

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

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

**CIV-2015-404-2524
[2020] NZHC 644**

BETWEEN JOHN CHARLES STRINGER
Plaintiff

AND COLIN GRAEME CRAIG
First Defendant

HELEN RUTH CRAIG
Second Defendant

ANGELA MARIA STORR
Third Defendant

KEVIN ERIC STITT
Fifth Defendant

STEPHEN DYLAN TAYLOR
Sixth Defendant

Hearing: 19 August to 6 September 2019 with supplementary submissions
on 16, 27 and 30 September 2019 and 29 and 30 January 2020

Appearances: J C Stringer in person assisted by R Hills, McKenzie friend
C G Craig in person assisted by T F Cleary, McKenzie friend
H R Craig, A M Storr, K E Stitt and S D Taylor in person
W Akel, Counsel assisting the Court

Judgment: 3 April 2020

JUDGMENT NO 3 OF PALMER J

*This judgment was delivered by me on Friday 3 April 2020 at 3 pm.
Pursuant to Rule 11.5 of the High Court Rules*

.....
Registrar/Deputy Registrar

All parties in person
W Akel, Barrister, Counsel assisting the Court

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Summary

[1] In July 2015, after the implosion of the Conservative Party, Mr Colin Craig and Mrs Helen Craig said Mr Craig had been the victim of dirty politics as the Party's former leader. They named three individuals as responsible, including Mr John Stringer, a former Conservative Party Board member. They gave a press conference and published a booklet saying so and distributed it to 1.63 million households in New Zealand. Mr Craig made other public statements saying so. The booklet was moderated, anonymously, by Mr Stephen Taylor. Party officials, Mrs Angela Storr and Mr Kevin Stitt, emailed updates to Conservative Party members about Mr Stringer and Mr Craig's booklet and legal proceedings.

[2] Mr Stringer sues the five of them for defamation. All six parties represent themselves. The defendants fairly characterise their statements as falling broadly into six categories of meanings regarding Mr Stringer, that he: lied or is a liar; engaged in attack politics; coordinated with others to target Mr Craig; seriously breached the Conservative Party's rules; acted unlawfully (by defaming Mr Craig); and betrayed others. The defendants did publish the statements complained of, most of which were defamatory of Mr Stringer. But, I hold:

- (a) Mr and Mrs Craig have qualified privilege for all of their defamatory statements because they were made in response to Mr Stringer's attacks on them. The force and vigour of their responses were not out of proportion to his, were not made in bad faith and were made for the purpose for which the privilege is accorded. With one exception, Mr and Mrs Craig's defamatory statements of fact were also true or not materially different from the truth. Their defamatory statements of opinion were their genuine opinions and based on facts that were true or not materially different from the truth.
- (b) Mr Taylor knew his moderation of the booklet would encourage its publication and he had the opportunity to influence, significantly, whether the statements were published. So, at law, he also published the defamatory statements. But the defences of qualified privilege for

response to attack, truth and honest opinion protect him as they do the Craigs.

- (c) Mrs Storr and Mr Stitt's statements were made in discharge of their duty to communicate with party members and therefore benefit from the defence of qualified privilege of a duty to publish. They were also either true or their honest opinions.

[3] Accordingly, Mr Stringer's claims all fail. The suit was misconceived. I invite submissions as to costs. I thank Mr Akel, as counsel assisting the court, for his significant assistance.

What happened?

[4] In the account of what happened below, I denote in **bold** the allegedly defamatory publications that are the subject of Mr Stringer's 13 causes of action. After that, I analyse the causes of action in four groups.

The Conservative Party and the players

[5] Mr Craig founded the Conservative Party in late 2011. Mr Brian Dobbs was a founding member of the Party's Board and its Chairman. Ms Rachel MacGregor was the press secretary. Mr Kevin Stitt was the Party Secretary until 2013 and, later, the National Administrator. Mrs Christine Rankin was a Board member and also became the Chief Executive Officer of the Conservative Party. At the November 2011 general election, the Conservative Party obtained 2.7 per cent of the party vote.

[6] Mr John Stringer was elected to the Board of the Conservative Party, possibly in 2013. In August 2014, he was ranked 13th in the Party's list. At the general election on 20 September 2014, the Conservative Party obtained 3.97 per cent of the party vote, just below the threshold of five per cent required for a party to gain representation in Parliament without a constituency seat.

Mr Craig and Ms MacGregor

[7] On 29 May 2014, Ms Rankin met with Mr Craig to discuss rumours about Mr Craig's relationship with Ms MacGregor.

[8] On 18 September 2014, two days before the election, Ms MacGregor resigned as press secretary. Mr Craig was publicly surprised by the news of the resignation. Ms MacGregor filed a claim of sexual harassment with the Human Rights Commission on the same day.¹ Speculation and rumours spread about the reasons for her resignation. On 29 January 2015, Ms MacGregor advised Mr Craig she had filed the sexual harassment claim with the Human Rights Commission and "after much reflection, I have decided to take this claim forward".² Ms MacGregor informed Mr Craig of the detail of the claim on 18 February 2015.³ It was resolved at mediation on 4 May 2015. Disputes about payment and debt forgiveness between Ms MacGregor and Mr Craig were resolved on 7 May 2015.

[9] Ms MacGregor had confided in Mr Jordan Williams. In late May 2015, Mr Williams began to make allegations about Mr Craig, including to Mrs Rankin. At the 30 May 2015 Board meeting, as recorded in the Board minutes, Mr Craig told the Board he had resolved all differences with Ms MacGregor and there was a settlement agreement.⁴

Leaks from the board

[10] By early 2015, there were persistent leaks of Board information to the media and, in particular, to Whale Oil, then one of the most read blogs in New Zealand. It is now clear, including by Mr Stringer's admissions under cross-examination at trial, that Mr Stringer had been feeding information to the Deputy Editor of Whale Oil, Mr Pete Belt, from at least 15 November 2014:

- (a) On 15 November 2014, Mr Stringer implied in an email to Mr Belt that Mr Craig had engaged in sexual harassment and he provided Mr Belt

¹ *MacGregor v Craig* [2016] NZHRRT 6 at [3].

² Email Ms MacGregor to Mr Craig, 29 January 2015, Defendants' Bundle (DB) 671.

³ Letter Gallaway Cook Allan to Chapman Tripp, 18 February 2015, DB 881.

⁴ Board Minutes, 30 May 2015, Common Bundle of Documents (CBD) 995.

with a copy of a report by Mr David Walden about Mr Craig's leadership.⁵

- (b) On 23 December 2014, Mr Stringer implied in an email to Mr Belt that Mr Craig's electoral returns were dishonest.⁶
- (c) On 30 January 2015, Mr Stringer told Mr Belt in an email there had been creative accounting with Conservative Party electoral returns.⁷
- (d) On 26 February 2015, Mr Stringer provided further information to Mr Belt about resignations from the Party but asked Mr Belt to hold off publication because of a "witch-hunt" in the Party due to a previous Whale Oil post.⁸

[11] On 28 February 2015, in chairing a Board meeting, Mr Dobbs reminded Board members of their confidentiality obligations. All Board members, including Mr Stringer, re-signed the Party's Code of Conduct which said, among other things, that "[a]ll media correspondence with regard to The Conservative Party of NZ business must be issued through the Party Leader, President or Press Secretary".⁹ They also all signed a confidentiality agreement which said, among other things:¹⁰

4. Unless I am the Parties [sic] spokesperson I will not release thru [sic] any written or verbal form information unless the Party Leader, Chairman or media person approves it.

5. I must take all due care and responsibility before releasing written information (in any form) or speaking with anyone from the media. And only doing this when I have the authority to do so.

[12] Despite this, on 5 March 2015, Mr Stringer provided further suggestions to Mr Belt about possible stories regarding the Conservative Party:¹¹

⁵ Email Mr Stringer to Mr Belt, 15 November 2014 at 5.23 pm, DB 611; Email Mr Stringer to Mr Belt, 15 November 2014 at 5.22 pm, DB 612; NOE 126/17–128/12.

⁶ Email Mr Stringer to Mr Belt, 23 December 2014, DB 651; NOE 131/33–132/7.

⁷ Email Mr Stringer to Mr Belt, 30 January 2015, DB 707.

⁸ Email Mr Stringer to Mr Belt, 26 February 2015, DB 897; NOE 140/4–16.

⁹ Brief of Mr Dobbs, 3 September 2019 [Dobbs Brief] at [16]; Conservative Party Code of Conduct for Members Who Hold Office, signed by Mr Stringer 28 February 2015, DB 905.

¹⁰ Dobbs Brief at [16]; Confidentiality Agreement, signed by Mr Stringer 28 February 2015, DB 908.

¹¹ Email Mr Stringer to Mr Belt, 5 March 2015, DB 912; NOE 82/6–13.

Pete. As a guiding principal and ‘cover-all’ “I couldn’t possibly comment”. Sorry to ‘Francis Urquart’ you, but what C said in Herald today is untrue, and is raising Party eyebrows. I imagine Larry will be furious. (Other statements by C yesterday – Vance story – were also untrue).

There has been a strict ban on talking to media (at one stage threats of Gagging Orders by C) and Colin has now breached that this morn . . .

[five paragraphs of comments]

Look also at the 3rd Consv. Leaflet re the Lochinvar Station story, and the big red Chinese sticker. And have a chat to Paul Young (Board) what he feels about that. [Paul is likely to resign over that. Very pissed off, as were other Boardies. Unilaterally published by Colin, committing Board to a racist tenor].

Someone else who is pissed and feisty. is Tauranga electorate chair (and candidate) Deborah Cunliffe (no friend of Larrys). She is on the hunt. Worth talking to. Very pissed off.

Feel free to say you approached me, “but he declined to comment, citing Board confidentiality” but did say there were some widespread concerns over various matters the Party was seeking to resolve as amicably as possible.

