

BETWEEN JOSEPH FRANCIS KARAM  
Plaintiff

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AND KENT PARKER  
First Defendant

AND VICTOR PURKISS  
Second Defendant

Counsel: M P Reed QC for Plaintiff  
First Defendant in person  
No appearance for Second Defendant  
H Wild for TVNZ  
J R Elliott and R Sutherland for TV3

Date of Minute: 8 October 2013

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**TELEPHONE CONFERENCE MINUTE OF COURTNEY J  
[Re: Media Application]**

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[1] This case is scheduled for trial beginning 14 October 2013. TV One and TV3 have each applied for leave to film the proceedings. The plaintiff objects.

[2] Mr Reed QC, for the plaintiff, identified a number of grounds for his opposition. The first is that this case is a civil one, not a criminal case and, further, is a claim in defamation. He argues that there is not the same public interest as there would be in a criminal case. Further, he argues that the plaintiff seeks to prevent further defamation and filming in court will simply provide the defendants with a forum to repeat the allegedly defamatory statements. Mr Reed is concerned about the risk of sensationalism.

[3] Mr Parker has no objection to cameras in court and maintains that there is still significant public interest in the case. Mr Purkiss did not appear and given any written response to the application.

[4] Ms Wild and Mr Sutherland both made similar submissions. They emphasised the desirability of open justice and the role of the media in reporting on trials. They submitted that there was genuine public interest in the case and resisted the suggestion that cameras in the courtroom could result in unfairness.

[5] The media guidelines apply to both civil and criminal cases because the desirability for open justice exists in all fora. The nature of this trial does not, in itself, justify a different approach. However, I have two concerns regarding the filming of this trial. The first is Mr Reed's point of the risk that statements which may ultimately be found to have been defamatory, will be repeated, perhaps many times, over the course of the trial and that widespread dissemination of such statements through television would be unfair.

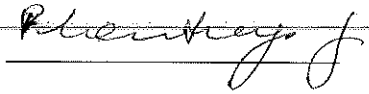
[6] My second concern is that the two defendants in this case are unrepresented. They are planning to conduct the trial with neither counsel nor a Mackenzie friend. They have no experience in managing a trial of this kind. It is not to be expected that a lay litigant will be in a position to observe the rules that counsel observe in the conduct of a trial. It seems very likely that cross-examination will be challenging for them. I anticipate that they will face objections to questions asked, both in terms of content and form. They are likely to find the making of legal submissions challenging. Filming in these circumstances has the potential, in my view, for unfairness to both the plaintiff and the defendants.

[7] For these reasons I am prepared to allow only limited filming and direct that:

- [a] There may be still photography in the first five minutes of a witness' evidence;
- [b] There is to be no filming of either defendant while they are making submissions, conducting cross-examination or being cross-examined;
- [c] There is to be no filming of Mr Karam while he is being cross-examined by either defendant;
- [d] There is to be no filming of either defendant repeating the allegedly defamatory statements

[8] I confirm that the commencement of the trial proper will be Tuesday 15 October 2013. On Monday 14 October I will see counsel and the parties to discuss any matters required to ensure that the trial proceeds smoothly.

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P Courtney J