



Employment Court of New Zealand

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Pilgrim v Attorney-General [2023] NZEmpC 1 (10 January 2023)

Last Updated: 16 January 2023

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2023\] NZEmpC 1](#)

EMPC 85/2022

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

AND IN THE MATTER OF a proposed site visit to Gloriavale

AND IN THE MATTER OF a change of venue for part of the
hearing

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, 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: 10 January 2023

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 [\[2023\] NZEmpC 1](#) [10

January 2023]

INTERLOCUTORY JUDGMENT (NO 20) OF CHIEF JUDGE CHRISTINA INGLIS

(Proposed site visit to Gloriavale) (Change of venue for part of the hearing)

[1] This judgment relates to two issues that have arisen in the context of these proceedings, which adjourned part-heard prior to the Court vacation. The hearing is scheduled to resume for two weeks on Monday 13 February 2023, and then subsequently in March 2023.

[2] The parties have asked the Court to consider conducting a site visit to Gloriavale to enable it to view the premises.¹ Having regard to the parties' position on the issue, and the broader interests of justice, I am satisfied that it is appropriate to conduct a viewing.² For clarity, information obtained at the viewing may be used as though that information was given as evidence. Every party, and the representatives for the parties, is entitled to attend the viewing, although they are entitled to waive that entitlement. Counsel appointed to assist the Court will also attend the viewing.

[3] The purpose of the visit is to view the physical premises and relevant facilities to enable the Court to better understand the evidence presented in Court; there will be no discussion or engagement with residents by the Court. At the viewing the Court will be accompanied by the Court Registrar.

[4] The second defendants have helpfully provided a proposed itinerary, setting out the facilities that might usefully be viewed, together with a map of the property. It is estimated that no more than two hours will be required. A representative of the Gloriavale community should be nominated to escort those involved in the viewing around the premises and provide an appropriate commentary on the physical layout of the buildings, facilities and the property in general.

[5] Counsel appointed to assist the Court is to liaise with the representatives in respect of the necessary arrangements and advise the Court at the outset of the hearing

1 See [Evidence Act 2006, s 82](#) which provides useful guidance on such matters.

2 See generally *R v McGregor* [1999] NZCA 140; (1999) 16 CRNZ 606 (CA) at [24]–[25].

on 13 February 2023 if additional or different directions may be required. It is anticipated that the visit will take place on Friday 24 February 2023 at 10.30 am.

[6] This segues into the second issue, namely a proposal I raised with counsel that it may be beneficial to reconvene part of the hearing on the West Coast. It was noted that such a step may be more convenient for remaining witnesses for the second defendants and could usefully be combined with any site visit. The second defendants support a change in venue; the plaintiffs are opposed to it. While it is accepted that it is open to the Court to hear the case at a different venue, it is said that hearing part of the case in Greymouth would cause inconvenience and additional expense to the plaintiffs and their supporters, and disrupt travel and accommodation arrangements put in place for the reconvened hearing.

[7] The site visit, which the parties have sought, will necessitate travel to the West Coast. Sitting in Greymouth for a period of time will enable members of the public and others interested in the hearing to attend a local Court to view the case. In this regard the second defendants have indicated that a significant number of Gloriavale residents would wish to attend the hearing if it was held locally. Given the public interest in the proceedings it may be that members of the West Coast community would also wish to attend Court. The Registry has made inquiries and has been advised that a large courtroom is available in the second week of the reconvened hearing (a small courtroom only is available in the first week). The reconvened hearing is sufficiently far out to enable alternative arrangements for travel and accommodation to be made, and ultimately any prejudice can be addressed via costs as appropriate.

[8] I consider that the overall interests of justice will best be served by the Court sitting in Greymouth during the week of 20–24 February 2023, and make directions accordingly.

[9] Costs are reserved.

Christina Inglis Chief Judge

Judgment signed at 2.15 pm on 10 January 2023