



## Supreme Court of New Zealand

23 July 2010

### **MEDIA RELEASE – FOR IMMEDIATE PUBLICATION**

**Phillip Wayne HART v The Queen  
(SC 74/2009)  
[2010] NZSC 91**

### **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](http://www.courtsofnz.govt.nz).**

The Court has dismissed this appeal against conviction for sexual offending. The point at issue concerned the admissibility and use of a previous consistent statement made by the complainant. In the course of giving its reasons the Court has discussed the previous consistent statement rule contained in section 35 of the Evidence Act 2006 with particular reference to the concept of recent invention referred to in subsection (2). The Court has held that the complainant's veracity was challenged on the basis of recent invention and thus her previous consistent statement became admissible under the section. The Court has also held that once such a statement is admitted it can be used as evidence of the matters referred to in it. As the statement in the present case was admissible, no miscarriage of justice arose from its admission or from the way the trial judge instructed the jury as to its use.

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