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Pilgrim v Attorney-General [2022] NZEmpC 145 (18 August 2022)

Last Updated: 24 August 2022

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2022\] NZEmpC 145](#)

EMPC 85/2022

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

AND IN THE MATTER of an application to exclude evidence
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: 11 August 2022

Appearances: B P Henry, counsel for plaintiffs
J Catran and A Piaggi, counsel for first defendant
P Skelton QC and C Pearce, counsel for second
defendants R Kirkness, counsel to assist the Court

Judgment: 18 August 2022

INTERLOCUTORY JUDGMENT (NO 6) OF JUDGE B A CORKILL

(Application to exclude evidence)

SERENITY PILGRIM, ANNA COURAGE, ROSE STANDTRUE, CRYSTAL LOYAL, PEARL VALOR AND VIRGINIA COURAGE v THE ATTORNEY-GENERAL SUED ON BEHALF OF THE MINISTRY OF

BUSINESS, INNOVATION AND EMPLOYMENT, LABOUR INSPECTORATE [\[2022\] NZEmpC 145](#) [18

August 2022]

Introduction

[1] A hearing is about to be held to consider the plaintiffs' assertion that they were, during their time at the Gloriavale Christian Community (Gloriavale), employees.

[2] Their claims are strongly contested by senior leaders of Gloriavale, who are the second defendants.

[3] After the plaintiffs filed some 20 briefs of evidence for the upcoming hearing, the second defendants raised multiple admissibility objections. They say 297 paragraphs of 16 of the briefs should not be read, either in whole or in part; and that there are two further briefs which should not be read at all.

[4] They also seek rulings from the Court as to the admissibility of multiple documents in the five proposed volumes of the common bundle.

[5] The plaintiffs oppose the second defendants' admissibility applications, saying that the evidence they propose to place before the Court is all properly admissible. Further, there is a practical reason for including most of the contested documents in the common bundle.

[6] The present case is a sequel to another one which was heard and determined earlier this year: *Courage v Attorney-General*.¹ There, the plaintiffs were three men who were formerly members of the Gloriavale community. Here, the plaintiffs are six women who were formerly members of the Gloriavale community.

[7] As in *Courage*, each plaintiff in this proceeding has brought claims against the Labour Inspectorate, alleging that there was a failure to exercise the Inspector's protective duties under the [Employment Relations Act 2000](#) (the Act).²

[8] However, those particular claims will not be considered at the upcoming hearing, which is limited to the sole question as to whether the plaintiffs were at all

¹ *Courage v Attorney-General* [2022] NZEmpC 77.

² At [4].

material times employees under [s 6](#) of the Act. Accordingly, the first defendant has filed no notice of opposition to the plaintiffs' applications.

[9] Finally, the second defendants have sought an extension of time for the filing of their own evidence, on the basis the objections they raise should be resolved first. There is no opposition to this approach.

Procedural matters

[10] This case is being dealt with under an order of urgency.³ A long fixture is scheduled to commence on 29 August 2022. Consequently, after the applications came before the Court on 1 August 2022, a prompt objections hearing was arranged in conjunction with counsel. A Scott Schedule was then prepared containing a summary of the plaintiffs' and the second defendants' positions;⁴ and submissions have also been exchanged.

[11] A hearing was held on 11 August 2022 which provided counsel with an opportunity to address all the issues.

[12] These processes have assisted the Court in resolving the various issues comprehensively, but quickly.

Background

[13] Before referring to the submissions, it is necessary to summarise the case advanced by the plaintiffs on the one hand and the second defendants on the other.

[14] The six plaintiffs are of varying ages. Their claim relates specifically to their early adult life before they either married or left the community.

³ *Pilgrim v Attorney-General* [2022] NZEmpC 53.

4. A Scott Schedule provides a means by which the position of each party with regard to multiple issues can be listed in tabular form, allowing a response to be recorded for each party on a per allegation basis, together with reference to relevant documents or other documents. A separate column allows the Judge to then record a finding for each allegation when considering the matter later.

[15] The plaintiffs say they were all young, single women who, on leaving the Gloriavale school at around 15 years of age, began working on a four-day rotation in a variety of non-residential facilities within the community. The rotation included one day spent cooking meals, one cleaning community facilities, another doing communal and commercial laundry, and a day spent preparing food.

[16] They allege they received one morning off in eight days, and one week of leave in a year. They received no wages, but were provided with food, accommodation and other benefits of the community.

[17] The plaintiffs were all born into the community. Four of the six signed a Declaration of Commitment (the Commitment) and were expected to abide by the community's foundational "What We Believe" document which details restrictive expectations of women (and the community more generally).

[18] The plaintiffs say there was an all-pervading regime of control of them by the leadership of the community, as will be described shortly.

[19] The Labour Inspector conducted an investigation into the community that concluded in a report of July 2021 that there was no employment relationship between the community and its members.

The pleadings

[20] Against that background, it is necessary to consider the details contained in the plaintiffs' statement of claim, and in the second defendants' statement of defence. The pleadings define the issues for admissibility purposes.⁵

[21] In their statement of claim, the plaintiffs contend they were not volunteers, but employees, working under significant control, both secular and religious. That control purportedly extended as far as to decisions on education, marriage, and place of residence, as well as matters such as clothing and hair length.

5 *APN New Zealand Ltd v Simunovich Fisheries Ltd* [2009] NZSC 93, [2010] 1 NZLR 315 at [20].

[22] The plaintiffs note the use of the word "submit" in the Commitment. A central aspect of their claim is that, by "submitting", a signatory to the Commitment agrees to the Shepherds having absolute power and control over the member and any offspring, including on the matters just referred to. It is also said to restrict freedom of thought or religion.

[23] The plaintiffs go on to say there was no ability to refuse to perform work without attracting significant consequences. These included spiritual consequences such as eternal damnation, as well as denial of food, corporal punishment, public shaming, and temporary and permanent expulsion from the community. They allege that the Shepherds taught the members of the community that "if you do not work, you do not eat".

[24] While four of the plaintiffs signed the Commitment, this is alleged to have been a choice made under duress, ignorance, peer pressure, and conditioning by the Shepherds since birth. Their decision was also made in circumstances where they did not have full knowledge of the community, including its alleged history of sexual offences.

[25] They say they had no access to money, no alternative means of support, no ability to seek help, and no access to transportation. As minors, they say they lacked the life skills required to establish themselves outside the Gloriavale community, including because they were only educated to the extent necessary to carry out menial labour. This is said to be a breach of the Convention on the Rights of the Child.⁶ They say there were accordingly physical and psychological barriers to leaving the community.

[26] One of the causes of action brought by the plaintiffs relates to their status: should the Court declare under s 6 of the Act that they were at all material times employees?

6. United Nations Convention on the Rights of the Child [1577 UNTS 3](#) (opened for signature on 20 November 1989, entered into force 2 September 1990), art 17.

[27] Turning to the second defendants' statement of defence, they deny the plaintiffs' key allegations in many respects.

[28] They say they were known as Shepherds, which is a role of a religious nature. They reject the interpretation of the Commitment taken by the plaintiffs, explaining it is only intended to be a religious expression of belief, in particular, of the New Testament of the King James Version Bible; and it is not intended to create legal relations.

[29] The second defendants specifically deny the meaning attributed to the word "submit" by the plaintiffs. They contend that it expresses a willingness to "submit" oneself to God, the Shepherds, and other Christians.

[30] The second defendants deny that the Shepherds had power to decide every aspect of the plaintiffs' lives, instead claiming that most decisions were, and are, made by the plaintiffs' parents, the plaintiffs themselves, or by consultation between them and the community. Thus, the Shepherds are said not to have absolute control over work placements, education, marriage, food, and accommodation. Education and accommodation are made available by the community but are not compulsory. They also deny prohibiting freedom of thought or religion.

[31] The second defendants also claim that signing the Commitment is confirmation that the signatory has read Gloriavale's "What We Believe", which is said to be a summary of beliefs taken from the New Testament, and not the final authority on the rules of the Gloriavale community. It is a living document updated from time to time; the Bible remains the complete and final source for the beliefs, practices, and doctrine of the Gloriavale community.

[32] The second defendants argue that none of the documents conferred any legal authority on the Overseeing Shepherd to dictate how any person lives. They insist that the plaintiffs could choose to leave at any point, as they eventually did.

[33] Finally, they deny that a declaration should be made declaring the plaintiffs were employees.

[34] The first defendant, the Labour Inspectorate, is said to have breached its statutory duty through its inaction. The plaintiffs allege that this compelled the plaintiffs to live lives of servitude causing significant hurt and humiliation. However, as noted, that claim will not be heard in the upcoming hearing. The Attorney-General, acting on behalf of the Labour Inspector, has been granted leave to appear at the forthcoming hearing.⁷

Grounds of objection

[35] Before outlining the grounds of objection to the content of the plaintiffs' intended evidence, I record that their 20 intended briefs relate to evidence which is to be given by:

- (a) the six plaintiffs;
- (b) six other women who did, or who still reside, at Gloriavale;
- (c) six men who did, or still, reside at Gloriavale; and
- (d) two expert witnesses.

[36] The second defendants' notice of application summarises the grounds of objection as follows:

- (a) It is alleged that the briefs of Lilia Tarawa, and Sandra James contain inadmissible expert opinion evidence and do not comply with the Code of Conduct for Expert Witnesses. It is asserted the Court will not obtain substantial help from their evidence because they contain material in the nature of submissions; and have no bearing on the matters at issue in the proceeding.
- (b) Paragraphs in 16 other briefs contain evidence that it is alleged are scandalous in nature and either:

⁷ *Pilgrim v Attorney-General* [2022] NZEmpC 83.

- is irrelevant to the matters in issue in the proceeding; or
 - alternatively, is of such marginal relevance that any probative value is significantly outweighed by the risk that the evidence will have an unfairly prejudicial effect on the proceeding.
- (c) That evidence includes wide-ranging allegations of a sexual and/or criminal nature (often formulated in vague but sensationalised terms), including against named individuals who are not parties to the proceeding.
- (d) Further, and in the alternative, these briefs contain alleged inadmissible hearsay and/or inadmissible opinion evidence.
- (e) It is also alleged the briefs contain breaches of suppression orders made under the [Criminal Procedure Act 2011](#) (the CPA).
- (f) It is asserted that if the two impugned briefs, and the various paragraphs in 16 other briefs are read, there will be an unfairly prejudicial effect; moreover, the second defendants would likely need to respond to these matters in their evidence. These factors will needlessly prolong the proceeding, and escalate costs.

[37] Attached to the notice of application was the Schedule, itemising each ground of objection as contained in the 16 impugned briefs, and in the two further briefs which it is asserted should not be read at all.

[38] The plaintiffs' opposition to these claims are contained in the submissions filed on their behalf, to which I will come shortly.

Submissions of counsel

[39] Mr Skelton QC, counsel for the second defendants, said the briefs of evidence which had been filed for the plaintiffs presented a dark picture of life in Gloriavale in general and a wide-range of grievances against the second defendants. He submitted

that large portions of the evidence had no relevance, or alternatively, very little relevance, to whether or not the plaintiffs were employees of the second defendants.

[40] Much of it was scandalous in nature and gave every appearance of having been included to embarrass or prejudice the second defendants. If that was the intent, it would be an abuse of process. If that was not the intent, the Court should not in equity and good conscience permit material that was scandalous and irrelevant, or alternatively any relevance would be far

outweighed by its prejudicial effect.

[41] Mr Skelton submitted that the case has generated significant media interest. He said it was highly likely that scandalous material, if read out in Court, would be repeated in the news media, and that this negative media attention may endanger important commercial relationships that Gloriavale has with its customers and suppliers, to the detriment of those who continue to live in the Gloriavale community.

[42] Some of the challenged evidence accused named non-parties of sexual misconduct. Those claims had not been pleaded and were not relevant to whether the plaintiffs were employees. There was no allegation in the statement of claim that non-parties, or any of the second defendants, had abused any of the plaintiffs. Allowing this material to be read out in open Court was unfair to the persons accused, who would have no opportunity to respond to the allegations and could impact on relevant fair trial rights.

[43] The Court should not, Mr Skelton argued, let the plaintiffs turn the trial into a commission of inquiry into Gloriavale, its beliefs, whether the leadership have lived up to those beliefs, how well (or poorly) the community may have been run, or any wrongdoing alleged to have occurred in the community over the past 50 years. These were all matters that would be outside this Court's jurisdiction. If there was evidence of wrongdoing, civil or criminal, the plaintiffs should present it in the appropriate forum.

[44] Mr Skelton went on to refer to applicable admissibility rules, and then responded in detail to submissions made for the plaintiffs. He emphasised that there were no express pleadings on a number of topics, including sexual abuse, sexual

harassment (which was not able to be assessed except as a personal grievance), as to any duty that the second defendants failed to keep the workplace safe, and as to conclusions that may be drawn from Working for Families arrangements which was not a [s 6](#) status issue.

[45] After referring to those submissions, Mr Skelton summarised the second defendants' objections, saying that their concerns fell into several broad categories:

- (a) allegations of lying, dishonesty, theft, bribery, and misleading government agencies;
- (b) allegations of minimising tax obligations and maximising government benefits;
- (c) allegations that Gloriavale residents were not provided with adequate dental or healthcare;
- (d) allegations (or insinuations) of sexual abuse or harassment;
- (e) alleged physical abuse of young children;
- (f) egregious hearsay;
- (g) other irrelevant evidence that could only have been included for its prejudicial effect;
- (h) evidence about the state of mind of persons other than the witness; and
- (i) opinion, often verging on submission, characterising Gloriavale and life in the community in a negative fashion.

