



Employment Court of New Zealand

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Courage v Attorney-General [2025] NZEmpC 150 (21 July 2025)

Last Updated: 22 July 2025

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2025\] NZEmpC 150](#)

EMPC 363/2021

IN THE MATTER OF an application for judicial review
AND IN THE MATTER OF an application for disclosure of
unredacted documents
BETWEEN HOSEA COURAGE, DANIEL PILGRIM
AND LEVI COURAGE
Applicants
AND THE ATTORNEY-GENERAL SUED ON
BEHALF OF THE MINISTRY OF
BUSINESS, INNOVATION AND
EMPLOYMENT, LABOUR
INSPECTORATE
First Respondent
AND THE OVERSEEING SHEPHERD OF
THE GLORIAVALE COMMUNITY
HOWARD TEMPLE AND/OR HIS
SUCCESSOR AS OVERSEEING
SHEPHERD
Second Respondent
AND RICHARD LEWIS AND HANNAH
CRAMPTON, LABOUR INSPECTORS
Third Respondents

EMPC 85/2022

IN THE MATTER OF an application for judicial review
AND IN THE MATTER OF an application for disclosure of
unredacted documents
BETWEEN SERENITY PILGRIM, ANNA
COURAGE, ROSE STANDTRUE,
CRYSTAL LOYAL, PEARL VALOR
AND VIRGINIA COURAGE
Applicants

HOSEA COURAGE, DANIEL PILGRIM AND LEVI COURAGE v THE ATTORNEY-GENERAL SUED ON BEHALF OF THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT, LABOUR INSPECTORATE [\[2025\] NZEmpC 150](#) [21 July 2025]

AND THE ATTORNEY-GENERAL SUED
ON BEHALF OF THE MINISTRY OF BUSINESS,
INNOVATION AND EMPLOYMENT, LABOUR
INSPECTORATE
First Respondent
AND THE OVERSEEING SHEPHERD OF THE
GLORIAVALE COMMUNITY HOWARD

TEMPLE AND/OR HIS SUCCESSOR AS
OVERSEEING SHEPHERD
Second Respondent
AND RICHARD LEWIS AND HANNAH CRAMPTON,
LABOUR INSPECTORS
Third Respondents

Hearing: On the papers
Appearances: B P Henry and S Beacham, counsel and advocate for
applicants A Boadita-Cormican, A Wicks and N El Sanjak,
counsel for first respondent
Judgment: 21 July 2025

INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS
(Application for disclosure of unredacted documents)

Introduction

[1] The applicants lived and worked at the Gloriavale Christian Community for many years. The Labour Inspectorate carried out investigations into the working conditions and arrangements within the Community and concluded, amongst other things, that those working there were not employees and so the Labour Inspector had no power to intervene.

[2] The applicants subsequently filed proceedings in the Employment Court seeking declarations that they were employees. The Court agreed, and made

declarations accordingly.¹ The Court further held that the Overseeing Shepherd of the Community (the role, not the individual) was the employer.²

[3] Following the Court's judgments the Labour Inspector filed an action against the Overseeing Shepherd on behalf of the applicants seeking penalties against him, and the payment of minimum wages and other entitlements. As an aside, the Labour Inspector does not appear to have pursued similar action on behalf of any other individual who worked, or is currently working, within the Community.

[4] In parallel to the Labour Inspector's claim against the Overseeing Shepherd is a claim by the applicants themselves. They are seeking various remedies against the Overseeing Shepherd in respect of their time while working as employees at the Community.

[5] Also running in parallel are the current proceedings, namely applications to judicially review. The applications are directed at the alleged exercise, or failure to exercise, statutory powers, including (but not limited to) the way in which the investigations were undertaken and the conclusions that were reached.³

[6] This judgment deals with an application for discovery made in the context of the applications for judicial review.

[7] The discovery application is advanced by the applicants who seek directions that the Attorney-General (first respondent in these proceedings) disclose a full copy of documents referred to in the Attorney-General's statement of defence.

[8] It is common ground that the documents contain personal information and that privacy concerns will need to be addressed. While a redacted copy of the document

1. *Pilgrim v Attorney-General* [2023] NZEmpC 105, [2023] ERNZ 454; *Courage v Attorney-General* [2022] NZEmpC 77, (2022) 18 NZELR 746.

2. *Pilgrim v Attorney-General (No 2)* [2023] NZEmpC 227; *Courage v Attorney-General (No 2)*

[2024] NZEmpC 222, [2024] ERNZ 1052.