In all other respects, cite “A Party member.” (Don’t mention Board as source). Is it better that we chat?

Mr Craig’s resignation

[13] Mr Williams also continued to make allegations about Mr Craig to Mrs Rankin. He offered to show proof to Mr Dobbs, the Board chair, and to Mr Laurence Day, another Board member and significant donor to the Party. On 16 June 2015, Mr Dobbs called an urgent board meeting for Friday 19 June 2015.

[14] It seems that, by 17 June 2015, Mr Stringer had told Mr Patrick Gower, the political reporter at TV3, of the board meeting.¹² On 17 June 2015 Mr Stringer told Mr Gower that Mr Craig had sent unsolicited and unwanted sext messages and that Mr Craig had paid Ms MacGregor \$107,500, half of which was hush money for sexual harassment.¹³ He also told him that Mr Craig had overspent on the campaign without Board approval, and that he had created a loan.¹⁴ Mr Stringer also told Mr Andrew Craig, who is Mr Craig’s brother and another Conservative Party board member, that Mr Colin Craig had sent numerous unsolicited and unwanted sext messages to

¹² Email Mr Stringer to Mr Gower, 17 June 2015 at 2.22 pm, DB 1039.

¹³ Email Mr Stringer to Mr Gower, 17 June 2015 at 8.06 pm, DB 1032.

¹⁴ Email Mr Stringer to Mr Gower, 18 June 2015 at 8.07 pm DB 1031.

women.¹⁵ Mr Stringer made similar allegations to Mr Leighton Baker, a regional coordinator in the Conservative Party.¹⁶ Mr Stringer now acknowledges there were no sext messages and there was no six-figure payment to Ms MacGregor.¹⁷ He also acknowledges that, by early 2015, he was attempting to remove Mr Craig as leader of the Conservative Party through party processes.¹⁸

[15] Mr Dobbs and Mr Day met with Mr Williams in Hamilton on 18 June 2015. After seeing Mr Williams' material, probably on the morning of Friday 19 June 2015, Mr Dobbs and Mr Day advised Mr Craig to stand down as leader of the Conservative Party. On Friday 19 June, around 3.30 pm, Mr Craig stood down as leader, pending a review of the allegations, at a press conference with Mr Dobbs. Mr Craig considered that he also resigned from the board that day, although that was not Mr Dobbs' understanding.¹⁹

[16] That evening, four board members attended, in person, the meeting that had been scheduled, including Mr Dobbs and Mr Stringer. Mrs Rankin attended by telephone.²⁰ There is disagreement among the parties about whether the meeting was quorate or not. But that does not matter to the legal issues I have to decide. Later that evening, Mr Stringer considered the Party needed to make a statement about the allegations to members of the media who were waiting in the carpark. Mr Stringer says he asked Mr Dobbs to speak to the media as chairman.²¹ Mr Dobbs says it is possible Mr Stringer made that request but he does not remember.²² Mr Stringer arranged to do an interview with TV3 news.

Mr Stringer's statements

[17] On the day Mr Craig stood down, Friday 19 June 2015, Mr Stringer sent an email to Mr Belt titled "Sexual Allegations vs Colin", containing allegations about

¹⁵ Email Mr Stringer to Mr Andrew Craig, 17 June 2015, DB 1033.

¹⁶ Email Mr Stringer to Mr Baker, 18 June 2015, DB 1057.

¹⁷ NOE 255/16-31; NOE 251/1-9.

¹⁸ NOE 371/13-14.

¹⁹ NOE 667/28-29; Dobbs Brief, above n 9, at [95]; NOE 112/5-22.

²⁰ Brief of Mr Stringer, 23 August 2019 [Stringer Brief], at [89]; NOE 1205/18-20.

²¹ Stringer Brief at [93].

²² NOE 1103/17.

sexts, indiscretions with women and a large pay-out.²³ Whale Oil released the full email in a blogpost on 21 June 2015.²⁴ Around 3.15 pm on the same day, Whale Oil also published a blogpost written by Mr Williams with a copy of a poem written by Mr Craig to Ms MacGregor.²⁵ Mr Cameron Slater, from Whale Oil, told Newstalk ZB that day he had copies of sexts and that Mr Craig had settled a sexual harassment claim and said “I’m told it runs into 6 figures”.²⁶ In his interview with TV3 that evening he said none of the board was aware of the press conference or review until they saw it happen.²⁷ I accept that Mr Stringer and Mr Williams were not in contact until 19 June 2015, when Mr Williams called Mr Stringer after the press conference to compare notes.²⁸

[18] The following day, on Saturday 20 June 2015, Mr Stringer was busy. He:

- (a) gave an interview to The Nation on TV3 where his comments included:²⁹
 - (i) He was there “very reluctantly” and “there’s a culture in the Conservative Party of confidentiality and gagging people”.
 - (ii) He was “sick of the confidentiality being used to cover up abhorrent behaviour and I want to restore the dignity of the Conservative Party and defend due process”.
 - (iii) The board meeting had been called but “arbitrarily postponed” by Mr Craig.
 - (iv) Mr Craig had lied to the board about the nature of his relationship with Ms MacGregor. Mr Stringer described the

²³ Email Mr Stringer to Mr Belt, 19 June 2015, DB 1081; NOE 187/28–31.

²⁴ Cameron Slater “Exclusive: Emails Reveal Conservative Party Meltdown” (21 June 2015) Whale Oil Beef Hooked <www.whaleoil.co.nz>, DB 1260.

²⁵ Email Mr Williams to Whale Oil, 19 June 2015, DB 1084; NOE 552/19–26; Cameron Slater “Exclusive: The Poem Colin Craig Doesn’t Want You To See” (19 June 2015) Whale Oil Beef Hooked <www.whaleoil.co.nz>, DB 1090.

²⁶ Transcript of Newstalk ZB interview, 19 June 2015, DB 1143.

²⁷ CBD 2/495.

²⁸ NOE 359/24

²⁹ Transcript of The Nation interview, 20 June 2015, DB 1158.

relationship as “awkward” and “rather intense” but said he had no evidence of a sexual relationship.

- (v) Mr Stringer said a statement by Mr Craig that no board member had ever raised a concern with him about the relationship with Ms MacGregor being inappropriate was “completely untrue”.
- (vi) He confirmed a “chaperone system” had been put in place to manage perceptions.

- (b) sent a text to Mr Williams saying:³⁰

Pathetic jellyfish on Board wouldn't even agree to release stmt accepting CCs resignation last night. Done with them. Going nuclear. Time to carpet bomb the Colin Craig cult compound, make sure this clown doesn't come back ...

Getting so drawn into this now; and WO and I are gonna take him on if he goes us legally; wod kinda like opportunity to actually site the folders if at all possible, read the texts. I'm only responding to hearsay and accusations so far.

- (c) sent to Mr Tim Watkin, and Mr Gower of TV3, the chain of emails between him and Mr Craig and other board members on 19 and 20 June 2015 entitled “Sexual Allegations vs Colin” email;³¹
- (d) informed Mr Belt by email that he would shortly release a document detailing the conditions under which Mr Craig stood down;³²
- (e) provided to Mr Belt, by email, internal emails by Mr Stringer to other board members.³³

[19] On 21 June 2015, Mr Stringer emailed Mr Watkin at TV3, saying Whale Oil had a “‘nuclear bomb’ re Colin and may disclose this week”.³⁴ He also provided an

³⁰ Text messages Mr Stringer to Mr Williams, 20 June 2015 at 11.21 am and 11.36 am, DB 1073.

³¹ Email Mr Stringer to Mr Watkin and Mr Gower, 20 June 2015 at 1.48 pm, DB 1208.

³² Email Mr Stringer to Mr Belt, 20 June 2015 at 8.22 pm, DB 1169; NOE 83/16–21, 239/7-25.

³³ Email Mr Stringer to Mr Belt, 20 June 2015 at 10.00 pm, DB 1179; NOE 83/22–84/2.

³⁴ Email Mr Stringer to Mr Watkin, 21 June 2015, DB 1251.

email to a wide range of media saying Mr Craig had been challenged on untruths and referring to threatened legal action.³⁵

[20] On 22 June 2015, Mr Stringer emailed Mr Isaac Davison at the New Zealand Herald saying Mr Day had seen the sext messages as had another board member.³⁶ He emailed Ms Du Plessis-Allan at TVNZ again referring to the “nuclear bomb” about to be dropped by Whale Oil.³⁷ He also sent several emails to a range of media saying there had been months of lies, deceit and cover-ups by Mr Craig, that Mr Craig had lied repeatedly and the payment to Ms MacGregor could be a six-figure sum, and that Mr Craig had relentlessly pursued Mr Stringer, and he hoped Mr Craig would have his membership cancelled.³⁸

Mr and Mrs Craig’s press conference

[21] On 22 June 2015, Mr and Mrs Craig held a press conference that was live-streamed on TV and radio.³⁹ Mr Craig admitted there had been some inappropriate conduct by himself and Ms MacGregor. But Mr and Mrs Craig said there had been wild and defamatory speculation and Mr Craig said he had never sexually harassed anyone.⁴⁰

[22] Board members began to resign. Ms Rankin, Mr Regan Monahan and Mr Nathaniel Heslop did so on 23 June 2015, although Mr Heslop appears to have remained as party secretary.⁴¹ It appears that Mr Roy Brown, Ms Melissa Perkin, Mr Andrew Craig and Mr Paul Young also resigned that day.⁴²

³⁵ Email Mr Stringer to Waikato Times and others, 21 June 2015, DB 1258.

³⁶ Email Mr Stringer to Mr Davison, 22 June 2015, DB 1304.

³⁷ Email Mr Stringer to Ms Du Plessis-Allan, 22 June 2015, DB 1311.

³⁸ Three emails from Mr Stringer, 21 June 2015, DB 1303, 1305, 1308.

³⁹ NOE 1229/20–1230/18.

⁴⁰ Statements of Mr and Mrs Craig, 22 June 2015, DB 1269.