[46] These themes were then catalogued according to each individual objection laid out in the Schedule.

[47] Mr Skelton also explained why the various directions as to inclusion of documents in the agreed bundle had been raised.

[48] Finally, counsel said that the Court should establish a timetable for the plaintiffs to file amended briefs, and the second defendants to file their briefs, and for the finalising of the common bundle.

[49] Mr Henry, counsel for the plaintiffs, submitted that the statement of claim pleads a series of "scandalous" behaviours by the second defendants. He acknowledged that the pleadings had to be considered to assess relevance and admissibility, referring to the paragraphs of the statement of claim set out earlier.

[50] He submitted that the thrust of the plaintiffs' case is that they and all women in Gloriavale live in "slave-like conditions". They work on a property they do not own; they do not have a home or house of their own but live in a room in a hostel, often together with six to eight other persons.

[51] Mr Henry submitted the plaintiffs' case was that they live in a "work hostel", so that day-to-day living was impacted by the work relationship. There was no personal life beyond the influence of the employer.

[52] References in the briefs of evidence to sexual misconduct demonstrated the power and control of male leaders over the females working in the community. The evidence was relevant to the second defendants' management behaviour whilst operating the Gloriavale community.

[53] With regard to such conduct, it was to be noted:

- (a) It had been acknowledged by a recent media release.
- (b) It could not be excluded as "prejudicial and scandalous", because the evidence of extensive sexual misconduct was true.

(c) The sexual misconduct was known to the second defendants.

(d) The prevalence of sexually inappropriate behaviour against the plaintiffs in their residence and workplace – the two being the same place – was material to the issue of their working in an employment relationship, and the conditions of that relationship.

[54] Mr Henry said that in light of those factors, the Court would be asked to draw conclusions as to the power and control of the second defendants in the work relationship; sexual predation, and the inability of women to resist, were all aspects of this important evidence.

[55] In his oral submissions, Mr Henry developed this point, with reference to the matters put in issue by the statement of claim on the one hand, and the statement of defence on the other. He said that there are fundamental disagreements as to the scope of control. The only way the plaintiffs could prove their case was by giving examples of behaviour, a lot of which he said was scandalous, and a lot of which was sexual in nature, because that is where the extent of power and control over women lay.

[56] Turning to evidence about assertions the plaintiffs would make about Working for Families entitlements, Mr Henry submitted that this too was part of the factual matrix. It was not correct to say that the plaintiffs and other females do not contribute to the community financially. They did so via Working for Families credits, which was another example of the power and control exercised by the second defendants.

[57] Finally, Mr Henry addressed the draft bundle of documents. On the basis that volumes 1 to 4 had been used for the *Courage* hearing, the plaintiffs in *Pilgrim* wished to use the same bundle again. This would mean they could also be used when it came to dealing with liability issues in respect of the first defendant. He said that certain affidavits in volume 5 could potentially be referred to at the hearing.

[58] Ms Catran, on behalf of the first defendant, confirmed that the Attorney- General reserved his rights and took no position on the majority of the disputed evidence. However, in three memoranda, she provided submissions on past and present prosecutions, and the implications for fair trial rights if some of the contested evidence as to sexual activities of males at Gloriavale were to be given by the

plaintiffs. The submissions followed inquiries with relevant agencies on current prosecutions and investigations, so as to assist the Court.

[59] Ms Catran then made submissions as to the evidence of sexual offending. She said that evidence of this by members of the Gloriavale community who are not the alleged “employers” was not directly relevant to an inquiry into employment status.

[60] She submitted, however, that two aspects of the impugned evidence may be of some relevance in painting the full contextual picture:

- (a) Sexual behaviour towards the plaintiffs by the alleged employers (second defendants) – if used to control the plaintiffs’ behaviour in their alleged employment.
- (b) Treatment of complaints by the leadership, such as re-victimisation of complainants, if used to control the plaintiffs’ behaviour in their alleged employment.

[61] She noted that it may be possible for the general psychological and physical control allegedly exercised by Servants and Shepherds over women in the community to be proven without including detailed evidence of sexual offending, as was done in *Courage*.

[62] Mr Kirkness, counsel to assist, presented submissions as to the general principles of admissibility, both with regard to the [Evidence Act 2006](#) (the EA) and [s 189](#) of the Act, noting that the test of relevance is not an exacting one.

[63] He submitted that the Court may find it useful to draw on the approach taken by the High Court to admissibility issues pre-trial, where it has often been recognised it is difficult to assess admissibility matters in advance, particularly on grounds of relevance.

[64] Then he addressed the topic of relevance for the purposes of an inquiry under [s 6](#) of the Act, submitting that the Court’s inquiry would need to be broad, so that the Court would require a full understanding of the contextual background and structures

within which the plaintiffs operated. Thus, the Court should be particularly cautious before excluding evidence on the ground of irrelevance.

[65] Mr Kirkness addressed the scandalous evidence rule, pointing out that scandal in itself was not a reason for excluding

evidence. Such allegations may nonetheless be relevant.

[66] Finally, Mr Kirkness referred to evidence of alleged sexual offending. He said that this evidence may be considered relevant for the purposes of assessing the type of control which was exercised over the plaintiffs when assessing the real nature of the relationship between the plaintiffs and the second defendants under [s 6](#) of the Act. Particularly relevant may be the impact the leadership's treatment of complaints of sexual offending had on the plaintiffs in their alleged employment. Such evidence may also be relevant if the sexual offending was carried out by the second defendants against the plaintiffs and had the effect of controlling the plaintiffs' behaviour in their alleged employment. Mr Kirkness noted that his submission was similar to that made by the Attorney-General.

[67] Mr Kirkness also submitted that detailed evidence of sexual offending, particularly where it involved individuals who were not the alleged employers, may involve substantial prejudice, especially for those involved in pending criminal prosecutions.

[68] I will refer to the general themes of counsel's submissions later, where necessary.

The correct approach to evidence issues

[69] I begin with the general principles which apply to admissibility of evidence in the Employment Court. In *Maritime Union of New Zealand v TLNZ Ltd*, it was stated:⁸

[14] ... Although the Employment Court is noticeable by its absence from the schedule of courts to which the [Evidence Act](#) applies expressly, the [Evidence Act](#)'s principles and contents are nevertheless an important source

8 *Maritime Union of New Zealand v TLNZ Ltd* [2007] ERNZ 593 (EmpC) at [14].

of reference whenever the admissibility of evidence is challenged or otherwise in question.

...

[27] So seen, the Court should consider carefully, and be influenced by, the general law of evidence in exercising its broad discretionary jurisdiction under [s 189\(2\)](#) of the [Employment Relations Act](#)...

[70] In more recent cases, the Court has considered that the focus of the inquiry is the equity and good conscience test under [s 189\(2\)](#) of the Act, as reflected in these observations of Chief Judge Inglis:⁹

[53] To put it another way, consideration of whether or not evidence and/or information should be "admitted", "accepted" or "called for" in this Court will be informed by a broader inquiry than simply whether the proposed evidence and/or information would be admissible in the High Court, although the principles expressed in the [Evidence Act](#), including those in [s 6,10](#) may assist in the assessment process. The starting point is, however, the Court's broad discretion in [s 189](#), and it is the twin principles of equity and good conscience which must be looked to for the guiding light in exercising the Court's discretion under that provision.

[71] Mr Skelton argued that a two-step analysis is appropriate.¹⁰ He said that first, the Court should under [s 189\(2\)](#) of the Act determine whether the evidence would be admissible under the general law of evidence; and then, in light of that determination, consider whether to exercise the residual discretion under the subsection to admit the evidence.

[72] Case law to date has not found a rigid two-step approach is essential on each occasion when admissibility may be considered. In some instances that may be helpful, but at the end of the day the Court must consider the evidence should be admitted "as in equity and good conscience it thinks fit".

9. *Lyttelton Port Company Ltd v Pender* [2019] NZEmpC 86, [2019] ERNZ 224. See also *Courage v Attorney-General* [2022] NZEmpC 23 at [7].

¹⁰ Referring to extra-judicial commentary with regard to a case concerning another jurisdiction: *Professional Conduct Committee v Health Practitioners' Disciplinary Tribunal* [2020] NZCA 435, (2020) 25 PRNZ 571; referred to in Judge B Corkill's "Issues Relating to Employment Court Hearings: A Judge's Perspective" (paper presented for the NZLS Employment Law Conference, Wellington, 2020) at 421 and 423. The *Health Practitioners'* decision contained a similar, but not identical, provision to [s 189\(2\)](#), because the Tribunal in question was expressly bound by the [Evidence Act 2006](#).

[73] In many instances, consideration of the applicable EA guidance may well resolve the question of what in equity and good conscience should be done.

[74] I turn now to consider the provisions of the general law of evidence which relate to the grounds of objection I must consider.

[75] The second defendants contend that many passages in the plaintiffs' intended evidence is irrelevant for the purposes of the issues in the case.

[76] [Section 7](#) of the EA states the fundamental principle that relevant evidence is admissible. [Section 7\(3\)](#) defines relevant as having a "tendency to prove or disprove anything that is of consequence to the determination of the proceeding".

[77] There are therefore two elements to determining relevance: probative value, and materiality. That is, the evidence must have a tendency to prove or disprove a fact; and that fact must be material to the determination of the proceeding.

[78] In terms of probative value, the Supreme Court commented on the necessary scope of the relevant evidence finding that it is not an exacting test:¹¹

... Any definition of relevance has to accommodate all kinds of evidence and in particular circumstantial evidence, individual pieces of which are often of slender, and sometimes very slender, weight in themselves. *The question is whether the evidence has some, that is any, probative tendency, not whether it has sufficient probative tendency.*

[79] Materiality should be assessed in light of the plaintiffs' claims. In this proceeding, evidence will be material if it is of consequence to the question of whether the plaintiffs were employees while at Gloriavale.

[80] Under the Act, the question of whether someone is an employee is answered by considering a wide range of matters with the deciding factor being the true nature of the relationship.¹² This is necessarily a broad inquiry.¹³

¹¹ *Wi v R* [\[2009\] NZSC 121](#), [\[2010\] 2 NZLR 11](#) at [\[8\]](#) (emphasis added).

¹² [Employment Relations Act 2000, s 6](#).

¹³ *Leota v Parcel Express Ltd (No 2)* [\[2019\] NZEmpC 160](#) at [\[4\]](#).

[81] In the ruling of Chief Judge Inglis of 22 February 2022, in the *Courage* proceeding, she said this as to the correct approach:¹⁴

Overlaying this case is the relatively novel context in which the plaintiffs undertook their work, within a community with a particular structure and way of approaching various aspects of life (including work). The inquiry will necessarily be broad. It will require the Court to have a full understanding of the contextual background, including the reality of the parties' relationship; the structures within which work was undertaken, for whom and why; and the documentation relied on by the Gloriavale defendants and the extent to which it reflects the parties' intention.

[82] I respectfully agree with, and adopt, these observations.

[83] The second defendants argue that some of the evidence, in addition to being irrelevant, is also scandalous.

[84] Three recent New Zealand cases were cited. The most useful is *Van der Kaap v Attorney-General*, which states the principle as follows:¹⁵

This Court also has a general jurisdiction to expunge scandalous matter in any proceedings. The matter must be both scandalous and irrelevant...

Allegations of dishonesty and outrageous conduct are not scandalous if relevant to the issue.... The sole question whether a pleading contains scandalous material is whether the matter alleged to be scandalous would be admissible in evidence to show the truth of any allegation in the pleading which is material with reference to the relief prayed...

[85] This makes clear that the primary issue remains whether the evidence is relevant, as such evidence remains admissible even if it is scandalous. This was confirmed in *Z v Z* in this way:¹⁶

Statements which may come within the meaning of the expression "scandalous" should not be struck out on the sole ground that they are scandalous. Allegations which may be described as scandalous may also be relevant and in that event they should not be struck out (unless inadmissible on other grounds contained in the [Evidence Act](#)).

¹⁴ *Courage v Attorney General* EMPC Auckland 363/2021, 22 February 2022, at [\[6\]](#).

¹⁵ *Van der Kaap v Attorney-General* [\(1996\) 10 PRNZ 162](#) at 165–166 (citations omitted).

16 *Z v Z* [2015] NZHC 2674 at [49]. This decision was overturned on appeal, but not on this point: *Z v Z* [2017] NZCA 94, [2017] NZAR 660. See also *Wilson v Saunders* [2016] NZHC 1211 at [49]; *Hero Sportswear Ltd v Underground Fashions Ltd* (1997) 10 PRNZ 655 (HC) at 657; *Belokon v Kyrgyz Republic* [2015] ONZC 5918 at [24]–[25]; *Holder v Wray* [2018] ONSC 6133 at [40] and [42].

[86] In fact, the question of whether the impugned evidence is scandalous is conceded. Mr Henry acknowledged that it is. The real question, in light of the foregoing authorities, is therefore whether it is nonetheless relevant and thus admissible.

[87] Relevance should also be assessed in totality. A statement that is not relevant by itself may become relevant when considered in the context of the other evidence before the Court. As the Court of Appeal has stated:¹⁷

In our view, the relevance of this evidence, and its probative value, must be assessed by looking at the evidence in totality and alongside other relevant evidence which can support the conclusion...

