plain Language
- <u>Search cases using Terms and Connectors</u>
- Build your search using "Find documents that have" in the cases advanced search template.
- <u>Refine search results</u>

#### Find a case using the case citation

- 1. Enter the citation number into the Global search bar, e.g., [2023] NZHC 3314
- 2. As you begin typing, the type-ahead feature will provide the case in the drop-down. Select the case in the drop-down to display the case.

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[2023] NZHC 3314					~		:h Tips > nced >
Suggestions Cases	New Zealand Independen New Zealand [2023] NZHC 3314 + 2023 WI			atu Ora–Health	2		
Legislation					1		

Note: If you would like to deliver multiple cases, we recommend using the Find and Print Tool.

## Find a case by Title or Party Name

- 1. Begin by typing in the party name or names into the global search bar, e.g., Environmental Defence Society v King Salmon.
- 2. Click the case title to open the case document. e.g., Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd (2014) NZSC 38.



#### How to find cases which cite a section of legislation

1. Enter the section of legislation into the global search bar on the homepage. e.g., s 103 Employment Relations Act 2000 and select the section from the drop-down menu to open the document.

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103 employment relations act				<b>~</b>	Search Tips > Advanced >
Suggestions Cases	<b>103</b> Personal grievance s 103 Employment Relations Act 2000 • 1 July 2022 •	NZ 1			

- 2. Click the Citing References tab to display documents that cite the section.
- 3. Filter citing references by clicking Case Law.
- 4. Refine results by entering keyword(s) into the Search within results field.
- 5. Use the filters to narrow case results by Jurisdiction or Date.

103 Personal grievan Employment Relations Act 2000		om 1 July 202	2 (Approx, 7 pages)		
Document History (64	4) 👻 Citing I	References (	(1,102) 2 Jod by KeyClife		
KeyCite Citing Refere	ences (947)	1-100 >	Sort By: Date: Newest First 👻 No items s	selected 🌲 💻	•
Content types	<	Title		Date 🔻	Туре
Cases	947	3	1. Bryant v Allied Investments Ltd	20 Dec. 2023	Case
Legislation	25		[2023] NZERA 774, 2023 WL 9061074, ERA		
Secondary Sources	130		Stephen Bryant was employed by Allied Investments Limited trading as Allied Security (Allied) as an Accounts Manager in May		
All Results	1,102		2022. Mr Bryant seeks \$2,205.23 as underpayment of		
Filter			wages[4]Employment law 24k423 24 Employment law 24k403-k443 Remuneration 24k423 Overpayment Employment Relatio Act 2000 (NZ) s 65(2)(b)(i)s 69ZD <mark>s 103</mark> s 114(2)s 135(5)s 148 s 159(1)(b)s 159(1)(c)s 174E Holidays Act 2003 (NZ) s 27	ins	
Select multiple	2		2. Sharma v Rodney Farm 'N' Machinery Ltd	19 Dec. 2023	Case
			[2023] NZERA 765, 2023 WL 8826765, ERA		
Apply			Anant Sharma was employed by Rodney Farm "N" Machinery Limited (Rodney Farm) on 12 July 2021 in the position of Serviceman/Truck Driver — Class 4. The parties' employment		
Search within results			Accident Compensation Act 2001 (NZ) s 48 s 97 s 98 Employment Relations Act 2000 (NZ) s 4(1)s 4(1A)(b)s 69ZD <u>s 103(1)(b)</u> s 10 s 103A(2)s 103A(3)s 114 s 114(1)s 114(2)s 114(3)s 114(4	)3A	
L			3. Marshall v Wanganui Ballet Dance Acadamy Ltd	18 Dec. 2023	Case
Jurisdiction	+	5	[2023] NZERA 754, 2023 WL 9113446, ERA		
Date	+		Rebecca Marshall was employed as a Dance Teacher by Wanganui Ballet & Dance Academy Limited (Wanganui Ballet), having commenced her employment on 3 March 2014. Ms Marshall		

Alternatively, you can use the Cases Advanced Search template to search for legislation cited in cases

- 1. From the homepage, navigate to the Case Law Advanced Search Template by selecting Cases, then Advanced.
- Enter the name of the Act into the Legislation Cited (Title) field, e.g., "Employment Relations Act 2000". In the Legislation Cited (Provision) field, you can add the section or subsection of the Act, e.g., 103(1)(a) and click Search.



