



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

4 FEBRUARY 2025

MEDIA RELEASE

KORO PUTUA v ATTORNEY-GENERAL

(SC 31/2024)

Hearing in the Supreme Court Thursday 27 February – Friday 28 February 2025

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court.

Background

On 15 September 2016, Mr Putua was sentenced in the District Court to four years and six months' imprisonment for offences including burglary, unlawfully carrying firearms, receiving, theft and possession of cannabis. When preparing the warrant committing Mr Putua to prison, a Deputy Registrar mistakenly extended Mr Putua's sentence by three months. The sentencing Judge did not notice the error and signed the warrant. By the time a replacement warrant was issued, Mr Putua had been imprisoned for 33 days longer than the sentence that had been imposed.

The Crown accepts that Mr Putua was unlawfully and arbitrarily detained for 33 days in breach of s 22 of the New Zealand Bill of Rights Act 1990 (NZBORA). The issue in dispute is whether the Crown is liable for public law damages for the error of the Deputy Registrar in preparing the warrant.

On 7 September 2022, the High Court issued a declaration that Mr Putua had been arbitrarily detained in breach of s 22 of the NZBORA and awarded Mr Putua public law damages of \$11,000 plus interest. The High Court distinguished *Attorney-General v Chapman* [2011] NZSC 110 – a Supreme Court decision that precludes the award of public law damages for judicial breaches of NZBORA rights. Ultimately, the High Court held that the Deputy Registrar was not protected by common law judicial immunity when preparing the warrant, and that the sentencing Judge's signature was not a superseding causative act.

On 21 March 2024, the Court of Appeal upheld the Attorney-General's appeal and quashed the damages award. It found that the Deputy Registrar's error was an operative cause of Mr Putua's arbitrary detention, but that the Deputy Registrar was protected by common law judicial immunity.

This appeal

On 1 August 2024, the Supreme Court granted Mr Putua leave to appeal. The approved question is whether the Court of Appeal was correct to allow the appeal.

Viewing of hearing

The courtroom is open to the public.

This hearing of the appeal will be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the [Courts of New Zealand website](#) shortly before the hearing. No recording is permitted.

The panel

The Hon Justice Williams	The Hon Justice Glazebrook	The Rt Hon Chief Justice Winkelmann	The Hon Justice Ellen France	The Hon Justice Miller
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Judges as seen from the public gallery

Counsel

- Koro Putua (Appellant): *A S Butler KC and M D N Harris*
- Attorney-General (Respondent): *U R Jagose KC, D Jones and O Kiel*
- Te Kāhui Tika Tangata | the Human Rights Commission (Intervener): *R A Kirkness and D T Haradasa*

Sitting hours

Court will begin at 10:00am and conclude at 4:00pm with adjournments taken from 11:30am to 11:45am and from 1:00pm to 2:15pm. There is no afternoon adjournment.

Enquiries

Any enquiries about the hearing should be directed via email to supremecourt@justice.govt.nz. While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [\[2024\] NZCA 67](#) (21 March 2024)

Supreme Court leave decision: [\[2024\] NZSC 92](#) (1 August 2024)