⁴¹ Brief of Mr Monahan, 26 August 2019, at [12]; NOE 482/6–9; Letter Mrs Storr to Mr Stringer, 1 July 2015, DB 1546.

⁴² Stringer Brief, above n 20, at [133]; CB 665. Although Mr Craig’s evidence was that he was not sure of the dates: NOE 755/9–15.

Mr Stringer's suspension and alternative board

[23] On 23 June 2015, Mr Dobbs told Mr Stringer the board was concerned he had released confidential information about the Conservative Party to the media, that the board was considering suspending his membership of the party and board and invited him to respond.⁴³ Later that day, Mr Stringer provided a further update on board matters to Mr Belt.⁴⁴ Mr Stringer appears to have responded to Mr Dobbs the following day, proposing board members agree to a general amnesty for all party members for any infringements up until 25 June 2019.⁴⁵ Although it is not in evidence, Mr Dobbs was adamant, under cross-examination, that he sent Mr Stringer a letter suspending him on about 25 or 26 June 2015 and offered to check his records so he could confirm that for the Court.⁴⁶ Mr Stringer disputes that.

[24] On 27 June 2015, Mrs Angela Storr, the Party membership manager,⁴⁷ advised Party members that Mr Stringer had been suspended.⁴⁸ This is the subject of Mr Stringer's **seventh cause of action**, against Mrs Storr. On 1 July 2015 Mrs Storr sent a formal letter to Mr Stringer advising he was suspended from the Party.⁴⁹ On 5 July 2015, Mr Stringer emailed media saying he had decided to resign from the board but that his earlier suspension was "bogus".⁵⁰

[25] I consider Mr Dobbs is genuine in his belief that he sent a letter to Mr Stringer suspending him and, on balance, that he probably did so. I consider Mr Stringer's disputing of that is unreliable. And, in any case, I consider the evidence supports the proposition that Mr Stringer's membership of the Conservative Party, and of its Board, was suspended on 25 June by Mr Dobbs and Mr Heslop using Mr Day's proxy vote. At this point Mr Dobbs, Mr Day and Mr Stringer were the sole remaining board members. Mr Stringer could not vote on the issue. Mr Dobbs and, through Mr Heslop, Mr Day did vote. Although Mr Stringer says Mr Day had resigned by then, Mr Day's

⁴³ Email Mr Dobbs to Mr Stringer, 23 June 2015, CB 619; Dobbs Brief, above n 9, at [33].

⁴⁴ Email Mr Stringer to Mr Belt, 23 June 2015, DB 1332; NOE 85/13–23.

⁴⁵ Document said by Mr Stringer to be a "formal reply" from Mr Stringer to Mr Dobbs, 24 June 2015, CB 620-621. The document cited is a composite of text and email metadata, reconstructed by Mr Stringer.

⁴⁶ NOE 1175/28–32; NOE 1170/24–1171/12; NOE 1203/6–1204/10.

⁴⁷ Brief of Mrs Storr, 9 August 2019 [Storr Brief], at [8]-[9].

⁴⁸ DB 1394.

⁴⁹ Email Mrs Storr to Mr Stringer, 1 July 2015, CBD 748, 751.

⁵⁰ Email Mr Stringer to media, 5 July 2015, DB 1524.

evidence was that he resigned shortly after the decision to suspend Mr Stringer.⁵¹ There is no contemporaneous or other documentary evidence to the contrary. I accept Mr Day's evidence.

[26] Mr Stringer complains of procedural irregularities and a lack of natural justice. But this is not a judicial review proceeding and those complaints are not material to resolving the issues in this case. Irrespective of those issues, it is clear Mr Dobbs and Mr Day considered they had validly suspended Mr Stringer from the Party and the board.⁵² Mr Dobbs resigned on 26 June 2015.⁵³

[27] Despite this, Mr Stringer considered he was the last remaining board member of the Conservative Party. He purported to form a further board of the Conservative Party himself, comprising himself, Mr Mark Pearce, Ms Deborah Cunliffe, Mr Thomas O'Rourke and Mr Al Belcher.⁵⁴ Mr Stringer resigned from the alternative board on 2 July 2015.⁵⁵ The others appear to have resigned about 10 days later.⁵⁶

Mr Stringer's further statements

[28] On 23 June 2015 Mr Stringer gave an interview to Radio New Zealand in which he said "Colin seems to be manipulating us and everyone around him with half-truths and misdirections", and suggested Mr Craig lied about the figure he paid to Ms MacGregor, which Mr Stringer said could be a six figure lump sum.⁵⁷

[29] On 24 and 25 June 2015, Mr Stringer sent separate emails to Mr Gower at TV3, Ms Heather Du Plessis Allan at TVNZ and Mr Tim Watkin at TV3.⁵⁸ Among other things, he said there was a further bombshell to come about Mr Craig. He wrote to Mr Gower:

⁵¹ Brief of Mr Day, 2 September 2018 [Day Brief], at [11]; NOE 995/6–997/17, 1013/24–31.

⁵² Brief of Mr Dobbs, above n 9, at [34]; NOE 1117/10–22; Day Brief at [11]–[12]; NOE 988/1–990/12

⁵³ Brief of Mr Dobbs, above n 9, at [2], [95]; NOE 1088/31–32.

⁵⁴ Brief of Mr Craig, 23 August 2019, at [123]; Letter Board of the Conservative Party of New Zealand to Mr Craig, 28 June 2015, CB 698.

⁵⁵ Brief of Mr Stringer, 21 August 2019, at [133]; CBD 665; CBD 753B; NOE 436/8-16.

⁵⁶ Additional brief of Mr Stitt, 30 August 2019, at 2.

⁵⁷ "Craig paid out six figure sum to press sec" (23 June 2015) Radio New Zealand www.rnz.co.nz, DB 1322.

⁵⁸ Email Mr Stringer to Mr Gower, 23 June 2015, DB 1354; Email Mr Stringer to Ms Du Plessis-Allan, 24 June 2015, DB 1356; Email Mr Stringer to Mr Watkin, 25 June 2015, DB 1377.

In Colin's mind, because he believes it was not sexual harassment, it is not sexual harassment. This is how this sociopath thinks and talks continually.

He when he misdirected the board for so long, it was that the Rachel thing was "an employment issue" which was true, but failing to mention that is [sic] was ALSO a sexual harassment case AND that inappropriate behaviour took place. Hides behind "employment matter."

P.S. I have a bomb-shell on Craig. It'll come.

[30] On 25 June 2015, Mr Stringer started a series of blogposts about Mr Craig, which he published on his conZervative blog, hosted by www.wordpress.com. The first was entitled "Behind the Scenes of the Colin Craig Catastrophe". The final one in the date range with which this case is concerned, on 27 September 2015, was entitled "Craig/Stringer Rap Sheets. Behind the Scenes of the Colin Craig Catastrophe". Mr Stringer made 39 blogposts before Mr and Mrs Craig's booklet was published on 29 July 2015. In summary, in his blogposts and other communications in this period:

- (a) 25 June 2015: Mr Stringer's third blogpost of the day said Mr Craig constantly lied to the board and misled it about the settlement with Ms MacGregor.
- (b) 26 June 2015: Mr Stringer responded to a query by Mr Williams about whether he was aware a second woman had complained about Mr Craig to the Human Rights Commission by saying "Yes. I've been rung and told by four separate media."⁵⁹
- (c) 27 June 2015: Mr Stringer emailed Mr Day, who I am satisfied had resigned by then, saying there were new allegations and media had called him about a second woman.⁶⁰
- (d) 28 June 2015: Mr Stringer's blogpost said further allegations against Mr Craig were coming. Mr Stringer also provided Mr Watkin at TV3

⁵⁹ Email Mr Stringer to Mr Williams, 26 June 2015, DB 1391.

⁶⁰ Email Mr Stringer to Mr Day, 27 June 2015, DB 1416.

with an excerpt from board minutes about Mr Craig and Ms MacGregor.⁶¹

(e) 30 June 2015: Mr Stringer's first blogpost of the day said Mr Craig sent sext messages to Ms MacGregor that were read to Mr Stringer and shown to board members.

(f) 30 June 2015: Mr Stringer emailed senior party members, saying there was another woman, who was also sexually harassed.⁶²

(g) 1 July 2015: Mr Stringer released an email to media with "20 fair questions".⁶³ The questions included:

4. Do you categorically deny the new rumours emerging about a second sexual harassment case against you by another of your female employees?

...

15. If there was no veracity to the Sexual Harassment Claim filed against you by a female employee, why did you make a large payout to the claimant and why was it necessary for all details to be hidden by a strict confidentiality agreement?

16. Why did you cover up and misdirect the Board as to the nature of this payout, when it took place, what it was for, and how much was involved, if you are innocent of all claims?

(h) 7 July 2015: Mr Stringer released to the media a letter Mr and Mrs Craig sent to party members.⁶⁴ The letter contained an apology from Mr Craig for the mistakes he had made as a leader, and included a ballot form asking members if Mr Craig should continue in politics. Mr Stringer's email accused Mr Craig of inappropriate use of the Party's confidential membership database, and said there were secret codes on every ballot to identify respondents.

⁶¹ Email Mr Stringer to Mr Watkin, 25 June 2015, DB 1441.

⁶² Email Mr Stringer, 30 June 2015, DB 1470.

⁶³ Email John Stringer, 1 July 2015, DB 1497; NOE 282/6-12.

⁶⁴ Email Mr Stringer, 7 July 2015, DB 1549.