THOMSON REUTERS	advanced: LEGREF("employment relations act 2000") & LCP(103(:	1)(a)) <b>2</b>	Q	Search Tips > Advanced >	*	Sign out
Cases Cited						
Legislation Cited (Title)						
"employment relations act 2000"						
Legislation Cited (Provision)						
103(1)(a)						
Words & Phrases						

3. The search results will display with the legislation and section highlighted in yellow.

Filter <	Back to Cases	
_	Cases (11	.7)
Select multiple	YOUR SEARCH	ł Edit
Apply	Legislation Ci	ted (Title): "employment relations act 2000"   Legislation Cited (Provision): 103(1)(a)
	1-100 >	Sort: Date (Default) 👻
Filter category <sup>Cases</sup>		is • No items selected
Restore previous filters		Hanlon v Museum of New Zealand Te Papa Tongarewa Board Employment Relations Authority • NZ • 18 December 2023 • [2023] NZERA 756 • 2023 WL 8801461
Search within results		The Applicants were members of E tū union <mark>employed</mark> as Casual Waiting staff at Te Papa Museum and worked on a roster system. They had started their <mark>employment</mark> with Te Papa at varying times
Q		No 3225679 [2023] NZERA 756 2023 WL 8801461 Judgment Text Employment Relations Act 2000 (NZ) s 4 s 4(1A)(b) s 103 s 103 ( 1)( s 114 s 114(1) s 114(2) s 114
Jurisdiction +		of the letter stated: We notify a grievance under Section 103(1)(a) of the Employment Relations Act 2000 for the unjustified dismissal of Jessica Hanlon. [24] Dr Gilchrist's



#### How to find cases which judicially considers a word or phrase

Use the Cases Advanced Search template to find Words and Phrases Judicially Considered

1. From the homepage, navigate to the Case Law Advanced Search Template by selecting Cases, then Advanced.

THOMSON REUTERS WESTLAW  Region: New Zealand  V	MATTER 1234	History	Folders	Favourites	Notificat	ions	L Sign out
Cases - Search Cases					~	٩	Search Tips > Advanced >
						1	
Home							
Cases				Tools	& Resour	ces	
Add to Favourites Set as start page GD Copy link				Key N	lumber Sy	stem	
Search all Cases above or navigate to specific content below. (1)				Find	& Print		
				Accid	lent Comp	ensatio	n Tracker

- 2. Enter the term into the Words & Phrases search field e.g., "reasonable excuse".
- 3. Click Search.

THOMSON REUTERS WESTLAW Cases  Advanced: WP("reasonable excuse")		~	ч 0	Search Tips > Advanced >	*	Sign out
Cases Cited	]		0			
Legislation Cited (Title)						
Legislation Cited (Provision)						
"reasonable excuse"						

4. Selecting the highlighted hyperlink in the case results will take you to the Words and Phrases Judicially Considered field in the case document.

Filter	Back to Cases
	Cases (13)
Select multiple	YOUR SEARCH Edit -
Apply	Words & Phrases: "reasonable excuse"
.462	1 - 13 Sort: Date (Default) 🔻 🚊 🗸 🖨 💼 生 🗸
Filter category Cases	□ Select all items • No items selected
Restore previous filters	□ 1. Ratu v R High Court * NZ * 20 December 2013 * [2013] NZHC 3555 * 2013 WL 6795605
Search within results	On 15 August 2013 I delivered a judgment ("Judgment") dismissing Raymond Ratu's appeal against his District Court conviction (following a Judge alone trial) for possession of an offensive
Q	appeal 21k9 Court of Appeal offensive weapons made for use <mark>r reasonable excuse i</mark> nnocent article Crimes Act 1961 (NZ) s 202A s 202A
Jurisdiction +	Stanton v Police High Court NZ 30 November 2012 [2012] NZHC 3223 2012 WL 6838862 [2013] NZAR 24



