

NOTE: PURSUANT TO S 130 OF THE INTELLECTUAL DISABILITY (COMPULSORY CARE AND REHABILITATION) ACT 2003, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B, 11C AND 11D OF THE FAMILY COURT ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE <https://www.justice.govt.nz/family/about/restriction-on-publishing-judgments/>

NOTE: NO PUBLICATION OF THE YOUTH COURT PROCEEDINGS REFERRED TO IN THIS JUDGMENT IS PERMITTED UNDER S 438 OF THE ORANGA TAMARIKI ACT 1989, EXCEPT WITH THE LEAVE OF THE COURT THAT HEARD THE PROCEEDINGS, AND WITH THE EXCEPTION OF PUBLICATIONS OF A BONA FIDE PROFESSIONAL OR TECHNICAL NATURE THAT DO NOT INCLUDE THE NAME(S) OR IDENTIFYING PARTICULARS OF ANY CHILD OR YOUNG PERSON, OR THE PARENTS OR GUARDIANS OR ANY PERSON HAVING THE CARE OF THE CHILD OR YOUNG PERSON, OR THE SCHOOL THAT THE CHILD OR YOUNG PERSON WAS OR IS ATTENDING. SEE <http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM155054.html>

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 10/2024
[2024] NZSC 34**

BETWEEN J, COMPULSORY CARE RECIPIENT, BY
HIS WELFARE GUARDIAN, T
Applicant

AND ATTORNEY-GENERAL
First Respondent

DISTRICT COURT AT MANUKAU
Second Respondent

FAMILY COURT AT MANUKAU
Third Respondent

CARE CO-ORDINATOR
Fourth Respondent

CARE MANAGER
Fifth Respondent

BETWEEN J, COMPULSORY CARE RECIPIENT, BY
HIS WELFARE GUARDIAN, T
Applicant

AND CARE CO-ORDINATOR
Respondent

Court: Glazebrook, Ellen France and Miller JJ

Counsel: A J Ellis for Applicant
M J McKillop for First Respondent in SC 10/2024
S B O'Connor and A L Prestige for Fourth Respondent in
SC 10/2024 and Respondent in SC 11/2024
No appearance for the Second, Third and Fifth Respondents in
SC 10/2024

Judgment: 18 April 2024

JUDGMENT OF THE COURT

- A The applications for extensions of time to apply for leave to appeal are granted.**
- B Leave to appeal is granted (*J v Attorney-General* [2023] NZCA 660).**
- C The approved question is whether the Court of Appeal was correct to dismiss the appeals.**
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REASONS

[1] Leave is granted in general terms, but counsel's argument will need to address the correctness of the approach adopted in *RIDCA Central (Regional Intellectual Disability Care Agency) v VM* [2011] NZCA 659, [2012] 1 NZLR 641; whether there have been breaches of J's rights under ss 9, 19, 22 and 25(a) of the New Zealand Bill of

Rights Act 1990 (the Bill of Rights); and the consequences of any such breaches of the Bill of Rights if found.

Solicitors:

Nat Dunning Law, Wellington for Applicant

Te Tari Ture o te Karauna | Crown Law Office, Wellington for First Respondent in SC 10/2024

Luke Cunningham & Clere for Fourth Respondent in SC 10/2024 and Respondent in SC 11/2024