

Parore v Attorney-General (SC 88/2025)

Summary of propositions from *Baigent's case*

Hand up by Te Kāhui Tika Tangata Human Rights Commission

Proposition	Reference (page no)
1. NZBORA should be given a generous interpretation to ensure affirmed rights are practical and effective.	676–677 per Cooke P 690 , lines 38–49; and 691 , lines 24–26 per Casey J 699 , lines 5–37 per Hardie Boys J
2. Both paras of the Long Title of NZBORA are relevant.	676 , lines 26–35 per Cooke P 691 , lines 11–13 per Casey J 699 , lines 16–22 per Hardie Boys J 717 , lines 46–54; to 718 , lines 1–11 per McKay J
3. Majority relied on art 2(3) of the ICCPR to develop a public law damages remedy.	
Article 2(3)(a) ICCPR (effective remedy)	676 , lines 33–35 per Cooke P 690 , line 54; to 691 , line 21 per Casey J 699 , lines 15–37; to 700 , lines 1–5 per Hardie Boys J 718 , lines 2–11; and lines 29–36 per McKay J
Article 2(3)(b) ICCPR (judicial remedy)	676 , lines 33–35 per Cooke P 691 , lines 22–28 per Casey J 699 , lines 29–37 per Hardie Boys J
4. Prior to <i>Baigent's Case</i> , exclusion of evidence was the main remedy, but that was due to the nature of early cases not because compensation inapt.	676 , lines 13–22 per Cooke P 703 , lines 1–25 per Hardie Boys J 718 , lines 16–22 per McKay J
5. Public law damages for breach of NZBORA are a remedy against the state for its direct rather than vicarious liability.	677 , lines 28–41 per Cooke P 691 , lines 15–21; and 692 , lines 1–12 per Casey J 697 , lines 43–47; 700 , lines 7–55; to 702 , lines 1–4; and lines 35–49 per Hardie Boys J 718 , lines 27–40 per McKay J
6. Public law damages are not the same as a tort remedy or subject to the Crown Proceedings Act 1950	677 , lines 28–41 per Cooke P 692 , lines 16–27 per Casey J 700 , lines 7–55; to 702 , lines 1–4 per Hardie Boys J 718 , lines 27–50 per McKay J