

**NOTE: ORDERS MADE IN THE HIGH COURT REMAIN IN FORCE:  
[2021] NZHC 1608. THE IDENTITY OF THE PARENTS, THE CHILD AND  
THE SCHOOL IS PERMANENTLY SUPPRESSED.  
CONFIDENTIALITY ORDERS APPLY TO THE EVIDENCE FILED. THE  
FILE IS NOT TO BE SEARCHED WITHOUT LEAVE OF A JUDGE OF THIS  
COURT.**

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**I TE KŌTI PĪRA O AOTEAROA**

**CA399/2021  
[2021] NZCA 321**

BETWEEN

FORD  
Appellant

AND

BOARD OF TRUSTEES FOR SMITH  
PRIMARY SCHOOL  
Respondent

Hearing: 8 July 2021

Court: Brown, Clifford and Goddard JJ

Counsel: A S Butler and S W H Fletcher for Appellant  
P A Robertson and C T Child for Respondent  
S P Connolly and A M Piaggi for Secretary for Education as  
Intervener

Judgment: 15 July 2021 at 3.00 pm

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**JUDGMENT OF THE COURT**

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- A The appellant's application to adduce further evidence is declined.**
- B The appeal is allowed.**
- C The following declarations are made:**
- (i) The purported revocation of the appellant's place at Smith Primary School was unlawful.**

**(ii) The offer letter remains valid and the appellant is entitled to enrol at Smith Primary School in accordance with ss 33 and 74(2)(a) of the Education and Training Act 2020 on Monday 26 July 2021 or on such later date as may be agreed by the appellant's parents and Smith Primary School.**

**D The respondent must pay the appellant costs for a standard appeal on a band A basis with usual disbursements. We certify for two counsel.**

**E Direction under r 5(2) of the Senior Courts (Access to Court Documents) Rules 2017 that documents or files of any kind related to the appeal may not be accessed, except by the parties, without permission of this Court.**

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[Reasons to follow]

Solicitors:  
Woods Fletcher, Wellington for Appellant  
Heaney & Partners, Auckland for Respondent  
Crown Law Office, Wellington for Intervener