



# Employment Court of New Zealand

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## Courage v Attorney-General [2022] NZEmpC 16 (9 February 2022)

Last Updated: 16 February 2022

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA  
ŌTAUTAHI

[\[2022\] NZEmpC 16](#)  
EMPC 363/2021

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

AND IN THE MATTER OF an application for in-Court media  
coverage

BETWEEN HOSEA COURAGE, DANIEL  
PILGRIM AND LEVI 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

AND FOREST GOLD HONEY LIMITED  
AND HARVEST HONEY LIMITED  
Third Defendants

AND APETIZA LIMITED  
Fourth Defendant

Hearing: On the papers

Appearances: B P Henry, D Gates and A Kenwright, counsel for  
plaintiffs J Catran and A Piaggi, counsel for first  
defendant  
S G Wilson, counsel for second, third and fourth  
defendants R Kirkness, counsel to assist the Court

Judgment: 9 February 2022

HOSEA COURAGE, DANIEL PILGRIM AND LEVI COURAGE v THE ATTORNEY-GENERAL sued on  
behalf of the Ministry of Business, Innovation and Employment, Labour Inspectorate [\[2022\] NZEmpC 16](#) [9 February 2022]

INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

(Application for in-Court media coverage)

[1] An application was made by Grade A Films Ltd to take film and sound recordings at the hearing of the plaintiffs' substantive proceedings. The application was drawn to the attention of the parties. Neither the plaintiffs, nor the Attorney-General, opposed the application; the second, third and fourth defendants did.

[2] The opposition was focused on two points. First, that the applicant is not a member of the "media" as that term is defined within the in-court media guidelines. Second, that the applicant's underlying purpose in pursuing the request was at odds with the principle of open justice and fair and balanced reporting. Reference was made to a judgment of the High Court declining an application by a related applicant in *Ready v Christian Church Community Trust*.<sup>1</sup>

[3] I directed that the memorandum setting out the grounds of opposition be provided to the applicant and that the applicant be given an opportunity to file any response. I indicated that I proposed to deal with the application on the papers.

[4] The applicant provided a further response, clarifying the scope of their application. The applicant confirmed that they no longer wished to take film, photographs and/or sound recordings at the hearing. Rather, the applicant wishes to be permitted to "sit in on the in chambers hearing."

[5] The hearing is set down for five days from 21 February 2022. The hearing is not a chambers hearing – it will take place in open Court, albeit via remote participation in light of the current situation relating to COVID-19 and the Red alert setting. The applicant is entitled to attend the hearing, as they wish to do. Further details about attendance via remote participation, and the applicable conditions of such

1 *Ready v Christian Church Community Trust* [2021] NZHC 120.

access can be found in the guidelines published on the Employment Court website.<sup>2</sup> Particular note should be taken of the restrictions on photographing, recording or sharing the video feed.<sup>3</sup>

[6] There is no need to formally determine the application as originally formulated in light of the position now adopted by the applicant.

Christina Inglis Chief Judge

Judgment signed at 11.40 am on 9 February 2022

2. "Guideline for Remote Viewing of Hearings" Employment Court of New Zealand  
<https://www.employmentcourt.govt.nz/assets/Documents/Publications/Guideline-for-Remote-Viewing-of-Hearings1-February-2022.pdf>.

3 See para 12.