



Employment Court of New Zealand

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Pilgrim v Attorney-General [2023] NZEmpC 10 (7 February 2023)

Last Updated: 10 February 2023

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA
ŌTAUTAHI

[\[2023\] NZEmpC 10](#)
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 vary witness
exclusion order

BETWEEN SERENITY PILGRIM, ANNA
COURAGE, ROSE STANDTRUE,
CYSTAL 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, SAMUEL VALOR,
FAITHFUL PILGRIM, NOAH
HOPEFUL AND STEPHEN
STANDBAST
Second Defendants

Hearing: On the papers

Appearances: BP Henry, D Gates and S Patterson, counsel for plaintiffs
J Catran, G La Hood and A Piaggi, counsel for first
defendant S Valor and P Righteous, representatives for
second defendants R Kirkness, counsel to assist the Court

Judgment: 7 February 2023

SERENITY PILGRIM, ANNA COURAGE, ROSE STANDTRUE, CYSTAL LOYAL, PEARL VALOR AND VIRGINIA COURAGE v THE ATTORNEY-GENERAL SUED ON BEHALF OF THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT, LABOUR INSPECTORATE [\[2023\] NZEmpC 10](#) [7

February 2023]

INTERLOCUTORY JUDGMENT (NO 22) OF CHIEF JUDGE CHRISTINA INGLIS

(Application to vary witness exclusion order)

[1] The second defendants have sought a variation to the witness exclusion order I previously made in these proceedings.

The variation is directed at permitting Serenity Valor, a witness for the second defendants who is yet to give evidence, to review the transcript and identify key evidence given in the proceedings, both to this point in time and for the remainder of the hearing. Essentially the variation is sought to facilitate trial preparation on the second defendants' behalf in circumstances where they are no longer represented by counsel. Miss Valor is said to have the requisite experience and expertise to undertake this task.

[2] Memoranda have been filed by the second defendants, counsel for the plaintiffs, counsel for the first defendant and counsel assisting the Court. Counsel for the plaintiffs and for the Attorney-General are agreeable to the variation, subject to conditions. Those conditions are that Miss Valor not review the notes of evidence relating to the cross-examination or re-examination of the second defendants' witnesses until she has completed her own evidence; that the second defendants confirm that the purpose of Miss Valor's review is solely to assist in the preparation of closing submissions; and that Miss Valor give her evidence first when the hearing resumes.

[3] The second defendants have confirmed both of the first two points, by way of their most recent memorandum dated 30 January and 2 February 2023. In respect of the third point, the second defendants say that while calling Miss Valor first would not present any significant difficulties, they would prefer her to follow Mrs Stedfast who, it is said, is a key witness for the second defendants, will give a broad overview of life at Gloriavale and respond to much of the plaintiffs' evidence.

[4] I accept that it will be helpful for the second defendants to have Miss Valor undertake the significant tasks identified in the second defendants' memorandum, particularly given that they have, up to this point, been represented in Court by four

counsel. Those counsel are not now appearing, and are not available to undertake trial preparation they would otherwise have attended to. I accept too that any concerns that might arise can be adequately addressed by putting in place conditions on viewing. For completeness I do not consider it necessary to require the second defendants to call Miss Valor before Mrs Stedfast in light of the conditions imposed.

[5] In the circumstances, and having regard to the position adopted by the parties, I consider it appropriate to vary the witness exclusion order to the following extent:

- Miss Valor is permitted to view the notes of evidence, excluding the cross-examination or re-examination of the second defendants' witnesses, to the point in time her evidence is completed.
- Once her evidence is completed she may view the notes of evidence, including the cross-examination or re-examination of the second defendants' witnesses, given in these proceedings.
- The purpose of any review of the notes of evidence by Miss Valor is restricted, and must be directed at assisting with the preparation of closing submissions for the second defendants.

The witness exclusion order otherwise remains in place.

[6] For completeness I note that the non-publication orders made in these proceedings continue to apply and must be strictly complied with.

Christina Inglis Chief Judge

Judgment signed at 1.20 pm on 7 February 2023