[88] It is for this reason that Courts are reluctant to determine admissibility challenges based on relevance on a pre-trial basis in civil proceedings.¹⁸ As has been said by the High Court:¹⁹

The jurisdiction to rule in advance of trial that evidence is inadmissible because it is irrelevant is one which should be sparingly exercised. Generally speaking, issues of relevance are best determined by the trial Judge, at trial. An assessment can be made in the context of the way the case is presented at trial, and in the light of all the evidence to be adduced. If I were to rule at this stage that the evidence is irrelevant, I would be doing so in the absence of a full understanding of the relevant transactions, and in the absence of any formal definition, beyond the pleading themselves, of how the case is to be presented... Those factors suggested that only in the very clearest of cases should evidence be ruled admissible on the grounds of lack of evidence at this stage.

Prejudicial

[89] The second defendants have raised many objections with reference to [s 8](#) of the EA, which provides:

8 General exclusion

(1) In any proceeding, the Judge must exclude evidence if its probative value is outweighed by the risk that the evidence will

—

- (a) have an unfairly prejudicial effect on the proceeding; or
- (b) needlessly prolong the proceeding.

¹⁷ *Iongi v R* [2022] NZCA 154 at [27].

¹⁸ *Cridge v Stucorp Ltd* [2020] NZHC 794 at [6] and [12]; *Minister of Education v Carter Holt Harvey Ltd* [2020] NZHC 1539 at [12].

¹⁹ *Cridge*, above n 18, at [15].

...

[90] As explained by the Supreme Court, [s 8](#) is concerned with whether the connection between the evidence and proof is “worth the price to be paid by admitting the evidence”.²⁰

[91] The question is not whether the evidence is likely just to have a prejudicial effect; rather it must be an *unfairly* prejudicial effect.

[92] As is made clear from the wording of [s 8\(1\)](#), however, evidence with sufficient probative value may still be admissible even if it has an unfairly prejudicial effect. The question is whether the risk of unfair prejudice outweighs the probative value. This requires an analysis of both, and a weighting exercise.

Inadmissible hearsay

[93] The second defendants say there are many examples of egregious hearsay, noting that there is also a lot of other hearsay to which they have not objected.

[94] The starting point for hearsay in the EA is that it is not admissible unless one of the exceptions in the Act applies.²¹ A statement is a hearsay statement if it:²²

- (a) was made by a person other than a witness; and
- (b) is offered in evidence at the proceeding to prove the truth of its contents.

[95] Simon France J in *Cridge v Stucorp Ltd* discussed the statutory definitions relating to hearsay statements in these terms:²³

[20] There are several layers in that definition ... [T]he evidence must be a statement (as defined in [s 4](#) of the [Evidence Act](#)) and, to be a hearsay statement the party adducing the statement must be seeking to use the statement as proof of its contents. In that regard evidence can be adduced for multiple purposes. Some of those purposes may be permissible as of right, and some may need to pass through enhanced admissibility hoops in order to be admissible for the desired purpose. If it is admissible as of right, there is no need to determine pre-trial whether it can also be adduced for other purposes. Thus, if the statement is offered as evidence of the state of mind, or knowledge, of the

20 *R v Bain* [\[2009\] NZSC 16](#), [\[2010\] 1 NZLR 1](#) at [\[62\]](#).

21 [Evidence Act 2006, s 17](#).

22 [Evidence Act 2006, s 4](#).

23 *Cridge*, above n 18.

maker of the statement, that use does not engage the hearsay rule and the evidence is admissible as of right as long as the state of mind of the maker is a relevant fact. If the party adducing it also wishes it to be considered as proof of its contents that is something that needs determining but not necessarily pre-trial. Matters relevant to hearsay admissibility such as reliability and unavailability of the maker can also be better informed by trial evidence.

[96] The last sentence was a reference to [s 18](#) of the EA, which describes the general admissibility of hearsay exception to which the Court was referring in *Cridge*.

[97] This summary is apt for present purposes.

[98] That all said, the plaintiffs' submissions do not in most instances argue that the challenged statements should be allowed in under [s 18](#) of the EA. I infer that the plaintiffs' primary position is that the Court's residual discretion under [s 189](#) of the Act is the means by which such evidence may be received.

[99] Accordingly, the following statement in *Pender* illustrates the possible receipt of hearsay evidence under the equity and good conscience jurisdiction:²⁴

[54] An example might illustrate the point. An employee is representing herself in an unjustified disadvantage case against her employer, a large national company represented by a large national law firm. The employee prepares a brief of evidence and serves it on the employer. The brief sets out statements said to have been made by one of the employer company's key clients. The Employment Court has directed the sequential exchange of briefs. The employer files one brief of evidence from the employee's direct manager, coupling it with an objection to the employee's proposed evidence, seeking orders that the statements be ruled inadmissible. Depending on the circumstances, the Court might conclude that it was consistent with equity and good conscience to allow such evidence to be given. That might, in part, be informed by the fact that the well-resourced employer was best placed, if it took issue with the employee's version of events, to lead relevant evidence through its own witnesses. *Ultimately the Court's task is to do justice as a matter of equity and good conscience — and the route to a just and equitable outcome may vary from case to case.*

Inadmissible opinion

[100] A further ground of objection relates to "inadmissible opinion", which the second defendants say requires a consideration of [ss 23](#) to [25](#) of the EA.

[101] Under [s 23](#), a statement of an opinion is not admissible unless one of the exceptions in [ss 24](#) or [25](#) apply. An opinion is defined under [s 4](#) as:

in relation to a statement offered in evidence, means a statement of opinion that tends to prove or disprove a fact.

[102] The relevant exception which is relied on in most instances by the plaintiffs, is [s 24](#):

24 General admissibility of opinions

A witness may state an opinion in evidence in a proceeding if that opinion is necessary to enable the witness to communicate, or the fact-finder to understand, what the witness saw, heard, or otherwise perceived.

[103] Obvious examples of admissible opinions include age, a person's state of sobriety, vehicle speed, and emotional state.²⁵

[104] In *Cross on Evidence*, the learned authors say:26

Non-expert opinion evidence will be admissible when the perceptions and statements of fact of a witness are “conclusions in themselves” or when there is a mixture of inference and fact that cannot be separated. The opinion must be based on what the witness rather than someone else saw, heard or otherwise perceived.

[105] If [s 24](#) is to be applied, an opinion that is not necessary to effectively communicate the information should not be admitted. It is the role of the Judge to draw inferences and form conclusions based on the information the witness provides, not for the witness to do so themselves.

[106] Again, however, an evaluation under [s 189](#) to determine whether particular paragraphs should be admitted is in the end a matter of equity and good conscience.

Analysis

The pleadings and the scope of the issues for resolution

[107] Several pleading issues require consideration.

25 See Mathew Downs (ed) *Cross on Evidence* (online looseleaf ed, Thomson Reuters) at [EVA24.2].

26 See also *R v Proude* HC Auckland CRI 2008-092-1926, 25 November 2009 per Keane J at [104].

[108] Mr Skelton emphasised that the only matter which is to be considered at the upcoming hearing relates to whether a declaration should be made that at all material times the six plaintiffs were employees.

[109] The statement of claim pleads relief in several other respects, one of which is a claimed declaration that, at all material times when the plaintiffs resided in Gloriavale, they were living in servitude. Mr Skelton said the question of whether the Court should make such a declaration was not to be dealt with at the imminent hearing, yet evidence was to be given on the topic.

[110] Mr Henry acknowledged that no request had been made for the declaration as to servitude to be considered at the preliminary hearing. He explained that this particular declaration was aimed at the first defendant. But before that question could be considered it was necessary to resolve the issue of whether there was an employment relationship under [s 6](#) of the Act. That is, the declaration as to status was a necessary first step in the claim being brought against the first defendant. That did not mean that the Court could not consider the issue of servitude when considering status. It had been pleaded as an aspect of the power and control exercised by the second defendants. The word was used in the sense that the plaintiffs, and other women, have had no freedom. It was an aspect of the assertion of total domination of the women who worked in the Gloriavale environment.

[111] I approach consideration of the various objections on the basis that evidence about “servitude”, in the sense used by Mr Henry, is part of the factual matrix, which will require consideration at the status hearing.

[112] Mr Skelton also submitted that, amongst the issues of concerns raised by the second defendants,²⁷ there were matters that had not been pleaded such as:

- (a) particulars of sexual misconduct by the second defendants towards the plaintiffs, or others;
- (b) particulars of sexual misconduct by non-parties;
- (c) whether there had been a failure to keep the workplace safe (whether from sexual misconduct or from other hazards);
- (d) benefit fraud in relation to Working for Families tax credits or otherwise; and
- (e) tax avoidance or minimisation allegations.

[113] Mr Skelton submitted that it was not acceptable for such allegations to be included in evidence, when not pleaded and/or fully particularised, and when not relevant to the [s 6](#) status issue.

[114] Mr Henry responded to this point by submitting that a careful analysis of both the statement of claim and the statement of defence was required. Such an analysis showed that, he said, the second defendants had put many of the key assertions made by the plaintiffs in issue, and it was now necessary for them to prove their case on the disputed issues.

[115] A key issue, he said, related to the domination of the plaintiffs by the second defendants. He submitted that they controlled the practical lives of the plaintiffs. The plaintiffs had to submit to the authority of both the leadership and any other persons that they appointed noting at all times that the second defendants were the persons who undertook the appointing. He said that there is a disagreement between the parties on what the word “submit” meant, as used in the Commitment. The only way the plaintiffs could demonstrate what it meant was by providing examples of behaviour, a lot of which was scandalous, and a lot of which was sexual in nature, because that is where the Court would be able to observe the

extent of power and control over women, the degree to which they are degraded and ignored, and the degree to which they have no voice.

[116] Mr Henry argued that the analysis could not be limited to the workplace itself, because in the unusual facts of this case, an analysis of the context was also essential. Any distinction as to life away from the performance of work itself would be totally artificial, because “all they do is work and sleep”. All aspects of the plaintiffs’ lives,

including what happened in the workplace, were subject to control. So, topics such as the provision of food, the permissible extent of dental and medical treatment, the necessity of submitting to discipline including punishment, public shaming and limitations on education were all examples which illustrated the domination of the women.

[117] Mr Henry submitted that this also included the sex life of women at the community, and the attitude that was taken to sexual abuse where it occurred. The statement of claim referred to the allegation that the plaintiffs had unknowingly and/or unwillingly committed themselves to life in a “Christian community which is a haven for sex offenders”.²⁸

[118] On the question of whether evidence about Working for Families tax credits would be a relevant topic, Mr Henry submitted that the plaintiffs would say that they were frequently told there was no money for essential needs. The intended expert evidence of a chartered accountant, Ms James, was accordingly relevant because it showed that in fact there was sufficient money for women at Gloriavale to be kept in a better lifestyle. However, part of the power and control was to keep them in a “very modest, basic life”. This would be another example of the Shepherds controlling every facet of the plaintiffs’ lives. This feature was inextricably intertwined with the requirement to work.

[119] Mr Henry clarified that the Working for Families evidence was not to establish fraud or deceit by the second defendants but to illustrate the infrastructure which was a yet further aspect of power and control.

[120] I am satisfied that these issues do arise from the various allegations in the statement of claim when considered alongside the statement of defence of the second defendants.

[121] In short, the plaintiffs have pleaded a broad range of examples of the way they lived their lives at Gloriavale may be relevant to the issue of control. The examples they give will, on the plaintiffs’ case, be part of the broad inquiry which [s 6](#) requires.

The “irrelevant and scandalous” ground

[122] It is clear from the authorities referred to earlier that evidence which is scandalous may nonetheless be relevant and therefore admissible.

[123] It is not contested that much of the evidence in question is indeed scandalous. In the end, the objections turn on relevance, and then on the other objections as to unfair prejudice, as well as to inadmissible hearsay and opinion.

My approach to the issue of relevance

[124] Mr Henry submitted both at the telephone directions conference relating to the objections hearing, and at the hearing itself, that the preferable approach would be for all the impugned matters to be considered by the trial Judge, in light of the opening address for the plaintiffs and all other evidence. He strongly submitted that there were obvious difficulties in attempting to resolve many of the numerous objections pre-trial.

[125] Mr Kirkness also referred to this point, citing *Cridge* as discussed earlier.²⁹ He submitted that the authorities show that the courts do not typically exclude evidence before trial so that admissibility of material could be assessed with the benefit of context.³⁰ But he also acknowledged that the assessment necessarily depends on the particular circumstances of each case.³¹

[126] In *Air Chathams Ltd v Civil Aviation Authority of New Zealand*, Hammond J explained policy reasons that may lead to a Judge exercising caution when considering pre-trial admissibility issues.³² He said:

[48] Judges are always hesitant to rule out a brief of evidence at the outset. First, one can never be completely confident that something might not be useful or matters might have been misperceived by the judge at the outset. Secondly, judges do not lightly turn away from the seat of justice matters of “evidence” which one side would like to have before the court. This leads to a sense of grievance on the part of plaintiffs that they have not had their full day in court.

²⁹ *Cridge*, above n 18.

³⁰ For example *Air Chathams Ltd v Civil Aviation Authority of New Zealand* [2003] NZHC 1027; (2003) 16 PRNZ 676 (HC) at [48].

31 *Cridge*, above n 18 at [11].

32 *Air Chathams Ltd*, above n 30.

[127] These observations apply here.

[128] In her ruling as to the admissibility of evidence in *Courage*, Chief Judge Inglis made a similar point when she said:³³

[7] There is some strength in the argument ... that aspects of the intended evidence appear to be of marginal, if any, relevance; at times veer into opinion evidence; and may reasonably be characterised as prejudicial. However, I am concerned not to exclude it prematurely, particularly given the apparent complexities and nuances of the way in which relationships are said to have operated within the Gloriavale community while the plaintiffs resided there, and having regard to the alleged power dynamics involved. The Court is likely to be assisted by a full picture and is well used to sifting the wheat from the chaff. As counsel for the plaintiffs, Mr Henry, rightly acknowledged, at least some of the evidence may ultimately end up on the cutting room floor.

