



Employment Court of New Zealand

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Pilgrim v Attorney-General [2022] NZEmpC 53 (23 March 2022)

Last Updated: 28 March 2022

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2022\] NZEmpC 53](#)

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 for urgency
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: 23 March 2022 (Heard by telephone)

Appearances: B P Henry, counsel for plaintiffs
J Catran, counsel for first defendant
J Hurren and H Rossie, counsel for second
defendants

Judgment: 23 March 2022

INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

(Application for urgency)

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 53](#) [23 March 2022]

[1] A statement of claim has been filed on behalf of six plaintiffs, together with an associated application for urgency. The application was opposed by the second defendants. I heard from counsel on the application during a telephone conference this afternoon. I ruled that the proceedings would be dealt with on a priority basis and said that my reasons would follow. These are my reasons.

[2] Each of the plaintiffs formerly resided at the Gloriavale Christian Community. They say that during their time at

Gloriavale they were required to undertake work under the direction and control of the Overseeing Shepherd and the Shepherds (the second defendants) and that they were employees. Their claim also extends to an alleged breach of statutory duty by the Labour Inspector, who undertook an investigation and concluded that members of the Gloriavale community were volunteers, not employees. I pause to note that it is common ground that the claim against the Labour Inspector will be dealt with separately, with the declaration under [s 6\(5\)](#) being dealt with first.

[3] While none of the plaintiffs remain at Gloriavale, the application for urgency is advanced on the basis that other females, including young girls, who do remain there are being subjected to the same treatment that they allege they endured and that this is giving rise to serious concerns about their ongoing safety. Those concerns are set out in an affidavit filed in support of the application.

[4] As I have said, the Gloriavale defendants oppose the application for urgency. It is said that none of the plaintiffs live at Gloriavale and so there is no direct threat of ongoing harm to them. It is also pointed out that all but two of the plaintiffs have lived outside of Gloriavale for over two years but have not filed proceedings until this point. The Gloriavale defendants also say that concerns identified in relation to current residents are unsubstantiated and amount to hearsay statements that are inadmissible and ought to be put to one side. There is no need, it is submitted, for the hearing to proceed in anything other than the usual manner.

[5] The first defendant, the Attorney-General, took no position on the application and abides the decision of the Court.

[6] The Court has a broad discretion to accord urgency to a proceeding. Clause 21 of sch 3 of the [Employment Relations Act 2000](#) (the Act) provides that:

21 Urgency

Where any party to any proceedings applies to the court to accord urgency to the hearing of the proceedings, the court must consider that application and may, if satisfied that it is necessary and just to do so, order that the proceedings be heard by the court as soon as practicable.

[7] I do not accept that because the plaintiffs no longer reside at Gloriavale, urgency cannot be regarded as either necessary or just. In my view, a broader approach is required, consistently with the underlying objectives of the Act and the functions of the Court.

[8] A former New Zealand Police detective has made an affirmation setting out a number of concerns following various interviews which she deposes she has undertaken with former and current residents of Gloriavale. She deposes that there are serious health and safety issues for females currently residing in Gloriavale, including in respect of those said to be in the same position that the plaintiffs allege they were in, as set out in their statement of claim.

[9] While there is no direct evidence, as Ms Hurren (counsel for the second defendants) points out, the evidence that is before the Court and which the Court is entitled to have regard to, including on an interlocutory application such as this, supports the application for urgency. More broadly, I did not understand the second defendants to be contending that females were not continuing to work within the kitchen and more generally within Gloriavale. Any findings as to the employment status of the plaintiffs may have a broader impact. It is, in my view, desirable for such issues to be dealt with promptly.

[10] Mr Henry (counsel for the plaintiffs) submitted that there had been no delay in bringing the claim, having regard to the particular circumstances, including the relative complexities involved. He also made it clear that he was not seeking a hearing immediately. As he observed, a number of matters will need to be attended to and three weeks of hearing time will be required.

[11] No issue of prejudice was identified on behalf of the second defendants in the event that urgency was granted.

[12] Weighing all matters before me, I considered it both necessary and just to grant the application for urgency and did so accordingly. I directed the Registrar to liaise with counsel to set aside three consecutive weeks of hearing time and made timetabling orders to progress the proceedings promptly following discussion with counsel.

[13] Costs are reserved.

Christina Inglis Chief Judge

Judgment signed at 4.45 pm on 23 March 2022