

Media release

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Judge accepts streamlined evidence in Bible in Schools complaint

A legal complaint about Bible in Schools could be settled in half the time, after an Auckland High Court judge this morning ruled that streamlined evidence would be admitted. Speaking at a case management conference, Justice Kit Toogood accepted the court should hear evidence of widespread concerns about religion in schools without the complainants needing to prove every detail.

The case has been brought by David Hines and Tanya Jacob of the Secular Education Network, claiming that the present laws around Bible in Schools in state schools are inconsistent with the Bill of Rights Act because they let one-sided Christian dogma be presented to children by amateurs.

Counsel for the Attorney-General complained that it would not be possible to give detailed evidence from 16 parents in the time available, and asked for the number of witnesses to be reduced to three.

However, counsel for the Human Rights Commission argued that this was a case prepared for the Human Rights Review Tribunal, where formal standards of detailed proof were not required. She said the High Court could accept the evidence from the two plaintiffs summarising the concerns of a wider group of affected people, without all these people needing to give evidence in person.

This was accepted by the judge and he ordered that the case be adjourned so counsel for the parties could produce a detailed proposal.

First plaintiff David Hines says they will assist the preparation by producing draft statements from all 16 witnesses for the counsel to consider. This includes evidence from parents, religious study experts, a psychologist and representatives of Christian, Hindu, Muslim, Buddhist, Jewish and non-religious groups.

The case also supports wider education about religious and non-religious views in the regular NZ Curriculum.

Hines and Jacob are pleased with the decision, though they had hoped the attorney-general's objections would be fully disposed of today, so a date for the court hearing could be set. It had been feared that the case would be deferred till the middle of next year, because of the number of objections and the number of witnesses, but it is now hoped it may be held later this year.

Originally the plaintiffs had been preparing for a 10-day hearing, but now it seems five days may be sufficient. This makes it easier for the court to arrange a shorter waiting time, because the Court already has bookings a year and a half ahead so it is much easier to find a five-day gap in the court calendar compared with a 10-day gap.

Contacts:

David Hines, first plaintiff and PRO for the Secular Education Network: davidhines@xtra.co.nz, mobile 027-325-1382