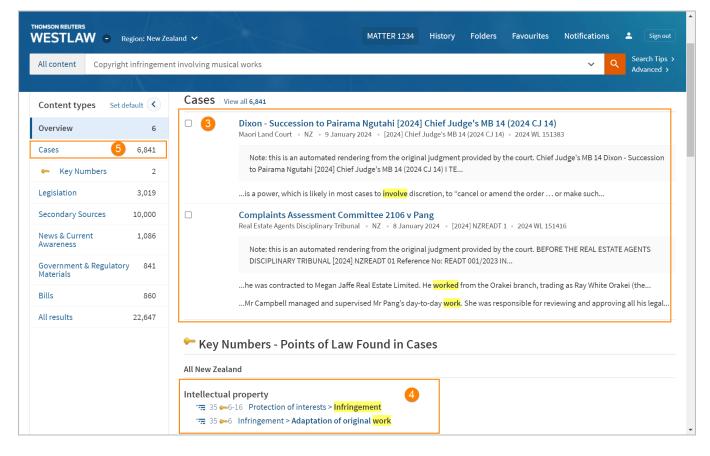
## Search for cases using plain language

Plain language searching allows you to search by asking a question or typing in a sentence that describes the information you are looking for.

- 1. Type the legal issue you are researching into the global search bar, e.g., Copyright infringement involving musical works.
- 2. Click search.

THOMSON REUTERS	Region: New Zealand 🗸		MATTER 1234	History	Folders	Favourites	Notifications		Sign out
Copyright infringe	ement involving musical work	s <b>1</b>					୍	Search Tips Advanced	
Content types	Practice areas Tools	5							
Cases		Legislation		Seco	ndary Sou	urces			
All Cases		All Legislation		All Se	condary So	ources			
Latest Cases		Current Acts		Comr	nentary				

- 3. Overview is the default display of your search results on Westlaw New Zealand. The overview provides a summary of the highest-ranking results from each content type in a single page, determined by relevance, date and authority.
- 4. Case results that have been indexed by a legal concept in the Key Number System are also included in the search results. For further information on Key Number classifications, see <u>this guide</u>.
- 5. Click on Cases to refine the search to case law.





- 6. Click on the case title to open a document.
- 7. After opening a case, click the drop-down arrow next to Original Terms to select Best Portion.



- 8. A green arrow and square bracket indicate the **Best Portion**, which is text that best matches your search, based on search term frequency. Use the right-hand arrow to jump to the next best portion indicator.
- 9. Use the arrows in the results to navigate to the next search result.

Eight Mile Style, LLC v New Zealand National Party  High Court + 25 October 2017 + [2017] NZHC 2603 + 127 IPR 318 + 2017 WL 4839074 (Approx. 84 pages)		
Document Negative Treatment (2) History (3) Citing References (18) - Table of Authorities Powered by KeyCife		Fullscreen
9 1 of 6,882 results > < -> Best Portion -> 8	۹ 🕅 🗗 🛊 🕫 ۲	<b>i</b> ± •
Analysis [198] It is an important start to any analysis of the musicologists' evidence to define what is a musical work. A music consisting of music, exclusive of any words, intended to be sung or spoken with the music or any actions intended with the music." 111		< Notes
[199] The English and Welsh authorities have stressed that for <mark>copyright</mark> purposes, " <mark>music</mark> " does not mean simply a the effect on the ear of the listener, of the combination of sounds: <sup>112</sup>	tune or harmony. It is	
"The performance of the editions [the printed <mark>musical</mark> scores] creates <b>a combination of sounds</b> available appreciation through the ears of the listeners."	for hearing and	



## Search cases using Terms and Connectors

Identify phrases and keywords in the question and use them in a search strategy.

- 1. Click Cases on the Westlaw New Zealand homepage to refine the global search bar to search for Case Law.
- Enter "copyright infringement" /p music! In this example we have used quotation marks to search for the phrase 'copyright infringement.' Use the exclamation point allows more words to be found, e.g., music, musical or musician. The /p is used to deliver search terms appearing in the same paragraph.
- 3. Click **search** to display results.

