



# Employment Court of New Zealand

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## Courage v Attorney-General [2022] NZEmpC 29 (23 February 2022)

Last Updated: 28 February 2022

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2022\] NZEmpC 29](#)

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: 23 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 29](#) [23 February 2022]

INTERLOCUTORY JUDGMENT (NO 6) OF CHIEF JUDGE CHRISTINA INGLIS

(Application for in-Court media coverage)

[1] An application has been made by Stuff Ltd to film, take photographs and record sound during the hearing of these proceedings. The application was drawn to the attention of the parties. The plaintiffs have no objection to the application; the Attorney-General and second, third and fourth defendants advise that they abide the decision of the Court.

[2] Court proceedings are generally open to the public and the media. There are, however, restrictions on taking notes, filming and recording in Court. Anyone wishing to do so must obtain prior judicial permission. That permission involves the exercise of a broad discretion.

[3] The In-Court Media Guidelines 2016 (Media Guidelines) have been developed to assist. Those guidelines set out a number of principles which are relevant (at [Part 2](#) and [Part 9](#)). The key underlying principle is the promotion of open justice. Other principles must also be weighed in the mix, 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.

[4] [Part 6](#) of the Guidelines states that any application lodged within five days of the trial must contain an explanation for the delay and the reasons why it should be granted despite the delay. In this case, the application was filed on the second day of the hearing. The applicant explains that it was not aware of the hearing until 18 February, shortly before it began. It says that the application should be granted due to the public interest, and the fact another media organisation has already obtained similar permission.

[5] I agree that these proceedings involve matters of significant public interest. As noted, an application by another media organisation has already been granted in which

the merits and concerns surrounding media coverage were considered.<sup>1</sup> In those circumstances, I am satisfied that it is appropriate to grant the application having regard to the matters set out in the Guidelines, subject to the standard conditions for safeguarding witnesses set out in [Part 11](#) of the Media Guidelines. Because the hearing is proceeding via remote participation due to the current situation and setting with COVID-19, attention is also drawn to the protocols relating to remote participation, including for the media, which are located on the Court’s website.<sup>2</sup>

[6] Given the outcome of this application, the applicant is exempted from 12(a) of the Guidelines for Remote Viewing and may record video and sound, and capture images subject to the standard conditions and any further order of the Court.

[7] The application is granted subject to the standard conditions and any further order of the Court.

Christina Inglis Chief Judge

Judgment signed at 9.10 am on 23 February 2022

1 *Courage v Attorney-General* [\[2022\] NZEmpC 18](#).

2. “Employment Court operations under Covid-19 Protection Framework dated 9 February 2022” and “Guideline for Remote Viewings of Hearings” [www.employmentcourt.govt.nz](http://www.employmentcourt.govt.nz).