- (i) On 7 July 2015, Mr Stringer also emailed the members of his new alternative board, stating:⁶⁵
- (i) Mr Craig had an affair with Ms MacGregor;
 - (ii) Ms MacGregor was paid \$107,500 to settle the sexual harassment claim;
 - (iii) Mr Craig concealed that from the board;
 - (iv) There was another woman, so Mr Craig “was two-timing not only Helen but Rachel simultaneously”;
 - (v) Mr Craig consciously falsified electoral returns and was guilty of a criminal offence under the Electoral Act; and
 - (vi) The media held explicit sexts by Mr Craig to women other than his wife.
- (j) 9 July 2015: In his second blogpost of the day, Mr Stringer drew a parallel between Mr Craig and Mr Graham Capill, a former leader of the Christian Heritage party who had been jailed for sex offences against children, stating they both “destroyed their parties with acute personal hubris”.
- (k) 12 July 2015: In the second blogpost of the day, Mr Stringer stated Mr Craig faked a meeting in Christchurch.
- (l) 21 July 2015: In a blogpost, Mr Stringer questioned whether Mr Craig had delayed payment to Ms MacGregor.

⁶⁵ Email Mr Stringer, 7 July 2015, CBD 1553.

- (m) 29 July 2015: Mr Stringer stated in his first blogpost of the day that there were emerging “problems” with other female staff members of a nature similar to Ms MacGregor’s situation.
- (n) 29 July 2015: Mr Stringer agreed under cross-examination he may have provided Mr Belt with a copy of an email Mr Stringer had sent to Mr Dobbs containing allegations about Mr Craig sexually harassing another woman.⁶⁶ And he said under cross-examination it was “likely” he sent to Mr Belt an email he suspects he had sent to Ms Cunliffe, Mr O’Rourke, Mr Belcher and Mr Pearce with similar allegations.⁶⁷

[31] Over that time, Mr Stringer also continued to liaise with Mr Williams and to provide information and allegations about Mr Craig to the media.

The booklet

[32] From late June or early July 2015, Mr and Mrs Craig worked on a 12-page booklet of text and pictures titled *Dirty Politics and Hidden Agendas: Colin Craig vs the Dirty Politics Brigade ... and Their Campaign of Lies*. Mr Craig wrote it and Mrs Craig edited aspects of it. They ran it past their lawyers, supporters of Mr Craig and others who they considered felt aggrieved or could add comment about dirty politics.⁶⁸ As explained in more detail below, the booklet alleges Mr Jordan Williams, Mr Cameron Slater and Mr John Stringer conducted a campaign of dirty politics against Mr Craig. The booklet is the subject of Mr Stringer’s **first** and **second causes of action**, against Mr Craig and Mrs Craig respectively.

[33] On Saturday 25 July 2015, Mr and Mrs Craig asked Mr Taylor to act as moderator of the booklet.⁶⁹ Mr Taylor had been a long-standing acquaintance of Ms MacGregor, had been involved in the Conservative Party and had professional experience of independently moderating documents. Mr Taylor reviewed the draft text of the booklet against documents Mr and Mrs Craig provided him. This is the

⁶⁶ DB 3/1620. NOE 96/20.

⁶⁷ DB 3/1621. NOE 97/30-33.

⁶⁸ Craig Brief, above n 54, at [173].

⁶⁹ Brief of Mr Taylor, 2 September 2019 [Taylor Brief], at [47]–[49]; NOE 1029/1–1030/6.

subject of Mr Stringer's **ninth cause of action**, against Mr Taylor. Mr Taylor estimated he spent around five hours doing the review.⁷⁰ Mr Craig estimated two hours⁷¹ and Mrs Craig thought it was "over an hour".⁷² Although it does not make much difference, I consider Mr Taylor's estimate is likely to be the most reliable because he was the one undertaking the task. Mr Taylor said he only raised one issue of concern about the draft booklet – an allegation about Ms MacGregor.⁷³

[34] On 29 July 2015, Mr and Mrs Craig held a press conference. Beforehand, they invited a few Conservative Party members to review the booklet. Mr Stitt, at that time, was the National Administrator of the Conservative Party. His evidence is that he asked Mr Craig whether he had evidence for what the booklet was saying because it was "pretty serious stuff".⁷⁴ Mr Craig assured him he did. At the press conference, Mr and Mrs Craig each read a statement. These statements are the subject of Mr Stringer's **11th and 12th causes of action**.

[35] They released the booklet which was distributed to 1.63 million homes in New Zealand. They also put the booklet on the internet.

[36] On the same day, 29 July 2015, Mr Stitt emailed out an update, directing Party members to the Craigs' statements at the press conference and their booklet and saying "[w]e are communicating this to you, not just because Colin, our former leader, has been attacked ... but because this attack has also been aimed at removing the Conservative Party from its very existence".⁷⁵ This is the subject of Mr Stringer's **eighth cause of action**, against Mr Stitt.

Mr Craig and Mr Stringer's statements

[37] Mr Craig did a series of media interviews regarding the material in the booklet. Mr Stringer made his own public statements. In summary:

⁷⁰ NOE 1038/8–9.

⁷¹ NOE 826/5.

⁷² NOE 1221/24–25.

⁷³ NOE 1080/5–30.

⁷⁴ NOE 891/27–892/3.

⁷⁵ DB 1632.

- (a) On 9 or 10 August 2015, Mr Craig published a guest blogpost on the site of left-wing commentator Mr Martyn Bradbury.⁷⁶ This is the subject of Mr Stringer’s **third cause of action**, against Mr Craig.
- (b) On 10 August 2015, Mr Stringer held a press conference, complete with wall charts. He stated Mr Craig was guilty of serious election fraud and offences under the Electoral Act.
- (c) On 10 August 2015, Mr Craig responded to questions from TV3 about Mr Stringer’s claims.⁷⁷ These are the subject of Mr Stringer’s **fourth cause of action**, against Mr Craig.
- (d) On 11 September 2015, Mr Craig was interviewed on Radio New Zealand and a story published on RNZ’s website.⁷⁸ This is the subject of Mr Stringer’s **fifth cause of action**, against Mr Craig.
- (e) On 16 September 2015, Mr Craig emailed former board members about the legal proceedings he was bringing against Mr Stringer.⁷⁹ This is the subject of Mr Stringer’s **sixth cause of action**, against Mr Craig.
- (f) On 6 October 2015, Mrs Storr emailed to party members an update about Mr Craig’s proceeding against Mr Stringer.⁸⁰ This is the subject of Mr Stringer’s **10th cause of action**, against Mrs Storr.
- (g) On 14 October 2015, in an email to party members, Mr Craig responded to Mr Stringer’s allegations.⁸¹ This is the subject of Mr Stringer’s **13th cause of action**, against Mr Craig.
- (h) On 16 November 2015, Mr Stringer posted a blogpost entitled “Mission Accomplished. Craig Out (At Last).” Mr Stringer said he was one of

⁷⁶ DB 1706.

⁷⁷ DB 1714.

⁷⁸ “Colin Craig files defamation suit” *Radio New Zealand* (online ed, New Zealand, 11 September 2015) CBD 342.

⁷⁹ Email Mr Craig, 16 September 2015, DB 1758.

⁸⁰ DB 1801.

⁸¹ Email Mr Craig, 14 October 2015, CBD 1026.

the few to show any real leadership on the issue of electoral spending.

At the end he said:

There is some mopping up to be done, and no one wins out of this; the price we've all paid for allowing one person to treat a public party as a personal vanity project and not enforcing our rules, our process or enforcing accountability. I see this type of garbage in churches run by over-the-top A-types all the time. The results are always the same. As the Bible says,

"Where there is selfish ambition, there is every kind of disorder." RIP the Conservative Party. My work here is done.

Other defamation proceedings

[38] These events have engendered an un-orchestrated litany of defamation proceedings.

[39] The first to be tried, in September 2016 over four weeks, was a suit by Mr Jordan Williams against Mr Craig for allegedly defaming Mr Williams, including for saying Mr Williams had lied about Mr Craig sexually harassing Ms MacGregor.⁸² Liability and damages were both now subject to a re-trial, ordered by the Supreme Court.⁸³ Mr Williams sought recall of the Supreme Court's judgment. I am not otherwise aware of the current status of this proceeding.

[40] In addition to suing Mr Stringer, Mr Craig has sued three other defendants, including for saying he had sexually harassed, or had lied about sexually harassing, Ms MacGregor:

- (a) On 19 August 2015, Mr Craig sued Mr Cameron Slater and Social Media Consultants Ltd. The judge-alone trial was held over almost four weeks in May 2017. That proceeding, and Mr Slater's counter-claim, was determined by Toogood J but is now under appeal to the Court of Appeal.⁸⁴

⁸² *Williams v Craig* [2017] NZHC 724, [2017] 3 NZLR 215.

⁸³ *Craig v Williams* [2019] NZSC 38, [2019] 1 NZLR 457 [*Craig v Williams* Supreme Court].

⁸⁴ *Craig v Slater* [2018] NZHC 2712.

- (b) On 10 November 2016, Mr Craig sued Ms MacGregor herself. The judge-alone trial was held over two weeks starting in September 2018. Ms MacGregor counterclaimed against Mr Craig alleging he defamed her by saying she had brought a false claim of sexual harassment against him and she was a liar. Hinton J found each party liable to the other in defamation.⁸⁵
- (c) On 29 May 2017, Mr Craig sued Mr Williams. Associate Judge Smith held issue estoppel and/or abuse of process prevented re-litigation of the conclusive determination in *Williams v Craig* of whether Mr Craig sexually harassed Ms MacGregor.⁸⁶ After the Supreme Court ordered the re-trial, the parties apparently settled.

Mr Craig's proceeding against Mr Stringer

[41] On 10 September 2015, Mr Craig filed legal proceedings against Mr Stringer for defamation. Mr Craig's suit against Mr Stringer was settled by consent of them both on 30 January 2017, with judgment being entered for Mr Craig.⁸⁷ As part of that settlement, Mr Stringer retracted his statements alleging that: Mr Craig had sexually harassed Ms MacGregor; Mr Craig had sexually harassed another woman or other women; had been fraudulent in his business dealings; and had committed electoral fraud. There were orders by consent that there be judgment for Mr Craig against Mr Stringer in relation to the publications alleging those four claims. Mr Stringer retracted his statements in full, apologised to Mr Craig, and settled the litigation by payment of a confidential sum.⁸⁸ Both parties accepted it should become an open document.⁸⁹

[42] In his closing submissions Mr Stringer said he misunderstood the position when he settled but accepted he is bound by the settlement in those respects, as he is. In subsequent submissions, however, he has characterised the recall settlement as

⁸⁵ *Craig v MacGregor* [2019] NZHC 2247.