THOMSON REUTERS WESTLAW   Region: <u>New Zealand</u>	
Cases - "copyright infringement" /p music! 2	✓ Q Search Tips > Advanced >
	3
Home Cases Add to Favourites Set as start page COpy link Search all Cases above or navigate to specific content below. ()	<b>Tools &amp; Resources</b> Key Number System Find & Print Accident Compensation Tracker
Latest cases	OSH Tracker Personal Grievance Tracker Resource Management Tracker
Specialist Law Reports	Sentencing Tracker
Criminal Reports of New Zealand (CRNZ) Human Rights Reports of New Zealand (HRNZ)	

4. Click on the **highlighted word(s)** to open the document to the area where your search term appears.

Filter	Cases (16)
	YOUR SEARCH Edit -
Select multiple	All of These Terms: "copyright infringement" /p music!
Apply	1-16 Sort: Date (Default) •
- ilter category	Select all items * No items selected
Cases	1. R v Ortmann High Court + NZ + 15 June 2023 + [2023] NZHC 1504 + 2023 WL 4025830
Restore previous filters	Mr Ortmann and Mr van der Kolk, you appear before me for sentencing having pleaded guilty to four charges arising out of your involvement in the establishment and operation of the online
Search within results	content, including but not limited to, commercial movies, television shows, music recordings, video games and
Q	commercial software. It is not suggested
	operating Megaupload, you intended to obtain significant financial benefits from <mark>copyright infringement</mark> , to the detriment of copyright owners. [12] The agreed summary
Jurisdiction +	study that suggests that unauthorised downloading reduces sales of legitimate music by 10 to 20 percent
Date +	(though I note Mr Beylefeld
Reported Status +	to United States federal law, which entitles plaintiffs in civil <mark>copyright infringement</mark> cases to choose statutory damages in lieu of having to
Practice Area +	



- 5. Click the arrows either side of the Original Terms to display the portion of text in each document that contain your search terms.
- 6. Click the arrows either side to navigate between search results.

THOMSON REUTER		Sign out
← RvOrtm	15 June 2023 • [2023] NZHC 1504 • 2023 WL 4025830 (Approx. 23 pages)	
Document	Negative Treatment (0) History (0) Citing References (3) - Table of Authorities	<b>Fullscreen</b>
<li>1 of 16 result</li>		
6	servers. This basic structure was first developed by another internet service provider, RapidShare, then mimicked by Megaupload. Through this structure, the online platform enabled users to gain near unlimited access to digital content, including but not limited to, commercial movies, television shows, <b>music</b> recordings, video games and commercial software. It is not suggested that any of the process of uploading files, being allocated a URL or sharing those URLs, itself breached any law. However, the agreed summary of facts records that the overwhelming majority of Megaupload's traffic consisted of content which was first, protected by copyright, and second, made available to users in breach of the rights of copyright owners. You accept in the summary of facts that by operating Megaupload, you intended to obtain significant financial benefits from <b>copyright infringement</b> , to the detriment of copyright owners.	< Notes
[12]	The agreed summary of facts records that Megaupload caused financial harm to copyright owners estimated by the United States Department of Justice to be at least US\$500,000,000. The agreed summary also records that that is a conservative estimate, given any higher figure would not materially affect sentencing in the United States. I again pause to note that while that figure is recorded in the agreed summary of facts as being an estimate by the United States Department of Justice, there is no agreement on the accuracy of the estimate, or the actual losses caused by Megaupload's operations, or even a broad estimate of those losses. It is not in dispute, however, that it would be nigh on impossible to quantify the losses. Each of you accept, however, that your actions caused the rights of copyright	A Back to top



#### Build your search using "Find documents that have" in the cases advanced search template

The advanced search allows you to use field restrictions or use a template to create a Terms and Connectors search.

1. From the homepage, navigate to the Case Law Advanced Search Template by selecting **Cases**, then **Advanced**.

THOMSON REUTERS WESTLAW   Region: New Zealand	MATTER 1234	History	Folders	Favourites	Notifications	Least Sign out	
Cases - Search Cases					<u>~</u> ୧	Search Tips > Advanced >	
					1		
Home							
Cases				Tool	s & Resources		
Add to Favourites Set as start page				Key I	Key Number System		
Search all Cases above or navigate to specific content below. (i)	Find	Find & Print					
				Accident Compensation Tracker			

- 2. The section 'Find documents that have' includes a set of fields that can be populated to build a search string, for example:
  - All of these terms will use AND to look for <u>all</u> words you enter **e.g., Eminem**
  - Any of these terms uses the OR search to look for <u>any</u> of the words you enter. **e.g. music! lyric word song**
  - This exact phrase will look for a phrase exactly as it is written. e.g., copyright infringement

As you type your terms into the relevant search fields, your search will appear in the global search bar. The results will deliver cases that mention **Eminem** and <u>either</u> **music, musical, musician, lyric, word, or song.** The cases will also mention the phrase **Copyright infringement**.

