

## **MEDIA SUMMARY**

### **THE HIGH COURT OF AUCKLAND**

#### **TEINA PORA - BAIL APPLICATION – (Pora v R - [2012] NZHC 598)**

**28 MARCH 2014**

#### **Proceedings**

Teina Pora filed an application for bail in the High Court pending the hearing of his appeal to the Privy Council. He had earlier applied to the Court of Appeal, which held that it lacked jurisdiction to grant bail in these circumstances.

#### **Issue**

The High Court was required to establish whether it had inherent jurisdiction to grant bail to an appellant whose appeal is awaiting hearing in the Privy Council as there is no statutory provision that gives the High Court jurisdiction to grant bail to such an appellant.

#### **Court findings**

After considering case law in New Zealand, England and Australia, the High Court has concluded that there is at present no recognised inherent jurisdiction to grant bail to a sentenced prisoner pending appeal to the Privy Council, although the position may need to be reconsidered in the future. The High Court also concluded that the Supreme Court did not intend to alter that position in the recent decision of *Zaoui v Attorney General*.

#### **Result**

For these reasons the High Court has declined Mr Pora's application for bail.

*Note: this summary is intended for the assistance of the media and does not substitute for the decision of the Court.*