⁸⁶ *Craig v Williams* [2018] NZHC 2520 at [99], citing *Williams v Craig* [2018] NZCA 31, [2018] 3 NZLR 1.

⁸⁷ *Craig v Stringer* [2017] NZHC 50.

⁸⁸ At [47].

⁸⁹ *Craig v Stringer* [2017] NZHC 3221 at [8].

“unsafe” and suggests I have to decide whether the “concessions” he made can be used.⁹⁰ But that is already decided as I made clear before the trial and at the trial. The consequence of judgment being entered for Mr Craig, as I said in a judgment of 17 June 2019, is:⁹¹

However, the issues which were settled in Mr Craig’s suit against Mr Stringer, and which were not re-opened by Associate Judge Osborne, do create an issue estoppel between those two parties here. Those issues are whether Mr Craig: sexually harassed other women; was fraudulent in his business dealings; and committed electoral fraud. Those issues have been determined between Mr Craig and Mr Stringer, by the resolution of Mr Craig’s proceeding. Mr Stringer may not relitigate them in his proceeding against Mr Craig.

[43] On 6 July 2017, Mr Stringer applied to recall the settlement judgment on the basis of fresh evidence. On 19 December 2017, Associate Judge Osborne agreed to recall the judgment relating only to whether Mr Stringer defamed Mr Craig by saying Mr Craig sexually harassed Ms MacGregor. That remained the only issue for trial, which was set down from 3 December 2018. But, on 31 August 2018, Associate Judge Osborne directed that Mr Craig’s proceeding against Mr Stringer should instead be heard concurrently with Mr Stringer’s proceeding against Mr Craig.⁹²

[44] On 17 June 2019, I issued judgment staying Mr Craig’s proceeding [the *Stay Judgment*] stating, in summary:⁹³

[1] There are four other proceedings about the same subject: Mr Craig has defended himself in a defamation suit by Mr Jordan Williams and Mr Craig has brought three separate defamation suits, against Mr Cameron Slater, Mr Williams and Ms MacGregor herself. There have been three trials in these other proceedings in the High Court, in September 2016, May 2017 and September/October 2017. The nature of defamation law means that, on each occasion, to defend themselves, the defendants must call evidence of whether Mr Craig sexually harassed Ms MacGregor.

[2] It cannot be right that a litigant can sue any number of defendants in defamation, in separate proceedings over a period of years, for publishing substantially the same allegations concerning sexual harassment of a person, requiring each of those defendants to call evidence about that alleged harassment in order to defend themselves. Enough is enough. Allowing Mr Craig to pursue the defamation proceeding he initiated against Mr Stringer would either require Ms MacGregor to give evidence and be cross-examined for a fourth time about whether Mr Craig sexually harassed her or would put

⁹⁰ Stringer Memorandum 37, 27 September 2019 [Stringer Memorandum 37], at [51.8].

⁹¹ *Craig v Stringer*, above n 89, at [28].

⁹² *Craig v Stringer* [2017] NZHC 3221.

⁹³ *Craig v Stringer (No 2)* [2019] NZHC 1363.

Mr Stringer at a significant disadvantage in his defence. It would be oppressive to either Ms MacGregor or Mr Stringer. Mr Craig has had, and continues to have, plenty of access to justice on this subject, in other proceedings. I consider it would be an abuse of the High Court's processes for Mr Craig to be able to pursue his defamation proceeding against Mr Stringer. I stay Mr Craig's proceeding against Mr Stringer and the aspect of Mr Stringer's proceeding in response about the same issue.

[45] The defendants have appealed the *Stay Judgment*.

Preparing for Mr Stringer's proceeding

[46] On 21 October 2015, Mr Stringer filed proceedings against Mr and Mrs Craig, Mrs Storr, Mr Stitt and Mr Heslop for defamation. On 28 March 2017, Mr Stringer applied to join Mr Taylor as a defendant. Mr Taylor was joined but subsequently applied to strike out the claim against him. On 26 November 2018, I issued judgment declining to strike out the claim against Mr Taylor, by a fine margin.⁹⁴ I considered it was clear Mr Stringer's purpose consistently centred on vindicating his reputation and was not, quite, a collateral purpose.

[47] In the *Stay Judgment*, I stayed the aspect of Mr Stringer's proceeding concerning the issue of whether Mr Craig sexually harassed Ms MacGregor.⁹⁵ Mr Stringer indicated the focus of his proceeding was on whether the booklet was justified, not whether Mr Craig sexually harassed Ms MacGregor.⁹⁶

[48] In the *Stay Judgment*, I also ruled that Mr Stringer may not relitigate the issues already resolved in favour of Mr Craig, in Mr Craig's proceeding.⁹⁷ These issues were whether Mr Craig sexually harassed other women, was fraudulent in his business dealings and committed electoral fraud. The settlement agreement is conclusive proof, for legal purposes, that Mr Stringer defamed Mr Craig by making those allegations. Mr Stringer filed a memorandum saying he never viewed his proceeding as focussed on the sexual harassment matters, nor the other matters which I ruled were resolved.⁹⁸

⁹⁴ *Stringer v Craig* [2018] NZHC 3076 at [42].

⁹⁵ *Craig v Stringer (No 2)*, above n 93, at [36].

⁹⁶ Minute No 10, 24 June 2019, at [19].

⁹⁷ *Craig v Stringer (No 2)*, above n 93, at [28].

⁹⁸ Plaintiff's memorandum, 21 June 2019, at [7].

[49] The defendants sought an adjournment of the proceeding until their appeal of the *Stay Judgment* was determined. Mr Stringer opposed that. I did not consider the defendants were particularly prejudiced by the trial proceeding. I said their defences of truth and qualified privilege could fairly be characterised as strong, as indeed Mr Stringer submitted the defence of qualified privilege was.⁹⁹ I did not consider it was in the interests of justice to adjourn the trial and determined Mr Stringer's proceeding should be tried as scheduled.¹⁰⁰

[50] After the *Stay Judgment*, in a case management teleconference on 19 June 2019, I specifically asked Mr Stringer to consider whether he wished to pursue his proceeding.¹⁰¹ Mr Stringer advised he did. After assessing the defendants' defences as strong, in my decision not to adjourn the trial on 29 July 2019, I observed "[g]iven all this, and the availability of an award of disbursements to the victor, it would not have been surprising had Mr Stringer abandoned his proceeding".¹⁰² That did not deter Mr Stringer either.

[51] In preparing for trial, the parties sought clarification of the extent to which the *Stay Judgment* impacted on the issues at trial. I indicated:¹⁰³

- (a) I did not consider the *Stay Judgment* prevented the defendants from pleading a defence of qualified privilege against attack and referring to Mr Stringer's allegations about Mr Craig and Ms MacGregor.¹⁰⁴
- (b) The *Stay Judgment* meant none of the pleadings could put in issue the question of whether Mr Craig sexually harassed Ms MacGregor or sent her sexually explicit text messages.¹⁰⁵
- (c) The *Stay Judgment* did not prevent contest about:¹⁰⁶

⁹⁹ Minute No 13, 29 July 2019, at [24].

¹⁰⁰ At [17]-[27].

¹⁰¹ Minute No 10, 24 June 2019, at [8].

¹⁰² Minute No 13, 29 July 2019, at [25].

¹⁰³ Minute No 10, 24 June 2019.

¹⁰⁴ At [19].

¹⁰⁵ At [22].

¹⁰⁶ At [22], referring to Mr Akel's memorandum of 20 June 2019 at [21].

- (i) whether Mr Craig lied to the Board of the Conservative Party about what he paid Ms MacGregor; or
- (ii) whether Mr Craig made a financial settlement with Ms MacGregor for sexual harassment that he kept secret.

[52] With some hiccups, the parties re-pleaded on that basis.¹⁰⁷

Trial of Mr Stringer's proceeding

[53] The proceeding was tried before me over 14 days from 19 August 2019 until 6 September 2019 (with a break on 5 September 2019 for the parties to prepare their closing submissions). The witnesses were:

- (a) For Mr Stringer: Mr Stringer; Mrs Laurie Stringer; Mr Regan Monahan; Mr Jordan Williams; and Mrs Christine Rankin, by Audio-Visual Link (interposed amongst the defendants' witnesses by consent).
- (b) For the defendants: Mr Colin Craig; Mr Kevin Stitt; Mrs Angela Storr; Mrs Bev Adair-Beets; Mr Laurence Day; Mr Stephen Taylor; Mr Brian Dobbs; and Mrs Helen Craig.

[54] I made a lot of rulings during the trial on the admissibility of evidence, particularly in response to objections to material in the briefs of Mr Stringer, Mr Craig and Mr Williams. These are recorded in the 14 bench notes issued for each day of trial, which were distributed to the parties at the time and to which they were able to request corrections. I also made a lot of rulings on objections to questions in cross-examination, the most significant of which are recorded in the bench notes. The most persistent problems during the trial derived from Mr Stringer finding it difficult: not to ask leading questions when he was leading evidence from his witnesses;¹⁰⁸ not to keep asking the same question after it had been answered;¹⁰⁹ and not to mischaracterise

¹⁰⁷ I questioned whether the defendants' repleading prejudiced themselves by striking out more than was required, in Minute No 13, 29 July 2019, at [22]. At [23], I gave leave for the defendants to replead, which they did.

¹⁰⁸ E.g. Bench Note No 6, 27 August 2019, at [2].