3. Click Search.

THOUSON REUTERS WESTLAW ● Region: New Zealand ✓	MATTER 1234	History Folders Favourites Notifications 💄 Sign out
Cases * advanced: (music! lyric word song) & Eminem & "copyright infringement"		Search Tips > Advanced >
		<b>3</b>
Home > Cases		
Advanced Search: Cases		
Set as start page		
Use at least one field to create a Boolean Terms & Connectors query.		
Find documents that have 2		Cases Married Number Frank
All of these terms		
e.g., construction defect (searched as construction & defect)		MATCHINE AND
Eminem	Term frequency	
Any of these terms		
e.g., physician surgeon (searched as physician OR surgeon)		March 1997 Construction 2007 Constructina 2007 Constructina 2007 Constructina 2007 Constructina 2
music! lyric word song	Term frequency	Construction of the second secon
This exact phrase		
e.g., medical malpractice (searched as "medical malpractice")		
c.g., medical marphaetice (scarenea as medical marphaetice )		Connectors and Expanders
copyright infringement	Term frequency	Connectors and Expanders
	Term frequency	& AND
copyright infringement	Term frequency	



## **Refine search results**

If there are too many results, you can narrow them down by:

- 1. Editing your search reword your natural language search in the global search bar.
- 2. Searching within results search within your results for cases containing an additional term or phrase, e.g., damages
- 3. Filtering filter results by a specific aspect, e.g., jurisdiction or date.

Cases • advanced: (m	usic! lyric word s	ong) & emir	nem & "copyright infringement"
davanced. (in	lusici tyric word s	ong/ & enni	Advanced >
Filter	د أ	ack to Cases	
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Cicui		YOUR SEAR	CH Edit 1
Select multiple		All of These	Terms: eminem Any of These Terms: music! lyric word song This exact phrase: copyright infringement
Apply	1	- 2	Sort: Date (Default) 👻 🚍 🗸 🔂 💼 🛓 🗸
урьд		) Select all it	ems • No items selected
Filter category Cases	C	) 1.	New Zealand National Party v Eight Mile Style, LLC & Court of Appeal + NZ + 18 December 2018 + [2018] NZCA 596 + 144 IPR 486 + [2019] 2 NZLR 352 + (2018) 15 TCLR 312 + 2018 WL 6616723
Restore previous filters			For a period of 11 days in the lead up to the 2014 General Election the first appellant (the National Party) broadcast on television and the internet and by a video played at the National
Search within results	2		6616723 Judgment Text Successful appeal by TNZNP against quantum of damages awarded against it in High Court (HC) for breach of
			EMSLLC against HC Judge's rejection of its claim for additional damages; in lead up to 2014 NZ General Election TNZNP broadcast
Q damages	search		to infringe copyright in Eminem's hit Lose Yourself ; in assessing damages for copyright infringement, HC Judge accepted expert evidence from EMSLLC
Jurisdiction	+		issue that should have been addressed through a claim for damages under s 125 Copyright Act 1994 ; hypothetical fee was inappropriately
Date	+	□ 🏴 2.	Eight Mile Style, LLC v New Zealand National Party High Court + NZ + 25 October 2017 + [2017] NZHC 2603 + 127 IPR 318 + 2017 WL 4839074
Reported Status	+		You better lose yourself in the music, the moment You own it, you better never let it go So raps Eminem to the musical work Lose Yourself.
Practice Area	+		rou better use yoursen in the <b>music</b> , the moment rou own it, you better never let it go so raps <b>eminem</b> to the <b>musical</b> work Lose roursen. The plaintiffs claim their <mark>copyright</mark> in Lose

## Looking for more information?

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