

Reference No. HRRT 045/2015

UNDER THE HUMAN RIGHTS ACT 1993

BETWEEN HINEATA RAMEKA

PLAINTIFF

AND ATTORNEY-GENERAL OF NEW ZEALAND IN RESPECT TO THE MINISTRY OF HEALTH

DEFENDANT

AT AUCKLAND – ON THE PAPERS

BEFORE:

Mr RPG Haines QC, Chairperson

Ms GJ Goodwin, Member

Mr BK Neeson JP, Member

REPRESENTATION:

Mr SRG Judd for plaintiff

Ms M Coleman and Mr M McKillop for defendant

DATE OF DECISION: 22 October 2015

**DECISION OF TRIBUNAL GRANTING DEFENDANT
LEAVE TO FILE STATEMENT OF REPLY OUT OF TIME¹**

Introduction

[1] A defendant who intends defending proceedings under the Human Rights Act 1993 must, within 30 days after the day on which the notice of proceedings is served on the defendant, file a reply to the plaintiff's claim. A defendant who fails to comply with this requirement may thereafter file a reply only with leave of the Tribunal. See the Human Rights Review Tribunal Regulations 2002, reg 15(1) and (3).

¹ [This decision is to be cited as: *Rameka v Attorney-General (Leave to File Reply)* [2015] NZHRRT 47]

[2] In the present case the Attorney-General was served with the proceedings on 11 August 2015 with the result a statement of reply was required on or before 10 September 2015.

[3] As no statement of reply was filed until 12 October 2015, the Attorney-General has sought leave to file out of time.

[4] The memorandum of counsel in support of the application records counsel for the plaintiff does not oppose the application for leave.

[5] In these circumstances we are of the view leave is to be granted.

FORMAL ORDER

[6] The formal order of the Tribunal is:

[6.1] Leave is given to the Attorney-General to file out of time the statement of reply dated 9 October 2015 and filed on 12 October 2015.

[6.2] Leave having been granted there is no need for the statement of reply to be filed a second time.

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Mr RPG Haines QC
Chairperson

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Ms GJ Goodwin
Member

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Mr BK Neeson JP
Member