



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

7 August 2023

MEDIA STATEMENT

Supreme Court to sit in Auckland

The Chief Justice announced today that from 14-16 August 2023 the Supreme Court will sit in the Auckland Environment Court to hear several appeals– the third time that New Zealand’s highest court has sat outside its Wellington home base.

The court began its programme of away sittings to provide greater access to its proceedings. It gives interested members of the public, the profession and law students the opportunity to see the court in action, the Chief Justice said today.

The Court will sit on 14–15 August 2023 in the Environment Court in Auckland to hear the combined appeals in *Tihema v R* (SC 109/2022) and *Jetson v R* (SC 116/2022). In Ms Tihema’s trial, counsel had not obtained express instructions from her about giving evidence at the close of the Crown case. The issue for the Court is whether this gave rise to a miscarriage of justice. In Mr Jetson’s case, the Crown led evidence from a prison inmate who said Mr Jetson had made damaging admissions to him while in custody. The issue for the Court is the adequacy of the trial Judge’s direction relating to the reliability of the evidence of the prison informant.

The Court will also sit on 16 August 2023 in the Environment Court in Auckland to hear *Solicitor-General’s Reference (No 1 of 2023) from CA636/2021*. This case is a Solicitor-General’s reference, allowing the Solicitor-General to raise an important issue of law without impacting the outcome of the original case. It concerns whether one party’s conviction for aggravated robbery under s 235(b) of the Crimes Act 1961 (following his guilty plea) could stand after his alleged accomplice (charged under s 235(a)) was subsequently acquitted at trial.

Solicitor-General’s Reference (No 1 of 2023) from CA636/2021 will be livestreamed. Livestream details will be available on the Courts of New Zealand website ahead of the hearings.

Background

The Supreme Court was established in 2004 to recognise New Zealand as an independent nation with its own history and traditions, and to improve access to justice and enable important legal matters, including those relating to the Treaty of Waitangi, to be resolved with an understanding of New Zealand conditions, history, and traditions.

The criteria that the Supreme Court applies when granting leave to appeal are whether:

- the appeal involves a matter of general public importance (which includes a significant issue relating to the Treaty of Waitangi);
- a substantial miscarriage of justice may occur, unless the appeal is heard; or
- the appeal involves a matter of general commercial significance.

Media contact

Alix Chapman

Senior Judicial Communications Advisor

0272 860 198 alix.chapman@courts.govt.nz