¹⁰⁹ E.g. Bench Note No 8, 28 August 2019, at [7].

documents or previous evidence in conducting cross-examination.¹¹⁰ In relation to the last issue, to ensure his cross-examination was fair to witnesses, I required Mr Stringer to take the witness to a document if he wished to refer to it.¹¹¹

[55] By consent, I also agreed to assess, during my deliberation, Mr Stringer's objections to the admissibility of evidence on the basis they are in breach of my rulings about what may not be traversed at trial.¹¹² Having now reviewed those objections I do not consider most of them are sustained. I did not have regard to those that are.¹¹³

[56] One particular evidential ruling is worth noting. On Monday 12 August 2019, a week before trial, Mr Stringer advised he had completed the common bundle but had to draw a line on nominations by the defendants, in order to comply with the deadline for its filing on that day. His common bundle took up three spiral-bound volumes. The following day, 13 August 2019, the defendants objected that the index to the common bundle was not compliant with the High Court Rules 2016 and that Mr Stringer had omitted an extensive number of documents from the bundle. On 13 August 2019, I ruled that Mr Stringer had to provide a compliant index and that the defendants could prepare a supplementary bundle of documents of those they believe were omitted from Mr Stringer's bundle. They filed five Eastlite folders of documents.

[57] On the first day of trial, Mr Stringer objected to documents in the defendants' bundle. In particular, he objected to documents Mr Craig had discovered from the *Craig v Slater* proceeding.¹¹⁴ These were emails to and from Mr Pete Belt, the former Deputy Editor of the Whale Oil website. Mr Stringer objected that some of these documents had not been properly redacted by Mr Belt, or by his counsel Mr Henry, in the *Craig v Slater* proceeding. I ruled I would not second guess which additional redactions should have been made by Mr Belt in that proceeding and allowed the unredacted documents to be the subject of cross-examination, re-examination and

¹¹⁰ Bench Notes: No 10, 30 August 2019, at [2]; No 11, 2 September 2019, at [6]–[7].

¹¹¹ Bench Note No 10, 30 August 2019, at [2].

¹¹² Bench Note No 7, 28 August 2019, at [8].

¹¹³ Brief of Mrs Craig, 8 August 2019, at [28], [40]; Storr Brief, above n 47, at [13], [37]; Taylor Brief, above n 69, at [39], [45]; Dobbs' Brief, above n 9, at [71], [89], [93]; Day Brief, above n 51, at [67.1].

¹¹⁴ Bench Note No 1, 20 August 2019, at [12]. I had ordered discovery of the documents in Minute No 8, 11 March 2019, at [28](a)(iii).

submission.¹¹⁵ I said, if it turned out the point mattered, I would consider it further in the course of preparing the judgment. That evening, the Registry received an email from Mr Belt, at Mr Stringer's instigation. I advised Mr Stringer he needed to arrange for Mr Belt to swear an affidavit and make an application if he wished to pursue the matter.¹¹⁶

[58] On 22 August 2019, in an attachment to a memorandum, Mr Stringer referred again to Mr Belt's emails and their possible protection under s 68 of the Evidence Act 2006, concerning the protection of Mr Belt's sources as a journalist. Mr Akel submitted Toogood J's finding in *Craig v Slater*, that many of the anonymised emails to and from Mr Belt were probably sent by and to Mr Stringer, meant the issue was in the public domain anyway.¹¹⁷ I also observed, given Mr Stringer acknowledged under cross-examination that the emails were from him to Mr Belt, to the extent they were relevant, he had an obligation to discover them and could hardly rely on any privilege or obligations of confidence of Mr Belt in that regard.¹¹⁸ I ruled, to the extent they were relevant, the anonymised emails to and from Mr Belt were admissible.¹¹⁹ When cross-examined on them, Mr Stringer admitted he had sent most of them.¹²⁰ In his closing submissions he tried to characterise his discovery of "all his associations with Peter Belt, including the WO emails recovered from Cameron Slater in 2017" as "generous".¹²¹ Rather, I consider Mr Stringer deliberately attempted to conceal evidence that was particularly unfavourable to him.

[59] I also do not accept Mr Stringer's assertions that the defendants did not provide "honest discovery" and actively deceived the Court and him.¹²² There is no evidence to support that.

[60] At the end of the trial, by consent, I gave leave to Mr Akel, as counsel assisting the Court, to file and serve a memorandum about any issues he considered would assist

¹¹⁵ At [13].

¹¹⁶ Bench Note No 2, 20 August 2019, at [6].

¹¹⁷ Bench Note No 4, 22 August 2019, at [4].

¹¹⁸ At [4].

¹¹⁹ At [4].

¹²⁰ As recorded in the Notes of Evidence at the citations accompanying the text above describing those emails.

¹²¹ John Stringer, Closing Submissions, 6 September 2019 [Stringer Closing] at [132].

¹²² Stringer Closing at [133].

the Court, which he did on 16 September 2019. I record again, as I did at the end of the evidence, my appreciation for Mr Akel's efforts as counsel assisting the Court.¹²³ He provided 14 memoranda for the Court and the parties before trial. He led the initial evidence of each witness, though their briefs were largely taken as read. He asked questions of each witness he considered should be asked to assist the Court. He offered helpful suggestions about various points that arose during the trial. Conducting a defamation trial between six litigants in person is not easy. There were numerous occasions on which parties needed direction or assistance, as the bench notes demonstrate. Mr Akel's efforts before, during and after the trial, while remaining neutral between the parties, have indeed assisted the Court.

[61] The parties filed and served submissions in response to Mr Akel's final memorandum. Their submissions also addressed the judgment in *Craig v MacGregor* which was issued to the parties on the last day of the trial of this proceeding and was made public on 9 September 2019.¹²⁴

[62] On 29 January 2020, without leave, Mr Stringer sought to file new evidence, of a presentation by Mr Lusk to some of the defendants in 2013, which he said was not discovered by the defendants. The defendants demonstrated they had discovered it. They also submit it is not relevant to the issues I have to determine, which is correct. I do not have regard to it.

Law of defamation

Publication of defamatory statements

[63] There is little dispute between the parties about the law of defamation. First, in relation to each allegedly defamatory statement, Mr Stringer must prove, on the balance of probabilities, that the statement had a defamatory meaning. That is a meaning that would lower Mr Stringer's reputation or cause an ordinary reasonable person reading or hearing the statement, to think worse of him in a more than minor way.¹²⁵ A court will reject meanings which can only emerge from some strained or

¹²³ Bench Note No 13, 4 September 2019, at [13].

¹²⁴ *Craig v MacGregor*, above n 85.

¹²⁵ *Sellman v Slater* [2017] NZHC 2392, [2018] 2 NZLR 218 at [75].

forced interpretation or groundless speculation.¹²⁶ The statement must be read in the context of the publication as a whole.¹²⁷

[64] Second, Mr Stringer must prove, on the balance of probabilities, that each defamatory statement was published by a defendant. A defendant may publish a defamatory statement themselves. Or they may publish someone else's defamatory statement. In *Sellman v Slater* I outlined the extent to which New Zealand law treats a person as having "published" a defamatory statement.¹²⁸ I quoted the learned authors of *Gatley on Libel and Slander* who explained:¹²⁹

at common law liability extends to any person who participated in, secured or authorised the publication".

And

Joint and several liability. In accordance with general principle, all persons who procure or participate in the publication of a libel, and who are liable therefor, are jointly and severally liable for the whole damage suffered by the claimant.

[65] I quoted statements by Eady J in the High Court of England and Wales that:¹³⁰

There are various acts that can give rise to legal responsibility, for example, encouraging the primary author, supplying him with information intending or knowing that it will be re-published, or, if one is in a position to do so, instructing or authorising him to publish it.

And

In determining responsibility for publication in the context of the law of defamation, it seems to me to be important to focus on what the person did, or failed to do, in the chain of communication. It is clear that the state of a defendant's knowledge can be an important factor. If a person knowingly permits another to communicate information which is defamatory, when there would be an opportunity to prevent the publication, there would seem to be no reason in principle why liability should not accrue.

¹²⁶ *New Zealand Magazines Ltd v Hadlee (No 2)* [2005] NZAR 621 (CA) at 625.

¹²⁷ At 625. And see *Stocker v Stocker* [2019] UKSC 17, [2019] 3 All ER 647 at [25].

¹²⁸ *Sellman v Slater*, above n 125, at [103]-[111].

¹²⁹ At [104] and [105], citing Alistair Mullis and Richard Parkes (gen eds) *Gatley on Libel and Slander* (12th ed, Sweet & Maxwell, London, 2013) [*Gatley*], at [6.10] and [6.11]. And see *Newton v Dunn* [2017] NZHC 2083 at [81]-[88].

¹³⁰ At [104], citing *B v N* [2002] EWHC 1692 (QB) at [25] and *Bunt v Tilley* [2006] EWHC 407 (QB), [2007] 1 WLR 1243 at [21], respectively.

Defences

[66] If a plaintiff proves a statement is defamatory and published, a defendant will be liable in defamation unless the defendant proves, on the balance of probabilities, a defence applies. Several defences are pleaded here: truth; honest opinion; and two sorts of qualified privilege.

