

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
CHRISTCHURCH**

**I TE KŌTI TAKE MAHI O AOTEAROA
ŌTAUTAHI**

**[2022] NZEmpC 124
EMPC 85/2022**

IN THE MATTER OF a declaration under s 6(5) of the
Employment Relations Act 2000

AND IN THE MATTER of applications for in-Court media coverage

BETWEEN SERENITY PILGRIM, ANNA COURAGE,
ROSE STANDTRUE, CRYSTAL LOYAL,
PEARL VALOR AND VIRGINIA
COURAGE
Plaintiffs

AND THE ATTORNEY-GENERAL SUED ON
BEHALF OF THE MINISTRY OF
BUSINESS, INNOVATION AND
EMPLOYMENT, LABOUR
INSPECTORATE
First Defendant

AND HOWARD TEMPLE, FERVENT
STEDFAST, ENOCH UPRIGHT,
SAMUEL VALOR, FAITHFUL PILGRIM,
NOAH HOPEFUL AND STEPHEN
STANDFAST
Second Defendants

Hearing: On the papers

Appearances: B P Henry, D Gates and S Patterson, counsel for plaintiffs
J Catran and A Piaggi, counsel for the first defendant
P Skelton QC, S G Wilson, J Hurren and H Rossie, counsel for
second defendants
R Kirkness, counsel to assist the Court

Judgment: 13 July 2022

INTERLOCUTORY JUDGMENT (NO 4) OF JUDGE B A CORKILL
(Applications for in-Court media coverage)

[1] This judgment resolves two applications for in-Court media coverage in respect of the hearing of these proceedings, which will commence on 29 August 2022. Newshub (Discovery NZ) has applied to film and record sound. TVNZ has applied to film, take photos and record sound. Both organisations submit that standard conditions under the In Court Media Guidelines 2016 (Media Guidelines) should apply.¹

[2] All parties, and counsel to assist, abide the decision of the Court on the applications.

[3] Having regard to the position taken by the parties and counsel to assist, I need only make a few brief remarks as to these applications.

[4] The Media Guidelines set out a number of principles which are relevant, at pts 2 and 9. The key underlying principle is the promotion of open justice. Other principles must also be weighed, including the need for a fair trial; the principle that the media has an important role in the reporting of trials as the “eyes and ears of the public”; and the interests, reasonable concerns and perceptions of the parties and witnesses.

[5] Briefly, the case concerns plaintiffs who formerly resided at the Gloriavale Christian Community. They say that during their time at Gloriavale they were required to undertake work under the direction and control of the Overseeing Shepherd and the Shepherds (the second defendants) and that they were employees.

[6] Their claim also extends to an alleged breach of statutory duty by the Labour Inspector, who undertook an investigation and concluded that members of the Gloriavale community were volunteers, not employees. It is common ground, however, that the claim against the Labour Inspector will not be dealt with at the

¹ Ministry of Justice “10.8 In Court Media Guidelines 2016” <www.justice.govt.nz>.

upcoming hearing, because the application for a declaration under s 6(5) of the Employment Relations Act 2000 is to be dealt with first.

[7] As noted by the Chief Judge in an earlier interlocutory judgment in this proceeding, there is clearly significant public interest in these proceedings.² In those circumstances, I am satisfied the applications should be granted, on conditions.

[8] The application for Newshub (Discovery NZ) is granted, subject to the application of the standard conditions in schs 1 and 3 of the Media Guidelines, and any further order of the Court.

[9] The application made by TVNZ is granted, subject to the application of the standard conditions in schs 1, 2 and 3 of the Media Guidelines, and any further order of the Court.

B A Corkill
Judge

Judgment signed at 3.30 pm on 13 July 2022

² *Pilgrim v Attorney-General (No 3)* [2022] NZEmpC 103 at [13].