[129] Mr Henry placed some emphasis on the fact that the plaintiffs' case involves primary and secondary witnesses. Particular plaintiffs would give primary evidence, with other witnesses then providing additional information. This point resonates with the dicta of the Court of Appeal in *Iongi v R*, to which I referred earlier, to the effect that a statement which may not be relevant by itself, may become relevant when considered in the context of other evidence before the Court.³⁴

[130] [Section 14](#) of the EA, which this Court may apply by analogy, provides an appropriate mechanism for dealing with this problem. It provides:

14 Provisional admission of evidence

If a question arises concerning the admissibility of any evidence, the Judge may admit that evidence subject to evidence being later offered that establishes its admissibility.

[131] Thus, evidence may under such means be provisionally admitted. Remaining challenges to admissibility can be dealt with at trial, on a witness by witness basis in closings, or by way of rulings in the trial Judge's substantive judgment.³⁵

[132] It is to be hoped that the flow of the hearing is able to proceed without an undue focus on ongoing admissibility issues. Relevant is the important point made by Chief Judge Inglis in *Courage* that, while the Court's discretion may be exercised to allow

33 *Courage*, above n 14, at [7].

34 *Iongi*, above n 17.

35 *The Minister of Education v Carter Holt Harvey Ltd* [\[2020\] NZHC 1539](#) at [\[15\]](#).

much of the proposed evidence to be given over objections of defendants, the extent to which it would end up assisting the Court in deciding whether any of the plaintiffs were in fact employees during their time at Gloriavale, the weight which such evidence might be given, if any, was a different matter, and one which counsel could address fully in closing.³⁶

[133] Finally, I have considered the strong point made by Mr Skelton concerning the possibility that letting in evidence, even provisionally, would needlessly prolong the proceedings. It was his contention that the second defendants would be required to respond to extensive evidence that would have marginal relevance only, and that this would lead to the hearing being extended.

[134] I have approached this issue on the basis that the case is important, that the Court is being required to consider a broad range of material in respect of multiple plaintiffs, and that all parties should have the opportunity of presenting their case fully, within reason.

[135] That may lead to the Court having to consider whether more hearing time should be authorised, but I am not prepared to rule out evidence purely on the basis that it could contribute to extra hearing time being required. If it transpires the hearing has been prolonged by calling unnecessary evidence, a costs issue may arise.

[136] Accordingly, I have concluded that the provisional admission of evidence is necessary in many instances.

Unfair prejudice?

[137] There are several types of objection where I am satisfied that the intended evidence would have an unfairly prejudicial effect on the proceeding.

[138] I deal first with the question of sexual offending. A number of considerations arise.

36 *Courage*, above n 14, at [16].

[139] First, there is an issue as to whether such evidence will have a tendency to prove or disprove anything that is of consequence to the status issue.³⁷

[140] Ms Catran submitted that this would entail a contextual analysis, as mandated by [s 6\(2\)](#) of the Act which requires the Court to determine the “real nature of the relationship”, and the discussion of “all relevant matters” in *Bryson v Three Foot Six*.³⁸

[141] She noted that, in *Courage*, the Court addressed the status issue by considering the factual context of life and work in Gloriavale in a holistic manner. With regard to the indicia of control, a wide range of examples were considered. That approach illustrated what might be necessary in this case.

[142] I agree that this is what is required by [s 6](#) of the Act.

[143] I have considered the submission made by both Ms Catran and Mr Kirkness that the Court is more likely to be assisted by evidence of sexual offending that directly involves the plaintiffs themselves.³⁹

[144] However, there is a difficulty in determining what precisely is meant by the descriptor “sexual offending” at the admissibility stage. Such a term potentially covers a broad range of actions, from what might be termed serious to less serious behaviour.⁴⁰

[145] There is also the point that the plaintiffs effectively contend there was a culture of sexual misconduct that was an aspect of their domination. It was reflected in a range of male behaviours. It is asserted that this affected not only the plaintiffs but was a reality that confronted all female members of Gloriavale. They say the Court needs to see the full picture.

[146] Because of the centrality of the plaintiffs’ case that the full range of such behaviour is relevant to the issue of control, I have decided that equity and good

37 [Evidence Act 2006, s 7](#).

38 *Bryson v Three Foot Six* [\[2005\] NZSC 34](#); [\[2005\] 3 NZLR 721](#), [\[2005\] 1 ERNZ 372](#) at [\[31\]](#)–[\[32\]](#).

39 See paras [\[60\]](#) and [\[66\]](#) above.

40 As itemised in the second defendants’ memorandum of 12 August 2022 at paras [3\(d\)](#) and [\(e\)](#).

conscience requires all such evidence, in the main, to be admitted, notwithstanding the effect this may have on the scope of the hearing.

[147] It may transpire that the distinction referred to by Ms Catran and Mr Kirkness could provide a useful means of evaluation of this class of evidence in due course, the assessment might be assisted by evidence of “all relevant matters” on the topic. However, that is a matter for the trial Judge, and I express no further view on it.

[148] I turn now to the several categories of sexual offending which are the subject of objection.

[149] First, there are passages of evidence where assertions are made about unnamed persons who are not parties to this proceeding, sometimes in respect of unnamed victims, with other details also being vague.

[150] The second defendants cannot be expected to respond to vague and insufficiently particularised assertions of sexual offending. Moreover, such allegations are unlikely to be of assistance to the Court in determining the overall issue of control for [s 6](#) purposes. In such instances, I have therefore allowed the objection.

[151] Next, I refer to assertions of sexual misconduct by named non-parties, who have been the subject of criminal prosecutions in the past, that is, Hopeful Christian and Just Standfast; they were convicted of sexual offending in 1995 and 2019 respectively. Ms Catran confirmed that there are no extant rights which might fall for consideration as an aspect of unfair prejudice. Evidence which is to be tendered by the plaintiffs and their witnesses in relation to these individuals may therefore be provisionally admitted.

[152] The Court understands from evidence which is to be placed before the Court that Hopeful Christian died in 2018. No formal objection has been raised as to evidence about him on that ground. I have concluded that although this circumstance means there may be difficulties in responding to assertions made about him, it is not at this stage established that the probative effect of evidence about Hopeful Christian as the former Overseeing Shepherd would be outweighed by any prejudicial effect.

[153] I now refer to the circumstances of Mr A, who currently has name and fact suppression orders, although I am advised there is a current issue as to whether these orders should be made permanent. That person has been acquitted, so he is presumed to be innocent. So long as the Court respects the suppression orders which exist for the time being in the criminal jurisdiction, I do not think that it would be unfairly prejudicial for evidence concerning Mr A to be provisionally admitted. I will return to non-publication issues later.

[154] The final category relates to two individuals who currently face prosecutions for sexual offending, which overlap with the impugned evidence. They are Mr B and Mr C.

[155] In both instances, name and fact suppression orders currently apply. Trial dates have yet to be fixed.

[156] I was advised by Ms Catran that four of the plaintiffs' witnesses who have filed briefs to date will be witnesses in those criminal proceedings. Some of their impugned evidence overlaps with the evidence they will give during those prosecutions. In particular, the brief of Virginia Courage goes into detail about the alleged offending of both accused, including as to complaints she will say she made to the Gloriavale leaders. I was not informed of the names of the other three witnesses involved.

[157] It is often preferable to have evidence heard in a criminal case before a civil case, to avoid any prejudice in a criminal trial.

[158] A well-known, and convenient, summary of the applicable principles are those outlined by Wootten J in *McMahon v Gould*,⁴¹ subsequently summarised in this Court in *Mann v Alpinewear (NZ) Ltd*, when Judge Travis undertook a comprehensive review of the principles which may potentially apply – albeit when a party to a personal grievance seeks to stay a personal grievance until a related criminal trial has been disposed of.⁴²

41 *McMahon v Gould* (1982) 1 ACLC 98.

42 *Mann v Alpinewear (NZ) Ltd* [1996] 1 ERNZ 248 (EmpC). See also *Russell v Wanganui City College* [1998] NZEmpC 254; [1998] 3 ERNZ 1076 (EmpC); *Sotheran v Ansett New Zealand Ltd* [1999] NZEmpC 58; [1999] 1 ERNZ 548 (EmpC); and *Wackrow v Fonterra Co-operative Group Ltd* [2004] NZEmpC 50; [2004] 1 ERNZ 350 (EmpC).

[159] These principles may be paraphrased for present purposes, although, in doing so, I recognise that, unlike many cases in this jurisdiction, the present is not one where the civil proceeding involves plaintiffs bringing a claim against a defendant who is also an accused. Neither Mr B nor Mr C is a defendant in this proceeding.

[160] The principles may be duly adapted for present purposes as follows:

- (a) Prima facie a plaintiff is entitled to have his or her claims adjudicated upon in the ordinary course of the procedure and business of the Court.
- (b) It is a grave matter to interfere with this entitlement by a stay of proceedings, or some aspect of it, which requires justification on proper grounds. A ruling that some of the impugned evidence not be admitted would amount to being, in effect, a stay.
- (c) There is no entitlement as of right to have a civil proceeding, or part thereof, stayed because of a pending or possible criminal proceeding.
- (d) The Court's task in exercising its discretion and applying its equity and good conscience jurisdiction is one of "the balancing of justice between the parties" taking account of all relevant factors.
- (e) Each case must be judged on its own merits, and it would be wrong and undesirable to attempt to define in the abstract what are the relevant factors.
- (f) One factor which may be taken into account where there are pending, or possible, criminal proceedings is what is sometimes referred to as an accused's "right to silence". That may be a particularly strong factor pointing to the possibility of unfair prejudice.
- (g) But the so-called "right to silence" does not extend to give an accused, as a matter of right, the same protection in related civil proceedings.
- (h) The Court should consider whether there is a real, and not a merely notional, danger of injustice in the criminal proceedings.
 - (i) In this regard relevant factors might include such factors as:
 - the possibility of publicity that might reach, and influence, jurors in a criminal trial;
 - the proximity of the criminal hearing;
 - the possibility of a miscarriage of justice, for example, by disclosure of a defence enabling the fabrication of evidence by prosecution witnesses, or interference with defence witnesses;
 - whether the accused has already disclosed his or her defence to the allegations; and
 - the possibility of effective non-publication orders being made to preserve fair trial rights.

[161] The Court has been provided with a broad summary of the present stage of each prosecution, but not as to the intended facts or specific allegations which will be raised. For example, not all of the factors mentioned in para 160(i) are known to this Court.

[162] However, I note that the Crown, which is obviously aware of this proceeding, has not elected to seek a stay of the

provision of evidence that would otherwise overlap. That means there is no legal impediment to the hearing of evidence about Mr B and/or Mr C. At this stage, this aspect of the civil proceeding may run in parallel with the criminal proceedings.

[163] Next, I note that, were Mr B and/or Mr C to be requested to give evidence, they may decline to do so, or if made the subject of a witness summons exercise their right not to respond to allegations made about them on the grounds of self-incrimination. These, of course, are choices for them. These issues, however, would not preclude the

second defendants from calling other relevant evidence about their alleged sexual offending.

[164] An aspect of potential prejudice to which reference was made at the hearing is the risk which a witness in this proceeding may run if she gives evidence about Mr B and/or Mr C, and is later cross-examined about that material in one or other of the criminal trials. Mr Henry submitted that the relevant witnesses are aware of this problem, and nonetheless wish to provide evidence about Mr B and/or Mr C in this civil proceeding even if that could have consequences for their evidence in the criminal proceeding.

[165] The Court is advised that Virginia Courage, one of the plaintiffs in this proceeding, will give evidence in both trials involving Mr B and Mr C, as a complainant. I am also advised that other witnesses to be called for the plaintiffs will also give evidence in at least one of those trials, but I have not been advised of their identities. I am told there are 19 complainants in the two trials.

[166] Balancing the various competing considerations, I have concluded that the evidence of Virginia Courage about Mr B and Mr C should be admitted on a provisional basis, but with a focus on evidence of complaints in which she was involved, since that evidence may have more direct relevance to the issue of control by the leadership.

[167] I have also decided, however, that evidence from other witnesses to be called by plaintiffs about Mr B and/or Mr C should not be admitted, since the Court does not know who the other potential witnesses in the criminal trials – complainants or otherwise – will be. The Court cannot manage potential fair trial issues if relevant overlapping witnesses are unidentified. That is not to criticise counsel for the Attorney-General as to the extent of information provided to the Court, as I accept there are likely to be good and proper reasons as to why further details have not been provided, at least at this stage.

[168] Finally, with regard to those criminal trials, this Court will obviously need to respect any applicable suppression orders that apply to the various criminal proceedings. I will return to this issue later.

[169] Another aspect of potential unfair prejudice may relate to evidence that does not concern sexual offending, but which is so vague and unspecific that a proper response could not be given. In such instances I have allowed the relevant objection.

[170] With regard to hearsay, I have concluded that if the evidence is on the face of it patently unreliable and/or speculative, and not likely to be of assistance to the Court, the objection on that ground should be allowed. Otherwise it may be admitted on a provisional basis.

