

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

CIV 2008-085-1429

BETWEEN ANTHONY ARTHUR PAUL WILLY
Plaintiff
AND FAIRFAX NEW ZEALAND LIMITED
Defendant

Hearing: 7 July 2009

Counsel: T Sissons for Plaintiff
H Rennie QC and S Bacon for Defendant

Judgment: 22 July 2009

JUDGMENT OF SIMON FRANCE J

[1] These proceedings involve an allegation by the plaintiff that he was defamed. The publication occurred in a regional newspaper owned by the defendant. The particular passage in dispute was located in a “Letter to the Editor”.

[2] On 7 July I presided over a conference that was convened, at the parties’ request, under s 35 of the Defamation Act 1992. At the end of the hearing I adjourned the conference to allow the parties to reflect on the discussions.

[3] As a consequence I have received a joint memorandum which requests the Court to make an order under s 35(2)(a). To explain the requested declaration, I note that the letter to the editor had referred to an article that discussed a High Court judgment that was itself an appeal from the plaintiff acting in his judicial capacity. The author of the letter suggested the judgment was critical of the plaintiff’s “integrity”.

[4] The parties ask me to make the following declaration:

The Court hereby declares that the judgment of Hammond J given on 21 March 2001 in the case of *Williams v Williams* (A62/00, Hamilton Registry) did not make any finding adverse to the plaintiff in respect of his integrity.

[5] Subsequent to receiving this request I have obtained the judgment and considered it, and in particular paragraphs [119]–[128] where Hammond J sets out his “Resolution” of the appeal. I am satisfied that the sought declaration is correct.

[6] Accordingly, pursuant to s 35(2) of the Defamation Act 1992, and at the request of the parties, I make the declaration set out in paragraph [4] above.

Simon France J

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