



High Court of New Zealand

27 June 2014

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

LUCAN WESLEY BATTISON suing by his **Litigation Guardian TROY PATRICK BATTISON v PAUL MELLOY** and **THE BOARD OF TRUSTEES OF ST JOHN'S COLLEGE**

[2014] NZHC 1462

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at Judicial Decisions of Public Interest www.courtsofnz.govt.nz

Lucan Battison sought judicial review of decisions suspending him from St John's College, Hastings and the conditions imposed by the Board of Trustees on his return to the college. The decisions of the principal and Board of Trustees stemmed from the length of Lucan Battison's hair and his refusal to comply with the requirements of the School's hair rule which says a student is to have "hair that is short, tidy and of natural colour. Hair must be off the collar and out of the eyes. (Extremes, including plaits, dreads and Mohawks are not acceptable)".

In addition, the Board has said Lucan Battison's hair must be cut to the satisfaction of the principal as a condition to him returning to the School.

Lucan Battison is willing to wear his hair tied in a bun. When he does so his hair is above his collar and ears and out of his eyes.

The High Court has concluded that the decisions suspending Lucan Battison did not comply with s 14(1)(a) Education Act 1989 which says a student can be suspended by a principal if he or she is satisfied on reasonable grounds that the student's misconduct or continual disobedience is a harmful or dangerous example to the other students at the school.

The High Court has also concluded that the conditions imposed on Lucan Battison's return to the college by the Board were unreasonable in the circumstances of this case because the hair rule does not say a student's hair must be cut to the satisfaction of the principal. In addition, the High Court has concluded that the college's hair rule, as it is currently worded breaches the common law requirement that rules, such as the college's hair rule, be certain.

The High Court judgment does not rule on the general lawfulness of schools having hair rules and it does not affect school uniform rules. The High Court's judgment is confined to the circumstances of the case brought by Lucan Battison.