[171] In several instances, there is a proper foundation for concluding that the general exception should apply,⁴³ or the impugned evidence is not hearsay under the EA at all, because the evidence is not submitted for its truth.⁴⁴

[172] Similarly, with regard to assertions of inadmissible opinion evidence. If that evidence, on the face of it, is patently unreliable and/or speculative, and not likely to be of assistance to the Court, the objection on that ground should be allowed. Otherwise it may be admitted on a provisional basis.

[173] I note that in some instances there is an overlap between unfair prejudice issues on the one hand, and hearsay and/or opinion issues, on the other.

[174] I also observe that in determining what should be admitted according to equity and good conscience, an assessment of fact and degree as to relevance, and as to any unfair prejudice or as to the nature and extent of inadmissible opinion and hearsay content has been required.

[175] Next, I refer to two related points referred to by Mr Skelton in his submissions. He said the case had generated significant media interest, and that it was highly likely

⁴³ Evidence of Pearl Valor at [140]–[143] and [152]–[153] of her present brief of evidence.

⁴⁴ Evidence of Virginia Courage at [88]–[89], [105], [118], [127]; and evidence of Pearl Valor at

[150] of their present briefs of evidence.

scandalous material, if allowed to be read out in Court, would be repeated in the news media which could impact on Gloriavale's commercial relationships. The related point concerns specific passages which he says can only have been included for prejudicial effect.

[176] The open administration of justice is fundamental to a free and democratic society. It is not the role of the Court to evaluate how evidence which is otherwise properly admissible may be perceived by the media, or the public.

[177] I am also mindful of the fact that, in any event, there is already a substantial amount of prejudicial material about Gloriavale generally in the public domain, which includes, specifically, details of previous sexual offending that has occurred within the community.⁴⁵ The appropriate filters for the purposes of the Court's evaluation of this class of evidence is provided by a consideration of unfair prejudice, hearsay, and opinion factors, not by attempting to evaluate how that evidence may be received by the media or public.

[178] Attached to this judgment is the Schedule, summarising the key points of objections raised by the second defendants in each instance, and the responses made for the plaintiffs. I have recorded my ruling in each instance.

The impugned affidavits

[179] The second defendants objected to the intended evidence of Ms Tarawa, in its entirety.

[180] The brief contains, in tabular form, a summary of her experiences within the Gloriavale community until 2009. She describes her views as to various aspects of the workplace, including the absence of a written employment agreement, and the ability to negotiate; career path education and training; hours of work and breaks; wages; leave; workplace bullying and harassment policies; timekeeping; and health and safety.

⁴⁵ *Standfast v R* [2019] NZCA 666 at [34]. See also a judgment concerning an application by Discovery New Zealand Stuff Ltd which is currently suppressed, but which was attached to Ms Catran's memorandum of 15 August 2022 and served on all other counsel, at [49]–[51].

[181] Ms Tarawa then compares each of those issues against practices which she says operate in other workplaces according to applicable employment law.

[182] First, I deal with the factual matters to which Ms Tarawa refers.

[183] Mr Skelton submitted that her personal experiences, arising from her time at Gloriavale some 13 years ago, were unlikely to be of assistance to the Court. Mr Henry responded by stating that the plaintiffs' case would be that "nothing has changed". Thus, her evidence is relevant. He said that, if the second defendants wished to lead evidence that this was not in fact the position, then the plaintiffs would deal with that issue.

[184] Were this the only objection to Ms Tarawa's intended evidence, it may well have been admissible. There are many other briefs of evidence where intended witnesses propose to speak of the past as well as the present.

[185] However, the evidence as to practices in other workplaces is more problematic. Although Ms Tarawa will say that she has worked in business administration for various New Zealand companies, the identity of which are not referred to, and that she has thereby obtained a deep insight into employee rights. This background would not qualify her as an expert witness on an ultimate issue, so her evidence could not be received under the exception to opinion evidence which relates to experts. More significantly, however, is the point that the Court is unlikely to "obtain substantial help" from Ms Tarawa's views, which is also a prerequisite for the provision of expert evidence.⁴⁶ A specialist court such as the Employment Court is obviously well placed to make any necessary comparative workplace assessments.

[186] This evidence is accordingly inadmissible.

[187] It may be that evidence as to Ms Tarawa's experiences at Gloriavale could be refiled, if relevant and otherwise admissible, but that is a matter for the plaintiffs. It could not include inadmissible opinion evidence comparing work practices at Gloriavale with those of external employers. I agree with Mr Skelton that it would be

very late in the day to allow such a leniency, but the flavour of Ms Tarawa's factual evidence is already evident, and there are parallel themes with other intended witnesses.

[188] I rule that Ms Tarawa's brief of evidence in its present form is not to be read.

[189] The main objection raised regarding Ms James' evidence is that the matters she proposes to include in her evidence do not relate to disputed issues in the pleadings and are not relevant.

[190] I touched on the pleading point earlier. Express reference has not been made in the statement of claim to the Working for Families structure, but there are references to restrictions placed on the plaintiffs and other women as to the use of money. The issues relating to Working for Families is intended to be put as an example of these problems.

[191] Although Mr Henry did assert initially that this evidence was part of the factual matrix but also demonstrated that it was “a deliberate falsehood designed as a control technique used on the women”, at the hearing he clarified that the point of the evidence is to demonstrate the way in which this particular aspect of Gloriavale’s financial affairs was organised.

[192] I accept Mr Skelton’s submission that, were the plaintiffs to allege fraud on the part of the second defendants, then particulars should be properly pleaded: “direct, clear and detailed” pleadings are normally required in such an instance.⁴⁷

[193] However, in light of Mr Henry’s clarification I am not persuaded that there is a pleading issue. Given the broad inquiry the Court will undertake, the evidence in Ms James’ brief is admissible.

Non-publication issues

[194] As mentioned earlier, on behalf of the Attorney-General, Ms Catran has provided the Court details of prosecutions, past and pending. That information has included current suppression orders, both in relation to accused persons, as well as women/girls whose names, and identifying details are protected either by Court order or by the automatic statutory protections of the CPA, or any applicable provisions of the [Victims’ Rights Act 2002](#) (the VRA).

[195] There can be no doubt that mirror orders need to be made in the Employment Court, so that existing orders made in the criminal jurisdiction are not undermined.⁴⁸

[196] Accordingly, it is appropriate to make interim orders of non-publication in respect of the persons, who are described in Schedule B. The names of those persons are to be anonymised in open court, such as by the use of letters of the alphabet as utilised earlier in this judgment.

[197] I also make interim non-publication orders in respect of persons who have a statutory protection of name, and identifying details, as described in Schedule B. Counsel will need to confer for the purposes of developing a means by which such persons cannot be identified in open Court, for consideration of the trial Judge.

[198] The Schedule B orders are interim only at this stage in case it is necessary to vary them in light of suppression orders being modified or discharged in the criminal courts.

[199] It may be necessary for further non-publication orders to be made either in respect of intended evidence of the second defendants, or which may arise during cross-examination of relevant sexual offending, either as already protected under past prosecutions, or which may be given in future trials. Ms Catran said that counsel for plaintiffs, or for the Attorney-General, would alert the Court as to any non-publication orders that may be necessary.

⁴⁸ *WXN v Auckland International Airport Ltd* [2021] NZEmpC 205 at [211]; *GF v Minister of COVID-19 Response* [2021] NZHC 2811 at [14]; *ALA v ITE* [2017] NZEmpC 39, [2017] ERNZ 147 at [177]–[181].

[200] I agree that this will be essential. Careful management of the various non- publication orders will likely be required at the hearing, and this can only be achieved with the assistance of all counsel. How this is carried out will be for the trial Judge. One option may be for counsel to confirm the non-publication issues for each witness before each gives their evidence.

The common bundle

[201] Although the second defendants also filed an application as to the inclusion of certain documents in the draft bundle, a consensus was reached between counsel as to how these issues could be managed.

[202] Mr Henry wishes to maintain the present contents of volumes 1 to 4 – which formed the common bundle used in the *Courage* proceeding, so that the same set of documents could be used in the stages of the litigation.

[203] The difficulty from Mr Skelton’s point of view is that there are documents in those volumes which plainly have no relevance to the present case.

[204] However, counsel have agreed that the documents said to be “irrelevant” in the Schedule of objections to documents, as attached to the second defendants’ notice of application of 8 August 2022, will not be referred to by any party at the upcoming hearing except with leave of the Court.

[205] There are a handful of duplications in these bundles, which can be dealt with practically following agreement between counsel.

[206] Volume 5 relates to several affidavits filed in civil proceedings in another court, by Ms James and Virginia Courage. Counsel have agreed that these documents be removed from volume 5, but that if it becomes necessary to refer to their contents for a good and proper reason, an application in that regard may be made to the trial Judge.

Result

[207] The Court's rulings with regard to individual paragraphs of 16 of the intended briefs of evidence are recorded on Schedule A to this judgment. The impugned passages are not to be read at the hearing.

[208] Ms Tarawa's brief of evidence is not to be read at the hearing. It may be replaced by a compliant brief; if so, that is to be filed and served by **4.00 pm on 23 August 2022**.

[209] Ms James' intended brief of evidence may be read at the hearing.

[210] The issues as to the common bundle are to be resolved as per paras [204] to

[206] above.

[211] After discussion with counsel, I make the following procedural directions:

- (a) Where any objection has been allowed, amended briefs of evidence are to be filed and served for the plaintiffs on or before **4.00 pm on 23 August 2022**. Those briefs, and any further unaffected briefs which refer to documents in the common bundle, are to contain paginated references to the common bundle.
- (b) The second defendants' briefs of evidence are to be filed and served by

4.00 pm on 25 August 2022. Paginated references to the common bundle are to be included.

(c) The common bundle is to be filed and served by **12 noon on 24 August 2022**. A supplementary bundle may be filed and served by the second defendants on or before **4.00 pm on 25 August 2022**.

[212] With regard to the position as to non-publication issues:

(a) I make interim non-publication orders as per paras [196] to [198]; and as elaborated on in Schedule B.

(b) I make a permanent order of non-publication of Schedule B. I also make an interim order of non-publication until further order of the Court of the balance of this judgment, which is not as yet to be published beyond all counsel involved in trial preparation for the upcoming hearing. I will hear counsel as to any issues as to broader publication at a prompt telephone directions conference which the Registrar is to arrange with counsel. I anticipate then issuing further directions as to publication.

(c) No documents pertaining to the objections hearing, including the submissions filed by counsel, are to be published.

(d) The Court's file in respect of the objections hearing may not be searched without leave of a Judge.

[213] Costs are reserved.

B A Corkill Judge

Judgment signed at 11.45 am on 18 August 2022

| SCHEDULE A | |
|--------------------------|------|
| INDEX OF WITNESSES | |
| NAME OF INTENDED WITNESS | PAGE |
| Serenity Pilgrim | 2 |
| Anna Courage | 3 |
| Rose Standtrue | 6 |
| Virginia Courage | 9 |
| Crystal Loyal | 15 |
| Pearl Valor | 17 |
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|-------------------|----|
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BRIEF OF EVIDENCE OF SERENITY PILGRIM

| Paras | | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
|----------------------------------------------------------|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Brief of Evidence of Serenity Pilgrim dated 17 July 2022 | 31-32 | 1. Irrelevant (refer Evidence Act 2006, s 7(2)) 2. Probative value outweighed by risk of unfairly prejudicial effect on proceeding, (refer Evidence Act 2006, s 8(1)(a)) | Heading and entire paragraphs | The probative background is: Background factual matrix of inappropriate discipline Power and Control over women | Paras 31-32 are admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | | | | Discipline – corporal punishment | |
| | 33 | 1. Irrelevant 2. Inadmissible opinion (refer Evidence Act 2006, s 23) | Second, third and fourth sentences (irrelevant). Final sentence (evidence as to someone else's opinion) | The probative background is: Background factual matrix Denied education except for the purposes of the Community | Paras 31-32 are admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | | | | Power and Control over women | |

BRIEF OF EVIDENCE OF ANNA COURAGE

| Paras | | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
|------------------------------------------------------|---|------------------------------|-------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Brief of Evidence of Anna Courage dated 18 July 2022 | 7 | 1. Irrelevant and scandalous | Entire paragraph. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. | Para 7 is admissible as per s 14 EA Objection 1 is disallowed |

| | | | | | |
|--|----|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| | | | | The probative background is: | |
| | | | | Background factual matrix of the nature of the Overseeing Shepherd and his conduct. | |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | | | | Responds to the First defendants evidence | |
| | 8 | <p>1. Irrelevant and scandalous</p> <p>2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding</p> | "So ... belt". | <p>It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.</p> <p>The probative background is:</p> | <p>Para 8 is admissible as per s 14 EA</p> <p>Objections 1-3 are disallowed</p> |
| | | 3. Inadmissible opinion | | Background factual matrix of the nature of the Overseeing Shepherd and his conduct. | |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | | | | Responds to the First defendants evidence | |
| | 21 | <p>1. Irrelevant and scandalous</p> <p>2. Unfair/unconscionable</p> <p>-</p> | Entire paragraph. | <p>It is acknowledged that the conduct related is scandalous conduct, but it</p> | <p>First three sentences of para 21 are admissible</p> |
| | | | | | |

unidentified persons (including “leaders” accused of being “predators”)

is both relevant and true.

The probative background is:

as per [s 14](#) EA

Last two sentences are inadmissible

Background factual matrix of the nature of the conduct faced by Women where they worked

Objection 1 is disallowed.

