



Supreme Court of New Zealand

25 May 2009

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

PETER MILES DAVIES v NEW ZEALAND POLICE
SC 83/2007 [2009] NZSC 47

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 against a sentence of reparation ordered to be paid to the victim of injury through careless use of a motor vehicle by the appellant. The reparation order in the District Court, which had been upheld in the High Court and Court of Appeal, included compensation of \$11,555 for the 20 per cent of the victim's lost earnings which was not covered by Accident Compensation payments.

A majority of the Supreme Court has held that s 32(5) of the Sentencing Act excludes compensation for loss of earnings because the victim had entitlements in respect of the loss under the Injury Prevention, Rehabilitation, and Compensation Act 2001.

Justice McGrath dissented from this interpretation of s 32(5) and would have held that reparation is excluded only in respect of what is actually paid by Accident Compensation and not the 20 per cent shortfall.

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