[67] *Truth*: If a defamatory statement is true, a defendant is not liable. A person is only entitled to the reputation they deserve. Under s 8 of the Defamation Act 1992 (the Act) the defence of truth succeeds if the imputations in a defamatory statement of fact “were true or not materially different from the truth” or “the publication taken as a whole was in substance true, or was in substance not materially different from the truth”. A statement of fact is one that can be objectively proven. Failure to prove the truth of minor details of a statement will be immaterial so long as the author can prove the truth of the “sting” of the defamation.¹³¹ Truth, for example about the character of a target of defamatory comments, can be proved by facts that did not become apparent until after the statement was made.¹³²

[68] *Honest opinion*: If a defamatory statement of opinion is genuinely held and based on true facts, a defendant is not liable. This defence upholds the right to express opinions of any kind, in any form, which is an important element of the right to freedom of expression, protected by s 14 of the New Zealand Bill of Rights Act 1990 (Bill of Rights). For the defence of honest opinion to succeed, including under ss 9 – 11 of the Act, the defamatory statement must have been: one of opinion rather than fact; genuinely held; and based on facts not materially different from the truth.¹³³ The facts supporting honest opinion must have been generally known, or indicated by the statement, at the time of publication.¹³⁴

[69] *Qualified privilege*: A defence of qualified privilege from liability for defamation arises when the law recognises a need for frank communication which

¹³¹ *Craig v Slater* [2018] NZHC 2712 at [326]; *Television New Zealand v Haines* [2006] 2 NZLR 433 (CA) at [55].

¹³² *Gatley*, above n 129, at [11.10].

¹³³ *Lange v Atkinson* [1998] 3 NZLR 424 (CA) at 436.

¹³⁴ Ursula Cheer “Defamation” in Stephen Todd (ed) *Todd on Torts* (8th ed, Thomson Reuters, Wellington, 2019) [Cheer] at [16.8.02]; *Gatley*, above n 129, at [12.24].

outweighs the need to protect reputation.¹³⁵ Two forms of qualified privilege are relevant here:

- (a) *Response to attack*: A defamatory statement has qualified privilege when it is made in response to a defamatory attack.¹³⁶ The response can be forceful and vigorous.¹³⁷ It can involve a counter-attack on the plaintiff's character provided that is relevant and necessary to reply to the attack.¹³⁸ The recipient must have an interest in receiving the reply, and will be presumed to have such an interest if they heard the attack.¹³⁹ The publisher of a statement attracting qualified privilege of response to attack is afforded the same degree of protection as the person making the statement.¹⁴⁰

- (b) *Duty to publish*: A defamatory statement also attracts qualified privilege if its publisher had a legal, social or moral duty to publish the statement and the recipient had a corresponding interest to receive it.¹⁴¹ I accept that an official of a political party has a duty to publish information about the party to its members and they have an interest in receiving it.

[70] Mr Stringer is correct that *Durie v Gardiner* subsumed another form of qualified privileged into a new defence of responsible communication. But that did not affect these two forms of qualified privilege.¹⁴² Responsible communication is not pleaded by the defendants here. And contrary to his submissions, Mr Stringer cannot himself take advantage of that privilege as a defence, when he is the plaintiff alleging defamation by others.¹⁴³

[71] Qualified privilege can be defeated if a plaintiff proves, on the balance of probabilities, that a defendant acted outside the privilege. Section 19 provides that is

¹³⁵ *Craig v Williams* (Supreme Court), above n 83, at [21], quoting *Lu v Mo Po* [2018] HKCFA 11, (2018) 21 HKCFAR 94 at [13] per Lord Reed NPJ.

¹³⁶ At [23].

¹³⁷ At [23] and [127].

¹³⁸ *Adam v Ward* [1917] AC 309 (HL) at 321.

¹³⁹ *Craig v Slater* [2018] NZHC 2712 at [360].

¹⁴⁰ Cheer, above n 134 at 946; *Gatley*, above n 129, at [14.53].

¹⁴¹ *Adam v Ward*, above n 138, at 334.

¹⁴² *Durie v Gardiner* [2018] NZCA 278, [2018] 3 NZLR 131 at [82].

¹⁴³ Stringer Closing, above n 121, at [188]-[192] and [217].

where “the defendant was predominantly motivated by ill will towards the plaintiff, or otherwise took improper advantage of the occasion of publication”. In *Craig v Williams*, the Supreme Court clarified that the key concern of s 19 is improper purpose or “a purpose outside the occasion of privilege”.¹⁴⁴ It held “[t]he general principle is that a person taking advantage of a privileged occasion must act in good faith for the purpose for which privilege is accorded”.¹⁴⁵ Making a statement the maker does not believe is true, or predominantly using an occasion of privilege for the purpose of venting ill will, malice or spite are examples of taking improper advantage of an occasion of privilege.¹⁴⁶ It is the knowledge of the statement-maker at the time of publication that matters. But ill will for this purpose does not equate to personal animosity.¹⁴⁷ “The critical issue” is “whether the occasion has been used for an improper purpose”.¹⁴⁸

[72] And, as the text *Gatley on Libel and Slander* states, in a passage cited by the Supreme Court:¹⁴⁹

If the defendant honestly believed his statement to be true, he is not to be held malicious merely because such belief was not based on any reasonable grounds, or because he has done insufficient research or was hasty, credulous, or foolish in jumping to a conclusion, irrational, indiscreet, stupid, pig-headed or obstinate in his belief.

[73] Not that I attribute any of those adjectives to any of the parties.

Pleadings and issues

[74] The text of the fourth amended statement of defence made clear that all defendants pleaded the defences of honest opinion and qualified privilege of response to an attack. But the wording of schedules two and three to the amended statement of defence, in relation to the defences of truth and honest opinion, were expressed to be on behalf of “the defendant” and “the defendant, Mr Craig”. Before trial, Mr Akel noted that Mr Stringer appeared to consider that only Mr Craig was pleading the

¹⁴⁴ At [27].

¹⁴⁵ At [27], [124]. The majority generally agreed with the principles stated by the minority, per [24] and footnote 29.

¹⁴⁶ At [29]–[30], [53], [125]. See also *Durie v Gardiner*, above n 142, at [36].

¹⁴⁷ At [53].

¹⁴⁸ At [30] and [53].

¹⁴⁹ At [47], citing *Gatley*, above n 129, at [17.17] (footnotes omitted).

defences of truth and honest opinion so the defendants would have to clarify their position.¹⁵⁰ Mr Stringer reiterated that submission in his opening on the first day. In response, Mr Craig confirmed all defendants plead truth and honest opinion.¹⁵¹ On 27 August 2019, the seventh day of trial:¹⁵²

- (a) Mr Stringer raised the point again, saying he was “very confused” about what the defendants had actually pleaded and submitting I should accept the pleadings as stated in the schedules.
- (b) Mr Craig submitted the defendants’ position was clearly laid out in their opening submissions.
- (c) Mr Akel submitted no one could be under the misapprehension that all the defendants put into contention all three defences and it was difficult to understand how Mr Stringer was prejudiced.
- (d) I ruled we would proceed on the basis all defendants were pleading response to attack, truth and honest opinion as I considered that was clear from: the body of the fourth amended statement of claim; Mr Akel’s pre-trial memorandum of 16 August 2019 identifying the issue; the defendants’ openings; Mr Craig’s response on the first day of trial; and from the defendants’ full opening that day. I indicated I was “somewhat dubious” about Mr Stringer’s claim to being confused.

[75] The following day, Mr Stringer accepted my ruling.¹⁵³ He repeated that in his closing submissions, though he submitted Mr Taylor’s evidence, that Mr Taylor had not published the statements, was inconsistent with his defence.¹⁵⁴ Mr Taylor’s evidence about publishing, which is in any case a legal question, was not inconsistent with his defence.

¹⁵⁰ W Akel, memorandum, 16 August 2019, at [28], [30]–[31].

¹⁵¹ Bench Note No 1, 20 August 2019, at [27].

¹⁵² Bench Note No 7, 28 August 2019, at [11]–[14].

¹⁵³ John Stringer, Memorandum No 35, 28 August 2019, at [1].

¹⁵⁴ Stringer Closing, above n 121, at [76], citing NOE 1027/19-25.

[76] Overall, the defendants submit that the sting of the imputations complained of by Mr Stringer in all his causes of action lies in six propositions:¹⁵⁵

- (a) Mr Stringer lied or is a liar;
- (b) Mr Stringer engaged in attack politics targeting Mr Craig and the Conservative Party;
- (c) Mr Stringer coordinated with others to target Mr Craig;
- (d) Mr Stringer seriously breached Party rules;
- (e) Mr Stringer broke the law; and
- (f) Mr Stringer betrayed others.

[77] I accept, overall, that is a fair way of characterising the categories into which the meanings pleaded by Mr Stringer fall.

[78] In general:

- (a) The defendants do not dispute most statements are defamatory or identify Mr Stringer, though they dispute some of the meanings alleged by Mr Stringer.
- (b) Except for Mr Taylor, they do not dispute they published the statements.
- (c) All the defendants plead defences of truth, honest opinion and qualified privilege in responding to attack. Mrs Storr and Mr Stitt plead qualified privilege in a duty to publish.
- (d) Mr Stringer pleads that, if established, honest opinion is defeated by the opinions not being genuine and qualified privilege is defeated by ill will.

¹⁵⁵ Defendants' Closing Submissions, 6 September 2019 [Defendants' Closing], at [90].

[79] I address the issues by way of four groups of statements, made by:

- (a) Mr and Mrs Craig in the booklet and press conference;
- (b) Mr Taylor in moderating the booklet;
- (c) Mr Craig in other statements; and
- (d) Mrs Storr and Mr Stitt in updating Party members.

1 Are the Craigs liable for statements in the booklet and at its launch?

The booklet and press conference

[80] Mr Stringer's first and second causes of action are against Mr and Mrs Craig for statements made in the booklet *Dirty Politics and Hidden Agendas*. The booklet was launched at a press conference on 29 July 2015, which was live-streamed on the internet. It was also put up on the internet and hard copies were distributed to 1.63 million households in New Zealand – almost all households.

[81] In summary, the contents of the booklet were as follows:

- (a) The cover contained a picture of Mr Craig and the title. Page two had a table of contents of the four primary parts of the booklet under the heading "A story that had to be told" and a quotation of the ninth commandment in one version of the Bible, "Thou shalt not bear false witness".
- (b) Page 3 explained what "dirty politics" is, by reference to the book published by Mr Nicky Hager in 2014 titled *Dirty Politics: How attack politics is poisoning New Zealand's political environment*.
- (c) Pages 4 and 5 identified three individuals as "the schemers" who plotted against Mr Craig: Mr Jordan Williams; Mr Cameron Slater; and Mr John Stringer.