3. The Court granted the applicants leave to amend previous statements of claim (pleading tortious breaches of statutory duty) to plead an action in judicial review: *Courage v Attorney-General (No*

16) [2024] NZEmpC 247, [2024] ERNZ 1163. The Court of Appeal has granted leave to appeal against this decision: *Attorney-General v Courage* [2025] NZCA 311.

has already been provided to the applicants, the applicants want to be provided with an unredacted version of it. The solution to the

privacy concerns raised by counsel for the Attorney-General which Mr Henry has advanced on behalf of the applicants, is that the documents be provided in unredacted form on a counsel-to-counsel basis.

[9] While the Attorney-General is prepared to abide the decision of the Court, a number of issues are raised. First, it is said that the information that has been redacted is irrelevant to the matters at issue in these judicial review proceedings and does not need to be disclosed. Second, that no good reason has been advanced as to why the applicants seek access to the redacted material relating to the identity of various individuals or their personal details. Third, that while not conceding that the redacted material is relevant, a process is underway to deal with the privacy issues that have been identified with a view to possible disclosure. The process, it is said, may obviate the need for formal orders to be made.

Approach to document disclosure

[10] Discovery is not available as of right in judicial review proceedings. That reflects the fact that such proceedings are designed to focus on the core issues involved and be dealt with expeditiously, rather than being bogged down in many of the case management processes that tend to accompany ordinary proceedings.⁴

[11] As the Court of Appeal has confirmed, an application for discovery is to be assessed by reference to the pleadings.⁵ As is also well established, on judicial review matters it is important that the material placed before the Court is reduced to the minimum.

[12] Also relevant in this jurisdiction are the extended powers of the Court under [s 189](#) of the [Employment Relations Act 2000](#) (equity and good conscience jurisdiction).⁶

4. *Chatfield & Co Ltd v Commissioner of Inland Revenue* [2016] NZCA 614, (2016) 27 NZTC 22- 084 at [20].

5 *Chatfield*, above n 4, at [21].

6 See too [s 194\(4\)](#).

Discussion

[13] The documents are plainly relevant to the decision-making processes at issue in these proceedings, no doubt reflected in the fact that the Attorney-General specifically pleads them in her statement of defence. But the fact that the documents are referred to in the statement of defence does not make the entire contents of them relevant and discoverable.

[14] The documents include interviews with various individuals whose names, along with the names of other individuals, have been redacted. I agree with counsel for the Attorney-General that it remains unclear why the names of individuals interviewed by the Labour Inspector are relevant to the matters at issue. Other parts of the documentation have been redacted, including significant portions of them. Counsel for the Attorney-General say that these redactions relate to personal information which is both irrelevant and which gives rise to privacy concerns for non- parties.

[15] If the redacted material contains irrelevant information (personal or otherwise) there is no basis for requiring disclosure of it. If the redacted material contains personal relevant information that gives rise to privacy concerns, appropriate steps can be taken to deal with such matters.

[16] Counsel for the Attorney-General advise that, in an effort to deal constructively with the disclosure concerns raised by the applicants, a process is underway to ascertain from each of the named individuals whether they have a concern about their names and personal details being disclosed in these proceedings. That process is not yet complete. It may be, as counsel point out, that once the process is concluded the documents can be provided in their entirety.

[17] I consider a staged approach to be appropriate, allowing the Attorney-General's process to be completed, having particular regard to the fact that there is time available to enable that to happen (given the hearing is planned for March 2026). A regular update to the Court from counsel for the Attorney-General would be helpful, as to

progress with the inquiries being made, the outcome of them and when the process is likely to be completed. A memorandum should be filed and served on a fortnightly basis in this regard.

[18] As I have said, it may be that, following the process, unredacted versions of the documents can be provided. It may also be that issues as to relevance remain, in which case the contested material will need to be reviewed by the Court to assess the claims as to relevance.

[19] Finally, I note that decision-makers exercising public authority owe a duty of candour in relation to the provision of

relevant background documents to the decision; this includes documents that assist an applicant's case and which may give rise to further grounds of challenge that may not occur to the claimant. Counsel for the Attorney-General are well aware of that obligation.

Result

[20] The current application for disclosure orders is declined. The Attorney- General is to provide a fortnightly update to the Court on progress with the process currently in train for dealing with privacy issues in respect of the redacted material in the documentation. Leave is reserved to bring the matter back before the Court if that proves necessary.

[21] Costs are reserved.

Christina Inglis Chief Judge

Judgment signed at 12.45 pm on 21 July 2025

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