Objection 2 is partially allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Responds to the First defendants evidence

27

1. Irrelevant and scandalous

Paragraph 27, fourth sentence: “*They ... tortured.*”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

Fourth sentence of para 27 is admissible as per [s 14](#) EA

The relevance is:

Objection 1 is disallowed

Background factual matrix of the nature of the Community Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Responds to the First defendants evidence

27 - 28

1. Irrelevant and scandalous
2. Inadmissible hearsay – alleged victims (“they”) are not giving evidence.
3. Unfair/unconscionable – no particulars given, no ability to respond

Remainder of paragraph 27: “*They ... food*”.

Entire paragraph 28.

See 27 above

Remainder of para 27 and all of para 28 are inadmissible.

Objection 1 is disallowed

Objections 2 and

3 are allowed



29

1. Irrelevant and scandalous

Paragraph 29: “*She ... plan!*”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The probative background is:

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Last four

sentences of para 29 are admissible as per [s 14 EA](#)

Objection 1 is disallowed

| BRIEF OF EVIDENCE OF ROSE STANDTRUE | | | | |
|--------------------------------------------------------|------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Paras | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of Rose Standtrue dated 13 July 2022 | 27 1. Irrelevant 2. Inadmissible opinion | "[Mr A] ... saving." "It ... leaders." | See 27 above | Para 27 is inadmissible Objection 1 is disallowed |
| | | | | Objections 2 is allowed; however, if name of friend in para 26 is disclosed, para 27 is admissible as per s 14 EA , and objection 2 is disallowed |
| | 28 1. Irrelevant and scandalous | "[Mr A] ... own." | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. | Last two sentences of para 28 are admissible as per s 14 EA |
| | | | The probative background is: | Objection 1 is disallowed |
| | | | Background factual matrix of the nature of the Community where worked and lived. | |
| | | | Power and Control over women | |
| | | | Opinion giving context of witnesses | |

| | | | | | |
|--|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | | experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 31 – 35 | <p>1. Irrelevant and scandalous</p> <p>2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding</p> <p>3. Inadmissible hearsay</p> <p>4. Inadmissible opinion</p> <p>5. Unfair/unconscionable – no ability to respond</p> | <p>Heading and entire paragraphs.</p> <p>Entire paragraph 31 is irrelevant.</p> <p>Third sentence is scandalous opinion.</p> <p>Entire paragraph 32 is irrelevant and scandalous</p> | <p>It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.</p> <p>The probative background is:</p> <p>Background factual matrix of the nature of the Leaders and their conduct.</p> <p>Power and Control over women</p> | <p>Heading is admissible</p> <p>Para 31 is admissible as per s 14 EA</p> <p>Objections 1 and 4 are disallowed</p> <p>First two sentences of para 32 are</p> |
| | | | | | |

opinion.

Entire paragraphs 33

and 34 are

irrelevant and scandalous and includes portions of

hearsay and opinion.

Entire paragraph 35 is vague,

irrelevant and scandalous.

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

inadmissible

Remainder of para 32 is admissible as per [s 14](#) EA

Objection 4 is partially allowed

First sentence of para 33 is

inadmissible

Remainder of para 33 is admissible as per [s 14](#) EA

Objection 2 is partially allowed

Fifth and last sentences of para 34 are

inadmissible

Remainder of para 34 is admissible as per [s 14](#) EA

Objections 3 and

4 are partially allowed

Para 35 is

admissible as per [s 14](#) EA

Objection 1 is disallowed

39

1. Irrelevant

2. Probative value outweighed by risk of

unfairly prejudicial effect on proceeding

Entire paragraph.

Relevant

The probative background is:

Background factual matrix of the nature of the

Leaders and their conduct.

Para 39 is

admissible as per [s 14](#) EA

Objections 1 and

2 are disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.



1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Entire paragraphs.

It is acknowledged that the conduct related is

scandalous conduct, but it is both relevant and true.

The probative background is:

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Paras 1-2 are admissible as per [s 14 EA](#)

Objections 1 and

2 are disallowed

1. Inadmissible opinion

Final sentence of paragraph 47.

Final sentence of paragraph 48.

Admissible

The probative background is:

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

[s 24](#)

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Final sentences of each of paras 47 and 48 are

inadmissible

Objection 1 is allowed

1. Contains material in the nature of a submission (refer High Court [Rule 9.7\(4\)\(d\)](#))

Entire paragraph 49.

See 47 -48 above. Admissible opinion

Para 49 is

inadmissible

Objection 1 is allowed

| BRIEF OF EVIDENCE OF VIRGINIA COURAGE | | | | | |
|----------------------------------------------------------|----|---------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Paras | | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of Virginia Courage dated 15 July 2022 | 64 | Inadmissible hearsay | Entire paragraph. | The probative background is: Background factual matrix of inappropriate discipline Power and Control over women | Para 64 is admissible as per s 14 EA Objection 1 is disallowed |
| | | | | Discipline – shunning | |
| | 65 | 1. Irrelevant and scandalous 2. Inadmissible hearsay | Entire paragraph. Allegations raised against named non-party by way of hearsay evidence. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. See 64 above | Para 65 is admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | 74 | 1. Inadmissible opinion | "I ... <i>opposite.</i> " | See 64 above s 24 | Para 74 is admissible as per s 14 EA |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to | Objection 1 is disallowed |

| | | | | | |
|--|----|------------------------------|-----------------------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| | | | | the Court what heard, saw and perceived. | |
| | 79 | 1. Inadmissible opinion | <i>"The ... years."</i> | See 74 above | Impugned sentences of para 79 are admissible as per s 14 EA |
| | | | | | Objection 1 is disallowed |
| | 83 | 1. Irrelevant and scandalous | <i>"Then ... properly."</i> | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. | Impugned sentence of para 83 is admissible as per s 14 EA |
| | | | | The relevance is: | |
| | | | | Background factual matrix of the nature of the | Objection 1 is disallowed |
| | | | | | |

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

84

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect of proceeding

Final sentence of paragraph 84

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Final sentence of para 84 is

inadmissible

Objection 1 is disallowed, but objection 2 is allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

85

1. Irrelevant and scandalous

Final two sentences of paragraph 85.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

Final two

sentences of para 85 are admissible as per [s 14](#) EA

The relevance is:

Objection 1 is disallowed

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect of proceeding

Entire paragraphs 87-

99.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Paras 87-99 are admissible as per [s 14](#) EA

Objections 1-3 are disallowed

Background factual matrix



3. Inadmissible hearsay and opinion

of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

100 -

118

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on proceeding

3. Inadmissible hearsay and opinion evidence

Heading and entire paragraphs.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the
Leaders and their conduct.

Paras 101-110,

113-118 are admissible as per [s 14](#) EA

Paras 100, 111

and 112 are inadmissible

Objection 1 is disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Objections 2 and

3 are partially allowed

119 –

132

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

3. Inadmissible hearsay and opinion evidence

Heading and entire paragraphs.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the
Leaders and their conduct.

Power and Control over women

Paras 119, 120 (first two

sentences), 121,

122 (first and final sentences), 125, 127 (first four sentences), 128 (except for second sentence), 129 (first seven

sentences), 130-

132 are

admissible as per [s 14](#) EA

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Balance of paras 119-132 are

inadmissible

Objection 1 is disallowed

Objections 2 and

3 are partially allowed

133 –

1. Irrelevant and scandalous

Heading and entire

It is acknowledged that the conduct related is

Identity of person referred to in



163

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

3. Includes portions of

inadmissible hearsay and opinion evidence

paragraphs.

scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

heading is

inadmissible

Paras 134 (first

sentence), 137,

138 (first five

sentences), 140,

142-248 and 150-

163 are

admissible as per [s 14](#) EA;

Balance of paras 133-163 are

inadmissible

Objection 1 is disallowed

Objections 2 and

3 are partially allowed

164 –

165.4

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

3. Inadmissible opinion

Entire paragraphs.

It is acknowledged that the conduct related is

scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Paras 164 and

165.1-165.4 are

admissible as per [s 14](#) EA;

Objections 1-3 are disallowed

165.5 – 165.19

1. Irrelevant and scandalous
2. Alternatively, any probative value outweighed by risk of unfairly

prejudicial effect on proceeding

3. Contains inadmissible hearsay

Entire paragraphs.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate
to the Court what heard,

Paras 165.16 –

165.17 and 165.19 are allowed as per [s 14](#) EA; the

balance of paras 165.5 – 165.19

are not

Objection 1 is disallowed

Objections 2 and

3 are partially allowed

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

saw and perceived.

166 -

167

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Paragraph 166:

“We ... when”

Entire paragraph 167

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

First sentence of paras 166, and

para 167 is

admissible as per [s 14](#) EA

Objection 1 is disallowed

Objection 2 is partially allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

183

1. Irrelevant and scandalous

2. Inadmissible opinion

Entire paragraph

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

Para 183 is

inadmissible

Objection 1 is disallowed

The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Objection 2 is allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

186 –

187

1. Irrelevant and scandalous

2. Alternatively, and

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Entire paragraphs.

It is acknowledged that the conduct related is

scandalous conduct, but it is both relevant and true.

The relevance is:

Para 186 is

admissible as per [s 14](#) EA; para 187 is not

Objections 1 and

2 are disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the
Leaders and their conduct.

Objection 3 is partially allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard,



saw and perceived.

192

1. Inadmissible opinion

Final sentence

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

Last sentence of para 192 is
admissible as per [s 14](#) EA

The relevance is:

Objection 1 is disallowed

Background factual matrix of the nature of the
Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Pearl evidence

201 -

204

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Entire paragraphs.

It is acknowledged that the conduct related is

scandalous conduct, but it is both relevant and true.

The relevance is:

Paras 201, 203

and 204 are admissible as per [s 14](#) EA

Para 202 is

inadmissible

3. Inadmissible opinion

Background factual matrix of the nature of the

Leaders and their conduct.

Objections 1 and

2 are disallowed

Power and Control over women

Objection 3 is partially allowed

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

| BRIEF OF EVIDENCE OF CRYSTAL LOYAL | | | | | |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Paras | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection | |
| Brief of Evidence of Crystal Loyal dated 16 July 2022 | 21 – 22 1. Irrelevant 2. Inadmissible opinion 3. Probative value outweighed by risk of unfairly prejudicial effect on proceeding | Entire paragraphs. | The conduct related is scandalous conduct, but it is both relevant and true. The relevance is: Background factual matrix of the nature of the Leaders and their conduct. | Paras 21 and 22 are admissible as per s 14 EA Objections 1–3 are disallowed | |
| | | | Power and Control over women | | |
| | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | | |
| | 23 - 24 | 1. Inadmissible hearsay. | Entire paragraphs | The conduct related is scandalous conduct, but it is both relevant and true. | Paras 23 - 24 are admissible as per s 14 EA |
| | | | | | |
| | | | | The relevance is: | Objection 1 is disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and | |

| | | | | | |
|--|----|----------------------------------------------------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| | | | | necessary to communicate to the Court what heard, saw and perceived. | |
| | 29 | 1. Irrelevant and scandalous 2. Prejudicial effect outweighs probative value | Entire paragraph. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. | Para 29 is admissible as per s 14 EA |
| | | | | The relevance is: | Objections 1 and 2 are disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | | | | | |

The discipline technique of the Shepherds and servants meetings

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

| BRIEF OF EVIDENCE OF PEARL VALOR | | | | | |
|------------------------------------------------------------|----|---------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Paras | | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of Pearl Valor dated 16 July 2022 | 16 | 1. Irrelevant and scandalous 2. Inadmissible opinion | <i>"and ... nose!"</i> <i>"I ... here!"</i> | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Impugned words in para 16 are admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses | |

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|--|----|------------------------------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| | | | | experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | | | | Evidence of Sandra James shows the use of the Leaders misleading women by untruthful verbal abuse. | |
| | 28 | 1. Irrelevant 2. Inadmissible opinion | “She ... it.” | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. | Impugned words in para 28 are admissible as per s 14 EA |
| | | | “(in ... girl)” | The relevance is: | Objections 1 and 2 are disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 31 | 1. Irrelevant 2. Inadmissible opinion | “ <i>Gloriavale’s ... community.</i> ” | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. | Impugned words in para 31 are admissible as per s 14 EA |
| | | | | The relevance is: | Objections 1 and |
| | | | | | |

Background factual matrix of the nature of the Leaders and their conduct.
2 are disallowed
Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

34

1. Irrelevant and scandalous
2. Inadmissible opinion

“I ... kitchen”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

Impugned words in para 34 are admissible as per [s 14](#) EA

The relevance is:

Objections 1 and

2 are disallowed

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

52

1. Inadmissible opinion
2. Prejudicial effect

outweighs any probative value

“and ... girls.”

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

Impugned words in para 52 are admissible as per [s 14](#) EA

The relevance is:

Objections 1 and
2 are disallowed

Background factual matrix of the nature of the
Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

55

1. Inadmissible opinion
2. Prejudicial effect

outweighs any probative value

“but ... sleep.”

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

Impugned words in para 55 are admissible as per [s 14](#) EA

The relevance is:

Objections 1 and

2 are disallowed

Background factual matrix

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of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

118

1. Irrelevant and scandalous
2. Inadmissible opinion

They ... way.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

Impugned words in para 118 are admissible as per [s 14](#) EA

The relevance is:

Objections 1 and

2 are disallowed

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

1. Inadmissible opinion

“(In ...
babies).”

Both relevant and true. The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Impugned words

in the introduction of para 119 are admissible as per [s 14](#) EA

Objection 1 is disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

1. Irrelevant
2. Inadmissible opinion

“The ... it.”

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

Para 126 is
admissible as per [s 14](#) EA

The relevance is:

Objections 1 and

2 are disallowed

Background factual matrix of the nature of the

Leaders and their conduct.

