

Reference No. HRRT 071/2016

UNDER THE HUMAN RIGHTS ACT 1993

BETWEEN DAVID HINES

FIRST PLAINTIFF

TANYA JACOB

SECOND PLAINTIFF

AND THE ATTORNEY-GENERAL OF NEW ZEALAND

DEFENDANT

AT WELLINGTON

BEFORE:

Mr RPG Haines ONZM QC, Chairperson
Dr SJ Hickey MNZM, Member
Mr BK Neeson JP, Member

REPRESENTATION:

Mr G Little and Ms G Whiteford for plaintiffs
Mr P Rishworth QC and Mr N Fong for defendant
Ms F Joychild QC and Mr JS Hancock for Human Rights Commission as
intervener
Mr SE Greening for Churches Education Commission Trust Board

DATE OF HEARING: Heard on the papers

DATE OF DECISION: 20 July 2018

**ORDER THAT PROCEEDINGS BE REMOVED TO THE HIGH COURT FOR
DETERMINATION¹**

¹ [This decision is to be cited as: *Hines v Attorney-General (Order Removing Proceedings to High Court)* [2018] NZHRRT 31.]

ORDER OF THE TRIBUNAL

[1] In *Hines v Attorney-General (Application to Remove Proceedings to High Court)* [2018] NZHRRT 26 (26 June 2018) the Tribunal gave its reasons for determining that should the High Court grant leave under s 122A(1) of the Human Rights Act 1993 for the Tribunal to order that these present proceedings be removed to the High Court for determination, the Tribunal would so order.

[2] The plaintiffs in the present proceedings thereupon filed in the High Court at Auckland an application seeking leave of that Court as required by s122A of the Act.

[3] In *Hines v Attorney-General* [2018] NZHC 1776 (18 July 2018) Churchman J granted leave as sought:

[19] Accordingly, I find that the requirement of s 122A(2)(a) of the Human Rights Act 1993 is met on the basis that an important question of law arises in these proceedings, and I grant leave for the removal of these proceedings to the High Court for determination under s 122A(1). Leave is also granted for the proceedings to be commenced by originating application.

[4] This Tribunal accordingly orders that for the reasons set out in its decision published on 26 June 2018 these proceedings be removed to the High Court for determination.

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Mr RPG Haines ONZM QC
Chairperson

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Dr SJ Hickey MNZM
Member

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Mr BK Neeson JP
Member