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IN THE HIGH COURT OF NEW ZEALAND
HAMILTON REGISTRY

M.231/34

757

reported
(1984) 3 NZFLR 63

IN THE MATTER OF An Application pursuant to
Section 9 of the
Guardianship Act 1968

AND

IN THE MATTER OF A female child having the
surname M (an infant)

AND

IN THE MATTER OF An Application by the
Director General of
Social Welfare

Counsel: R.G. Douch in Support

Order: 25 June 1984 in Chambers

ORDER OF CALLEN J.

This is an ex-parte application by the Director General of Social Welfare for an order placing a female child with the surname of [redacted] but not yet having Christian names, under the guardianship of this Honourable Court and for a further order that the Director General of Social Welfare be appointed as agent of the Court.

The application has been brought ex-parte on the ground of urgency and an affidavit has been filed by a paediatrician, Anthony Bernard Cull who has stated on oath

that the child concerned was born on 1984. The child suffers from a life threatening infective illness known as septicaemia and it may be necessary in the treatment of the illness to increase the blood pressure of the child by the use of blood or blood products such as plasma and also it may be necessary to treat an anaemic condition in the same way. The parents of the child have refused their consent to such transfusions on religious grounds because they are members of the religious faith known as Jehovah's Witnesses.

I should have preferred to deal with this matter inter partes so that the point of view of the parents might be put, but I am informed that this is practically impossible as a decision may need to be made within the next 12 hours and before any hearing could be arranged. I am also informed that the paediatrician responsible for the welfare of the child regards the wishes of the parents as being important and is doing his utmost to avoid the necessity to treat the child by way of blood transfusion or in any manner which offends their religious sensibilities.

The evidence before me indicates that a decision may be necessary in order to preserve the child's life and as in the case of Thorp J. in the decision of Director General of Social Welfare v. B., High Court Auckland, 3 October 1983, I am obliged to make a decision as appears necessary in the child's interests even if this should conflict with the

views of the parents.

I therefore make Orders in terms of the motion. The child is placed under the guardianship of this Court and the Director General of Social Welfare is appointed the agent of the Court. Leave is reserved to the Director General and to the parents of the child to make any application in respect of this order which they may wish to make.

R.B. [Signature]

Solicitor in Support: Crown Solicitor, Hamilton
