



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

16 JUNE 2021

MEDIA RELEASE

ATTORNEY-GENERAL v FAMILY FIRST NEW ZEALAND

(SC 79/2020)

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court. The synopsis does not comprise part of the reasons for the judgment of the Court of Appeal. A direct link to the judgment is included at the end of this synopsis.

Background

The respondent, Family First New Zealand (Family First), seeks to retain its charity status under the Charities Act 2005 (the Act).

In 2013, the Charities Registration Board (the Board) decided to deregister Family First as a charity. The Board considered that Family First's main purpose was political and so could not be a charitable purpose under the Act.

In 2014, however, the Supreme Court held in *Re Greenpeace of New Zealand Inc* [2014] NZSC 105, [2015] 1 NZLR 169 that purposes which are political in character are not necessarily non-charitable. In light of this conclusion, the High Court quashed the Board's 2013 decision in respect of Family First and referred back to the Board the question of whether Family First should retain charitable status.

In 2017, the Board again concluded that Family First did not meet the requirements for registration as a charity. Family First appealed against that decision to the High Court but was unsuccessful.

In 2020, the Court of Appeal overturned the High Court's decision. By a majority, it held that Family First qualified for registration as a charity under the Act.



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This appeal

The Attorney-General applied for leave to appeal to the Supreme Court against the Court of Appeal's decision. He argues that the Court of Appeal misapplied *Re Greenpeace* and that its judgment in favour of Family First should be reversed.

The Supreme Court granted leave on the question of whether the Court of Appeal was correct to allow the appeal.

The issue to be determined is whether Family First meets the statutory requirements for registration as a charity. This will involve the application of the principles stated in *Re Greenpeace*. But as well, it will be argued that the Supreme Court should reconsider its decision in *Re Greenpeace*.

Remote viewing of hearing

This hearing can be viewed remotely by members of the public. Courtroom restrictions apply to remote viewing. No recording is permitted.

Email your request with your name and phone number to the Supreme Court Registry, supremecourt@courts.govt.nz, before 5 pm on Monday 21 June 2021.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [\[2020\] NZCA 366](#) (27 August 2020)

Supreme Court leave decision: [\[2020\] NZSC 151](#) (18 December 2020)