

**NOTE: HIGH COURT ORDER PROHIBITING PUBLICATION OF NAMES
OR IDENTIFYING PARTICULARS OF THE RESPONDENTS REMAINS IN
FORCE.**

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 20/2024
[2024] NZSC 75**

BETWEEN

**CHIEF OF DEFENCE FORCE
First Applicant**

**CHIEF PEOPLE OFFICER
Second Applicant**

**ATTORNEY-GENERAL
Third Applicant**

AND

**FOUR MEMBERS OF THE ARMED
FORCES
Respondents**

Court: Glazebrook, Ellen France and Miller JJ

Counsel: A M Powell for Applicants
M I Hague for Respondents

Judgment: 8 July 2024

JUDGMENT OF THE COURT

A **Leave to appeal is granted (*Four Members of the Armed Forces v Chief of Defence Force* [2024] NZCA 17).**

B **The approved question is whether the Court of Appeal was correct to allow the appeal.**

REASONS

[1] Leave is granted in general terms, but counsel should focus on whether, to use the applicants' terminology, the Court of Appeal failed to allow a sufficient margin of appreciation when assessing the individual readiness requirements against s 5 of the New Zealand Bill of Rights Act 1990. The grant of leave extends to the nature and extent of justification evidence required and the specificity of pleadings.

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Applicants
Frontline Law, Wellington for Respondents