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Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Evidence of Sandra James verifies the opinion.

127

1. Inadmissible hearsay

"It ... for."

Both relevant and true. The relevance is:

Impugned words in para 127 are admissible as per [s 14 EA](#)

Background factual matrix of the nature of the

Leaders and their conduct.

Objection 1 is disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

128

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect

Entire paragraph.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Para 128 is

admissible as per [s 14](#) EA

Objections 1-3 are disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the
Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

131

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect

Entire paragraph.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Para 131 is

inadmissible

Objection 1 is disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the

Objections 2 and

3 are allowed

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Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

133 -

141

1. Irrelevant

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect

3. Contains passages of

inadmissible opinion and hearsay

Entire paragraphs 133

- 141 are

irrelevant (or alternatively, any probative value is

outweighed by risk of unfairly prejudicial effect)

Both relevant and true. The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Paras 133-141 are admissible as per [s.14](#) EA

Objections 1-3 are disallowed

Paragraphs 133,

136 contain inadmissible opinion

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Paragraphs 134,

135, 136, 139,

140 and 141 contain

inadmissible hearsay.

142

1. Inadmissible hearsay

“She ...

fractures.”

Both relevant and true. The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Final two

sentences of para 142 are

admissible as per [s 14](#) EA

Objection 1 is disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

143

1. Inadmissible hearsay

“but ... happened.”

Both relevant and true. The relevance is:

Impugned words in para 143 are admissible

Background factual matrix of the nature of the

Leaders and their conduct.

Objection 1 is disallowed

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Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

144

1 Irrelevant.

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect

Entire paragraph.

Both relevant and true. The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Para 144 is

admissible as per [s 14](#) EA

Objections 1 and

2 are disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

147 –

149

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect

Entire paragraphs.

It is acknowledged that the conduct related is

scandalous conduct, but it is both relevant and true.

The relevance is:

First three

sentences of para 147 and all of para 148 are admissible as per [s 14](#) EA

Background factual matrix of the nature of the

Leaders and their conduct.

Balance of para 147 and all of para 149 are

inadmissible

Power and Control over women

Objection 1 is disallowed

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Objection 2 is partially allowed

150

1. Irrelevant and scandalous 2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect

Entire paragraph.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Para 150 is

admissible as per [s 14](#) EA

Objections 1-4 are disallowed

3. Inadmissible hearsay
4. Inadmissible opinion

“She ... six.”

“Now, ...

displeasure.”

Background factual matrix of the nature of the

Leaders and their conduct.

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Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

152 –

153

1. Irrelevant and scandalous
2. Inadmissible hearsay
3. Unfair/unconscionable – inability to respond

(alleged

attempted rapes of a non-party minor by non- parties)

Entire paragraphs.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Paras 152 and 153 are inadmissible

Objections 1 is disallowed

Objections 2 and

3 are allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

The key to the evidence is how the Leaders treated a women who complained, the female was always at fault.

158

1. Irrelevant and scandalous

“She ... “No”.”

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

Impugned

sentences of para 158 are

admissible as per [s 14](#) EA

The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Objection 1 is disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

159

1. Irrelevant

2. Alternatively, any

probative value outweighed

“, and ... answers.”

Both relevant and true. The relevance is:

Para 159 is admissible save for the fourth



by risk of unfairly prejudicial effect

3. Inadmissible opinion

“Hopeful ... Hopeful.”

Background factual matrix of the nature of the

Leaders and their conduct.

sentence

Objections 1 and

3 are disallowed

Power and Control over

women

Objection 2 is partially allowed

Opinion giving context of

witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

160 -

165

- 1. Irrelevant and scandalous
- 2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect

Entire paragraphs 160

- 165 are

irrelevant and scandalous

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Paras 160-165 are inadmissible

Objection 1 is disallowed

- 3. Contains inadmissible hearsay and opinion

Paragraph 160: “*She ... out*”, and paragraph 165: “*Sweetness*
... it.” are hearsay.

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Objections 2 and

3 are allowed

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

| BRIEF OF EVIDENCE OF TRUDY CHRISTIAN | | | | |
|---------------------------------------------|-------------------------------------|-------------------------------|-----------------------------|----------------------------------------------------------|
| Paras | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence | 5 - 6 | 1. Irrelevant 2. Probative | Entire paragraphs. | Both relevant and true. The Paras 5 and 6 are admissible |

| | | | | | |
|------------------------------------------|----|-----------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| of Trudy Christian filed on 18 July 2022 | | value outweighed by risk of unfairly prejudicial effect on proceeding | | relevance is: Background factual matrix of the nature of the Leaders and their conduct. | as per s 14 EA Objections 1 and 2 are disallowed |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 15 | 1. Inadmissible opinion | Entire paragraph. | Both relevant and true. | Para 15 is admissible |
| | | | | The relevance is: | Objection 1 is disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 24 | 1. Inadmissible opinion | “Well, ... was).” | Both relevant and true. The relevance is: | Impugned words of para 24 are admissible as per s 14 EA |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | Objection 1 is disallowed |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to | |
| | | | | | |

communicate to the

Court what heard, saw and perceived.

30

1. Inadmissible opinion

“The ... sake.”

Both relevant and true. The relevance is:

Impugned words of para 30 are admissible as per [s 14](#) EA

Background factual matrix of the nature of the Leaders and their conduct.

Objection 1 is disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the

Court what heard, saw and perceived.

46

1. Inadmissible opinion

“which ... was.”

Both relevant and true. The relevance is:

Impugned words of para 46 are admissible as per [s 14](#) EA

Background factual matrix of the nature of the Leaders and their conduct.

Objection 1 is disallowed

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

49

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly prejudicial effect on proceeding

*“The ...
breached.”*

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Impugned passage in para 49 is inadmissible

Objection 1 is disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

Objections 2 and 3 are allowed

communicate to the

Court what heard, saw and perceived.

| BRIEF OF EVIDENCE OF HANNAH HARRISON | | | | | |
|---------------------------------------------------------|-------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Paras | | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of Hannah Harrison dated 14 July 2022 | 7 - 9 | 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | Entire paragraphs. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Paras 7-9 are admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women. | |
| | 67 | 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | Final sentence | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Final sentence of para 67 is admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | | | | Both relevant | |

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|--|----|----------------------------------------------|----------------|---------------------------------------------------------------------------|------------------------------------------------------------------------|
| | 78 | 1. Inadmissible opinion as to ultimate issue | First sentence | and true. The relevance is: | First sentence of para 78 is admissible as per s 14 EA |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | Objection 1 is disallowed |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience | |
| | | | | | |

and necessary to communicate to the Court what heard, saw and perceived.

81 - 87

1. Irrelevant
2. Inadmissible hearsay and opinion evidence

Entire paragraphs.

Both relevant and true. The relevance is:

Paras 81-87 are admissible as per [s 14](#) EA

Background factual matrix of the nature of the Leaders and their conduct.

Objections 1 and 2

are disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

1. Irrelevant
2. Inadmissible opinion

Entire paragraph

Both relevant and true. The relevance is:

Para 89 is

admissible as per [s 14](#) EA

Background factual matrix of the nature of the Leaders and their conduct.

Objections 1 and 2 are disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

| BRIEF OF EVIDENCE OF SHARON READY | | | | | |
|-------------------------------------------------------------|----|-------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| Paras | | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of Sharon Ready dated 14 July 2022 | 34 | 1. Inadmissible opinion | Entire paragraph | Both relevant and true. The relevance is: Background factual matrix of the nature of the Leaders and their conduct. | Para 34 is inadmissible Objection 1 is allowed |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |

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|--|----|------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| | 35 | 1. Inadmissible opinion | Final two sentences | Both relevant and true. The relevance is: | Final two sentences of para 35 are inadmissible |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | Objection 1 is allowed |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 37 | 1. Irrelevant and scandalous 2. Alternatively, and probative value outweighed by risk of unfairly prejudicial effect on proceeding | Entire paragraph | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Para 37 is inadmissible Objection 1 is disallowed Objections 2 and 3 are allowed |
| | | 3. Unfair/unconscionable – inability to respond | | Background factual matrix of the nature of the Leaders and their conduct. | |

Power and Control over women

| BRIEF OF EVIDENCE OF CLEM READY | | | | |
|----------------------------------------------------|-----------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Paras | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of Clem Ready dated 15 July 2022 | 6 1. Irrelevant 2. Inadmissible opinion | "I, ... children" | Both relevant and true. The relevance is: Background factual matrix of the nature of the Leaders and their conduct. | Second sentence in para 6 is admissible as per s 14 EA Objections 1 and 2 are disallowed |

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|--|----|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 8 | 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | <i>"I ... this."</i> | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Last two sentences of para 8 are inadmissible Objection 1 is disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | Objection 2 is allowed |
| | | | | Power and Control over women | |
| | 12 | 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | <i>"This ... himself."</i> | Both relevant and true. The relevance is: Background factual matrix of the nature of the Leaders and their conduct. | Last sentence of para 12 is admissible as per s 12 EA Objections 1 and 2 are disallowed |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 13 | 1. Irrelevant and scandalous | <i>"Hopeful ..."</i> | It is acknowledged that the conduct related is | First sentence of para 13 is |

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

restraint".

scandalous conduct, but it is both relevant and true.

The relevance is:

admissible as per [s 12](#) EA

Objections 1-3 are disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

14 - 16

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

3. Inadmissible opinion

Entire paragraphs.

It is acknowledged that the conduct related is

scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the

Leaders and their conduct.

Para 14, first two sentences of para 15, and para 16 are admissible as per [s 14](#) EA

Balance of para 15 is inadmissible

Objections 1 and

3 are disallowed

Power and Control over women

Objection 2 is partially allowed

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

17 - 18

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on proceeding

Entire paragraphs.

Both relevant and true. The relevance is:

Background factual matrix of the nature of the
Leaders and their conduct.

Paras 17 and 18 are admissible as per [s 14](#) EA

Objections 1-3 are disallowed

3. Inadmissible opinion

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

19 - 23

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on

Entire paragraphs.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

Paras 19-23 are inadmissible

Objections 1 and



proceeding

The relevance is:

3 are disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the

Leaders and their conduct.

Objection 2 is allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

24 - 29

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Entire paragraphs.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Paras 24-29 are admissible as per [s 14](#) EA

Objections 1-3 are disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the
Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

30

1. Irrelevant
2. Inadmissible opinion

Final sentence of paragraph 30.

Both relevant and true. The relevance is:

Final sentence of para 30 is
inadmissible

Background factual matrix of the nature of the
Leaders and their conduct.

Objection 1 is disallowed

Power and Control over women

Objection 2 is allowed

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

31

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on proceeding

Entire paragraph

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Para 31 is
admissible as per [s 14](#) EA

Objections 1 and
2 are disallowed

Background factual matrix of the nature of the

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Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

35

1. Inadmissible opinion

“but ... community.

Both relevant and true. The relevance is:

Impugned words in para 35 are admissible as per [s 14](#) EA

Background factual matrix of the nature of the

Leaders and their conduct.

Objection 1 is disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

35

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

“They ... [Mr A].”

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Final sentence in para 35 is

admissible as per [s 14](#) EA

Objections 1-3 are disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

- 1. Irrelevant and scandalous
- 2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on proceeding

Entire paragraph.

Both relevant and true. The relevance is:

Background factual matrix of the nature of the
Leaders and their conduct.

Para 36 is

admissible as per [s 14](#) EA

Objections 1-3 are disallowed

- 3. Inadmissible opinion

Power and Control over women

Opinion giving context of

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witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

- 1. Irrelevant and scandalous
- 2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on proceeding

Entire paragraph.

It is acknowledged that the conduct related is
scandalous conduct, but it is both relevant and true.

The relevance is:

Para 38 is

admissible as per [s 14 EA](#)

Objections 1 and

2 are disallowed

Background factual matrix of the nature of the

Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

39

1. Inadmissible opinion

2. Probative value outweighed by risk of

unfairly prejudicial effect on proceeding

Entire paragraph.

[Section 189 Employment Relations Act](#)

Para 39 is

admissible as per [s 14 EA](#)

Objections 1 and

2 are disallowed

42 – 47

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Entire paragraphs.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Paras 42-46 are admissible as per [s 14](#) EA; para 47 is not

Objection 1 is disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

Objections 2 and

3 are partially allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

| BRIEF OF EVIDENCE OF ISAAC PILGRIM | | | | |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Paras | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of Isaac Pilgrim dated 16 July 2022 | 12 – 14 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | Entire paragraphs. | Both relevant and true. The relevance is: Background factual matrix of the nature of the Leaders and their conduct. | Impugned words of para 12 are admissible per s 14 EA; paras 13 and 14 are not Objection 1 is disallowed |
| | | | Power and Control over women | Objection 2 is partially allowed |
| | | | Opinion giving context of witnesses | |

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|--|----|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| | | | | experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 15 | 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | <i>"The ... option."</i> | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Impugned words of para 15 are admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 16 | 1. Inadmissible opinion | <i>"and ... it."</i> | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Para 16 is admissible as per s 14 EA Objection 1 is disallowed |
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Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the

Court what heard, saw and perceived.

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Paragraph 16:

"[Mr A] ... it."

Entire paragraphs 17

and 18.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and

true.

The relevance is:

Paras 16-19 are admissible as per [s 14](#) EA

Objections 1 and 2 are disallowed

Paragraph 19:

"It ... of."

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

19

1. Inadmissible opinion

"Then ... of."

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and

true.

