

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

6/S

C.P. No.52/94

BETWEEN

M

First Plaintiff

S03

A N D

W

Second Plaintiff

A N D P

Third Plaintiff

A N D TELEVISION NEW ZEALAND LTD

Defendant

Chambers: 28 April 1994

Counsel: P.F. Whiteside for Plaintiffs
N.R.W. Davidson for Defendant

Judgment: 28 April 1994

JUDGMENT OF TIPPING, J.(NO.2)

Following the delivery of my reasons for judgment in this case the Plaintiffs have made two applications. I have heard counsel in Chambers and have considered the competing submissions, which I do not propose to traverse in any detail.

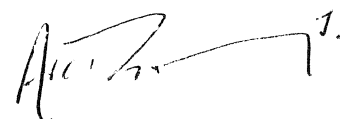
The Plaintiffs' first application is for an order under Rule 72A prohibiting or restricting publication of my reasons for judgment. The rule provides that where an interlocutory application is heard and decided in

Chambers, particulars of the hearing or the decision, or both, (including the reasons for the decision) may be published unless the Judge otherwise directs. The Plaintiffs have sought a total embargo on publication but I do not consider that to be justified. The rule clearly favours publication unless there is some valid reason to the contrary.

I am of the view that general publication should be permitted, provided that there is no reference to the search warrant aspect. I am also of the view that professional publication should be permitted of the whole judgment, including the search warrant aspect, subject to suppression of the identity of the Plaintiffs. The matters at issue are now to some extent in the public arena by dint of the press statement made by the Director of the Serious Fraud Office and Mr M comments in relation to it, as reported in the Christchurch Press. That is why I am of the view that there is no justification for a total embargo on publication.

The second application was for an order under Rule 66(7) that no document on the file might be inspected without the leave of a Judge. In view of the material on the file and the possible ambiguity as to whether what was in essence an interlocutory application was truly such, or should be deemed to be a final application because of the final nature of the order, I think it desirable to make the direction sought. Accordingly I order:

1. There is to be no publication of my reasons for judgment herein so far as they refer to the search warrants and related topics; provided however that any bona fide professional publication may report the whole of the reasons for judgment, including the search warrant aspect, with the names of the Plaintiffs suppressed.
2. Pursuant to Rule 66(7) no document on this file shall be inspected without the leave of a Judge of this Court.



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