



Supreme Court of New Zealand

4 May 2007

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

ALLISTAIR PATRICK BROOKER v THE POLICE (SC 40/2005) [2007] NZSC 30

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 www.courtsofnz.govt.nz.

The Supreme Court has allowed an appeal by Allistair Patrick Brooker against his conviction for behaving in a disorderly manner when making a protest outside the home of a female police officer in Greymouth in March 2003. On a weekday morning, Mr Brooker had gone to the constable's home where she was asleep after coming off night duty. After she answered his knock on the door, he had stood in the street outside playing his guitar and chanting a protest about the constable's role in obtaining search warrants relating to his property some time previously. He had been arrested when he refused to desist after the arrival of two other officers.

By majority, the Court has concluded that, taking into account Mr Brooker's right to freedom of expression guaranteed by s 14 of the New Zealand Bill of Rights Act 1990, his behaviour had not in these circumstances been disruptive of public order and was therefore not disorderly in terms of s 4(1)(a) of the Summary Offences Act 1981.

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