Impugned sentence in para 19 is

admissible

Objection 1 is disallowed

The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

21

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

Entire paragraph.

Both relevant and true. The relevance is:

Para 21 is

admissible as per [s 14](#) EA



prejudicial effect on proceeding

Background factual matrix of the nature of the Leaders and their conduct.

Objections 1 and 2 are disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the

Court what heard, saw and perceived.

28 - 30

1. Irrelevant
2. Inadmissible opinion

Paragraph 28: “*That’s ... leader.*”

Entire paragraphs 29 and 30.

Both relevant and true. The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Impugned words in para 28, and paras 29 and 30 are admissible as per [s 14](#) EA

Objections 1 and 2 are disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

40 - 45

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly prejudicial effect on proceeding

Paragraph 40: “*They ... goods*”.

Entire paragraphs 41, 42 and 44.

Both relevant and true. The relevance is:

Background factual matrix of the nature of
the Leaders and their conduct.

Paras 40, 41, 43 and 45 are admissible as per
[s 14](#) EA

Paras 42 and 44 are inadmissible

Power and Control over women

Objection 1 is disallowed

Opinion giving context of witnesses experience and necessary to communicate to the
Court what heard, saw and perceived.

Objection 2 is
partially allowed

48

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on

“We ...

humiliated.”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and
true.

Impugned words in para 48 are
admissible as per [s 14](#) EA



proceeding

The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Objections 1 and 2 are disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

49

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

“basically ... appropriate.”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Bracketed words in the impugned passage of para 49 are inadmissible;

the balance is admissible

Background factual matrix of the nature of the Leaders and their conduct.

Objection 1 is

disallowed

Objection 2 is partially allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on proceeding

Entire paragraphs.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Paras 51-54 are admissible as per [s 14](#) EA

Objections 1-3 are disallowed

3. Contains passages of inadmissible hearsay

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw

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and perceived.

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on proceeding

“The ... life.”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

All of para 57 is admissible as per [s 14](#) EA

Objections 1 and 2 are disallowed

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

58

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly prejudicial effect on proceeding

Entire paragraph.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Para 58 is

admissible as per [s 14](#) EA

Objections 1-3 are disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

60

1. Inadmissible opinion

"It ... care."

Both relevant and true. The relevance is:

Third sentence of para 60 is inadmissible

Background factual matrix of the nature of the Leaders and their conduct.

Objection 1 is allowed

Power and Control over women

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Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

70 - 71

1. Inadmissible opinion

"I see ... leaving."

Entire paragraph 71.

Both relevant and true. The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Impugned words of para 70, and para 71 are admissible per [s 14](#) EA

Objection 1 is allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

| BRIEF OF EVIDENCE OF REBEKAH KEMPF | | | | |
|--------------------------------------------------------------|-----------------------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Paras | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of Rebekah Kempf dated 16 July 2022 | 54 - 57 1. Irrelevant and scandalous | Entire paragraphs. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Paras 54-57 are admissible as per s 14 EA Objection 1 is disallowed |
| | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | Power and Control over women | |
| | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
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| 60 - 63 | 1. Irrelevant and scandalous | Second sentence of paragraph 60. Entire paragraphs 61 – 63. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | The impugned sentence in para 60 is admissible as per s 14 EA Paras 61-63 are inadmissible under s 189(2) ERA |
| | | | Background factual matrix of the nature of the Leaders and their conduct. | Objection 1 is disallowed |
| | | | Power and Control over women | |
| | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |

BRIEF OF EVIDENCE OF JOHN READY

| Paras | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Brief of Evidence of John Ready dated 18 July 2022 | 11 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | Entire paragraph. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Para 11 is inadmissible Objection 1 is disallowed Objections 2 and 3 are allowed |
| | 3. Breach of suppression order (s 204 Criminal Procedure Act 2011) | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | Power and Control over women | |
| | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what | |

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| | | | | heard, saw and perceived. | |
| | | | | A suppression order cannot prevent the production of evidence in a separate Court – normally the Court will suppress the evidence out of respect to the other Court. | |
| | 13 | 1. Irrelevant and scandalous | <i>“a ... offender”.</i> | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. | Para 13 is admissible as per s 14 EA Objection 1 is disallowed |
| | | | | The relevance is: | |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |

14

1. Irrelevant and scandalous

“He ... imprisonment.”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Para 14 is

admissible as per [s14](#) EA

Objection 1 is disallowed

46

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

3. Inadmissible hearsay

“when ... this.”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Para 46 is

admissible as per [s 14](#) EA

Objections 1-3 are disallowed

65

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

3. Inadmissible opinion

“Unfortunately

... *Shepherds*”.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Second sentence of para 65 is

inadmissible

Objections 1 and 2 are disallowed

Objection 3 is allowed

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Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

66

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

“*I ... matters.*”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Impugned words in para 66 are

inadmissible

Objections 1 is disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

Objections 2 and 3 are allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

67 - 69

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly prejudicial effect on proceeding

Entire paragraphs.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Paras 67-69 are inadmissible

Objection 1 is disallowed

Objection 2 is allowed

Background factual

matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly

“(except ... activities)”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and

Impugned words in para 70 are

inadmissible

Objection 1 is

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prejudicial effect on proceeding

true.

The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the

Court what heard, saw and perceived.

disallowed

Objection 2 is allowed

| BRIEF OF EVIDENCE OF ZION PILGRIM | | | | | |
|-------------------------------------------------------------|----|---------------------------------------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Paras | | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of Zion Pilgrim dated 18 July 2022 | 11 | 1. Inadmissible opinion 2. Probative value outweighed by risk of unfairly prejudicial effect on proceeding | <i>“The ... operates.”</i> | Both relevant and true. The relevance is: Background factual matrix of the nature of the Leaders and their conduct. | Para 11 is admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | | | | Power and Control over women | |

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|--|----|------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 12 | 1. Irrelevant 2. Inadmissible hearsay | Entire paragraph. | Both relevant and true. The relevance is: | Para 12 is admissible as per s 14 EA |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | Objections 1 and 2 are disallowed |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 15 | 1. Inadmissible opinion and hearsay | Entire paragraph. | Both relevant and true. | Para 15 is inadmissible |
| | | | | The relevance is: | |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | Objection 1 is allowed |
| | | | | Power and Control over women | |
| | | | | Opinion giving context of witnesses experience and necessary to | |
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communicate to the

Court what heard, saw and perceived.

1. Inadmissible opinion

"...but ... Christian."

Both relevant and true. The relevance is:

Impugned words of para 24 are

inadmissible

Background factual matrix of the nature of the Leaders and their conduct.

Objection 1 is allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

28

1. Inadmissible opinion

2. Probative value outweighed by risk of

unfairly prejudicial effect on proceeding

"My ...

community."

Both relevant and true. The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

First sentence of para 28 is

inadmissible

Objections 1 and 2 are allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

31

1. Inadmissible opinion
2. Probative value outweighed by risk of

unfairly prejudicial effect on proceeding

“they ...

taxation”

Both relevant and true. The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Impugned words in para 31 are

inadmissible

Objections 1 and 2 are allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.



32

1. Inadmissible hearsay
2. Probative value outweighed by risk of

unfairly prejudicial effect on proceeding

“As ... pay.”

Both relevant and true. The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the

Court what heard, saw and perceived.

Impugned words of para 32 are

inadmissible

Objections 1 and 2 are allowed

34

1. Inadmissible opinion

Entire paragraph.

Both relevant and true. The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the

Court what heard, saw and perceived.

Para 34 is

inadmissible

Objection 1 is allowed

41 - 45

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

3. Inadmissible opinion

Entire paragraphs 41 –

44.

Paragraph 45:

“It ... *entity?*”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and

true.

The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the

Court what heard, saw and perceived.

Paras 41-45 are admissible as per [s 14](#) EA

Objections 1-3 are disallowed



48

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

“basically, ... p

... .”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and

true.

The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the

Court what heard, saw and perceived.

Impugned words of para 48 are

inadmissible

Objection 1 is disallowed

Objection 2 is allowed

| BRIEF OF EVIDENCE OF ROSANNA OVERCOMER | | | | | |
|----------------------------------------|-------|------------------------------|--------------------|-------------------------------------|---------------------------------------------------------|
| Paras | | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection |
| Brief of Evidence of | 7 - 8 | 1. Irrelevant and scandalous | Entire paragraphs. | It is acknowledged that the conduct | Paras 7-8 are admissible as per s 14 EA |

| | | | | | |
|---------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Rosanna Over-comer dated 17 July 2022 | | 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | | related is scandalous conduct, but it is both relevant and true. The relevance is: | Objections 1 and 2 are disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | | | | the context is the witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | |
| | 15 - 21 | 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | Heading and entire paragraphs. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Paras 15-21 are admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | |
| | | | | Power and Control over women | |
| | 77 – 83 | 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | Heading and entire paragraphs. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Heading is admissible Except for the final sentence of para 79, paras 77-83 are admissible as per s 14 EA |
| | | | | Background factual matrix of the nature of the Leaders and their conduct. | Objection 1 is disallowed |

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Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

Objection 2 is partially allowed

| BRIEF OF EVIDENCE OF JASON CHRISTIAN | | | | | |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--|
| Paras | Second Defendant's Objection | Evidence | Plaintiff's Response | Outcome of Objection | |
| Brief of Evidence of Jason Christian dated 17 July 2022 | 6 - 8 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | Entire paragraphs. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Paras 6-8 are admissible as per s 14 EA Objections 1-3 are disallowed | |
| | 3. Inadmissible opinion | | Background factual matrix of the nature of the Leaders and their conduct. | | |
| | | | Power and Control over women | | |
| | | | Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived. | | |
| 10 | 1. Inadmissible hearsay | "However, ... abusive." | Both relevant and true. The relevance is: | Impugned words of para 10 are admissible as per s 14 EA | |
| | | | Background factual matrix of the nature of the Leaders and their conduct. | Objection 1 is disallowed | |
| | | | Power and Control over women | | |
| | | | Opinion giving context of witnesses experience and necessary to communicate to | | |

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|--|----|---------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| | | | | the Court what heard, saw and perceived. | |
| | 16 | 1. Irrelevant and scandalous 2. Alternatively, any probative value outweighed by risk of unfairly prejudicial effect on proceeding | Entire paragraph. | It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true. The relevance is: | Impugned words of para 16 are admissible as per s 14 EA Objections 1 and 2 are disallowed |
| | | 3. Inadmissible opinion | | Background factual matrix of the nature of the Leaders and their | |
| | | | | | |

conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

17

1. Inadmissible opinion

“I ... *authority*”.

Both relevant and true. The relevance is:

Impugned words of para 17 are admissible as per [s 14](#) EA

Background factual matrix of the nature of the Leaders and their conduct.

Objection 1 is disallowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

20

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly prejudicial effect on proceeding

“However, ... control.”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Impugned words of para 20 are admissible as per [s 14](#) EA

Objections 1-3 are disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

24

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on

"I ... Korea."

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

Impugned words of para 24 are

inadmissible

Objection 1 is disallowed



proceeding

The relevance is:

Objections 2 and 3 are partially allowed

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

29

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Entire paragraph.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Para 29 is

inadmissible

Objection 1 is disallowed

Objections 2 and 3 are allowed

3. Inadmissible opinion

Background factual

matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

30

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

3. Inadmissible opinion

Entire paragraph and subparagraphs.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Background factual matrix of the nature of the Leaders and their conduct.

The following passages in para 30 are admissible as per [s 14](#) EA:

- Subpara 30(i)

- The first sentence only of subpara 30(vi)

- Subparas 30(xiii)-(xv)

The balance of para 30 is inadmissible

Power and Control over women

Objection 1 is disallowed

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw

Objections 2 and 3 are allowed

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and perceived.

33 - 34

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Entire paragraphs.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Para 33 is

inadmissible

Except for the fifth sentence, para 34 is admissible

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

Objection 1 is disallowed

Objections 2 and 3 are partially allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

36 - 39

1. Irrelevant and scandalous
2. Alternatively, any probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Entire paragraphs.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Paras 36-39 are inadmissible

Objection 1 is disallowed

Objections 2 and 3 are allowed

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

40

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

“Women ... end.”

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Impugned words of para 40 are admissible

Objections 1-3 are disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

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Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

41

1. Irrelevant and scandalous

2. Alternatively, any

probative value outweighed by risk of unfairly

prejudicial effect on proceeding

Entire paragraph and subparagraphs.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and true.

The relevance is:

Subpara 41(i)-41(vi) are admissible

Balance of para 41 is inadmissible

Objection 1 is disallowed

3. Inadmissible opinion

Background factual matrix of the nature of the Leaders and their conduct.

Objections 2 and 3 are partially allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

44

1. Inadmissible opinion

“She ...

Believe”.”

Admissible opinion The relevance is:

Impugned words of para 44 are

inadmissible

Background factual matrix of the nature of the Leaders and their conduct.

Objection 1 is allowed

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the Court what heard, saw and perceived.

46

1. Irrelevant and scandalous
2. Alternatively, any

probative value outweighed by risk of unfairly
prejudicial effect on proceeding

Entire paragraph.

It is acknowledged that the conduct related is scandalous conduct, but it is both relevant and
true.

The relevance is:

Except for the third sentence, para 46 is admissible as per [s 14](#) EA

Objection 1 is disallowed

Background factual

Objections 2 and 3



3. Inadmissible opinion

matrix of the nature of the Leaders and their conduct.

Power and Control over women

Opinion giving context of witnesses experience and necessary to communicate to the

Court what heard, saw and perceived.

are partially allowed