- (d) Pages 6 – 9 outlined “the campaign of lies” with a strategy against Mr Craig and identified four examples of false allegations about him:
- (i) Lie #1: that he sexually harassed Ms MacGregor;
 - (ii) Lie #4: that Mr Craig made a “big payout” to Ms MacGregor;
 - (iii) Lie #7: that Mr Craig sent “SEXT” messages to Ms MacGregor; and
 - (iv) Lie #14: that there was “another victim” of Mr Craig.
- (e) Pages 10 – 11 contained the apparent text of an “Exclusive interview with Mr X” who was anonymous but “is someone who knows those involved”, “although his opinions are of course his own and not endorsed in any way”. Mr and Mrs Craig’s evidence at trial was that Mr Craig wrote the text but the views attributed to Mr X were primarily those he thought were held by Mr Simon Lusk, though also of some other people.¹⁵⁶
- (f) The last page contained a cartoon and in small print: a moderator disclaimer; editorial statement; authorising statement; and references (which were endnotes). At the bottom of the last page was the statement “Authorised by Colin and Helen Craig” and the address of their business.

[82] In launching the booklet on 29 July 2019, Mr and Mrs Craig gave a press conference to assembled media who attended for that purpose. In summary, Mr Craig announced there had been a strategy to remove him as leader of the Conservative Party, several lies had been told about him and he would be suing three key members of the “Dirty Politics Brigade”, including Mr Stringer, for defamation. Mrs Craig’s shorter statement said, in summary, Mr Craig could be trusted and she stood with him and supported him.

¹⁵⁶ NOE 634/9–635/4; 1302/5–9.

Were the booklet statements defamatory and published by the Craigs?

[83] Mr Stringer pleads specified statements in the booklet are defamatory of him, in five categories. In causes of action one and two, Mr Stringer pleads they have eight specified defamatory meanings. Of those, Mr and Mrs Craig acknowledge (with immaterial differences between them) the booklet contains statements with the following six meanings, which they admit are defamatory:¹⁵⁷

- (a) Mr Stringer is a member of the “Dirty Politics Brigade” (Mrs Craig) or one of three people referred to as “the Dirty Politics Brigade” (Mr Craig);
- (b) Mr Stringer makes false allegations;
- (c) Mr Stringer has acted unlawfully in so far as it is not lawful to defame a person’s character;
- (d) Mr Stringer lies;
- (e) Mr Stringer is unethical (Mr Craig) or has acted unethically (Mrs Craig); and
- (f) Mr Stringer is a “Judas” (Mr Craig) or is a “Judas” in so far as that means he betrayed a duty to a group of colleagues (Mrs Craig). They admit the special meaning of this, pleaded by Mr Stringer, that Mr Stringer was a “traitor”.

[84] Mr and Mrs Craig admit many of the statements complained of were about Mr Stringer, because he is named. However, they submit not all of the statements complained of were about Mr Stringer. And Mr and Mrs Craig deny the statements in the booklet have the other two pleaded meanings.

¹⁵⁷ Mr Stringer mischaracterised this in his closing submissions (Stringer Closing, above n 121, at [11]), in saying only one meaning was admitted and the others were all denied.

[85] First, Mr Stringer pleads that specified statements in the booklet mean Mr Stringer is corrupt. He submits his claim stands because the defendants made no submissions as to whether they deny he is corrupt or the meaning of corrupt. Mr and Mrs Craig deny the meaning and submit specified statements do not have this meaning: that dirty politics generally “is a professional foul on a grand scale and the corruption of a process that should be free and fair”. I consider these statements, which are used to explain “dirty politics” on page three of the booklet, are not specifically aimed at Mr Stringer and do not allege corruption.

[86] However, as pleaded by Mr Stringer,¹⁵⁸ there is another passage on page three of the booklet that states:

We [as a nation] do not like corrupt people, and honesty is one of our core values. We must therefore reject the “Dirty Politics Brigade” who are seeking to hijack the political debate in New Zealand.

[87] Contrary to Mr Stringer’s submission, the “Dirty Politics Brigade” is not a term used in Mr Hager’s book.¹⁵⁹ Rather, as Mr Craig said under cross-examination, it was a term he used to apply to Mr Williams, Mr Slater and Mr Stringer.¹⁶⁰ In saying so, as Mr and Mrs Craig concede in their pleading, the booklet clearly identifies Mr Stringer as one of the “Dirty Politics Brigade”. And the passage above links the Dirty Politics Brigade to corrupt people. Accordingly, I consider this passage does bear the defamatory meaning that Mr Stringer is corrupt.

[88] Second, Mr Stringer pleads that statements in the booklet mean he is guilty of harassment. Mr and Mrs Craig deny that and submit Mr Stringer is not so identified. The statement specified by Mr Stringer, on page nine, is in the conclusion of the part of the booklet about the “campaign of lies”:

In addition there have been threatening and harassing emails and texts not just to Craig but also to those who are supporting him.

¹⁵⁸ Seventh amended statement of claim, 31 July 2019, [7ASOC] at [36] and [37].

¹⁵⁹ Stringer Closing, above n 121, at [14]–[15].

¹⁶⁰ NOE 680/27–681/6.

[89] However, the context of the paragraph does not say who was doing what. I do not consider an ordinary reader would consider this was an allegation that Mr Stringer is guilty of harassment.

[90] Accordingly, I identify seven meanings of statements in the booklet published by Mr and Mrs Craig as defamatory: the six admitted meanings and the corruption meaning.

[91] There is no issue about publication of the booklet. Mr Stringer alleges Mr and Mrs Craig published the statements in the booklet. Mr and Mrs Craig acknowledge they published the booklet at the press conference and in having the booklet distributed throughout New Zealand. They also published it by putting it on the internet.

Were the press conference statements defamatory and published?

[92] In causes of action 11 and 12, Mr Stringer claims the statements made by Mr and Mrs Craig at the 29 July 2015 press conference had 11 defamatory meanings. Of those, Mr Craig admits he made defamatory statements with five meanings and Mrs Craig admits she made defamatory statements with two of those meanings, as follows:

- (a) Mr Stringer is a member of the “Dirty Politics Brigade” (Mr and Mrs Craig);
- (b) Mr Stringer is party with a group of others who manipulate the media and the public using a web of deceit (Mr Craig);
- (c) Mr Stringer is a seriously deliberate, repetitive defamer (Mr and Mrs Craig);
- (d) Mr Stringer ran strategies against Mr Craig (Mr Craig); and
- (e) Mr Stringer acts illegally, requiring defamation litigation (Mr Craig).

[93] Mr Craig denies making statements with six alleged defamatory meanings and Mrs Craig denies making statements with nine meanings. Of these disputed meanings, I consider two statements were published with defamatory meanings:

- (a) Mr Craig published a statement meaning “Mr Stringer ran a defamatory strategy against Mr Craig”. Mr Craig submits Whale Oil did that, using Mr Stringer’s information. But in his media statement he said “this is the day we start to fight back against the Dirty Politics Brigade who have been running a defamatory strategy against me”.¹⁶¹ Mr Craig clearly identified Mr Stringer later in the statement, and in the accompanying booklet which provided context for the statement, as one of the three key people in the “Dirty Politics Brigade” against whom he was taking legal action.¹⁶²
- (b) Mr Craig published a statement meaning “Mr Stringer strategically lied to undermine Mr Craig”. He said “[i]n our booklet we reveal that there has been a campaign of defamatory lies to undermine my public standing, a campaign that in the Dirty Politics Brigade’s own words they describe as a ‘Strategy that is being worked out’”.¹⁶³ Read in context, and with the identification of Mr Stringer as one of the Dirty Politics Brigade, I consider that statement bears the alleged meaning.

[94] I consider Mr and Mrs Craig did not make statements with the following defamatory meanings:

- (a) Neither Mr nor Mrs Craig published a statement meaning Mr Stringer had a dirty political agenda.¹⁶⁴ Mr Craig did talk about “the dirty politics agenda” but, in context, “dirty politics” was virtually being used as a defined term in the booklet. It is subtly different in meaning from “dirty political agenda” which is a more generic allegation about substantive goals, not just methods.

¹⁶¹ CBD 1/31.

¹⁶² CBD 1/32.

¹⁶³ CBD 1/31.

¹⁶⁴ CBD 1/31.

- (b) Neither Mr nor Mrs Craig published a statement meaning Mr Stringer “smeared and was false as a campaign”. Mr Craig stated some media “expressed concerns about a smear campaign” and wished good judgment had been exercised “with other false allegations”. But that does not bear the alleged meaning.
- (c) Neither Mr nor Mrs Craig published a statement meaning “Mr Stringer is strategically involved with Nicky Hager’s identified ‘Dirty Politics Brigade’ as defined in his 2014 book from which the Booklet takes the same title in 2015 to reinforce the link”. As Mr Craig said in evidence, his allegation was not that Mr Stringer was named in Mr Hager’s book.¹⁶⁵ Despite Mr Stringer’s assertion to the contrary, Mr Hager’s book does not appear to have used the phrase “Dirty Politics Brigade”. Mr Craig’s evidence is that his use of that phrase was his own invention.¹⁶⁶ While Mr Craig said that Mr Hager’s book “shed some light on who these people are” he did not say Mr Hager identified Mr Stringer. In context, I do not consider an ordinary reasonable reader or listener would have thought that is what he meant.
- (d) Neither Mr nor Mrs Craig published a statement meaning “Mr Stringer, with those others defined by Mr Hager, operates to manipulate political outcomes.” After saying they would be taking legal action against the Dirty Politics Brigade, Mr Craig stated “[i]t does not serve this country well to have a group of people who influence public opinion through a web of deceit and media manipulation”.¹⁶⁷ But that was suggesting manipulation of the media, not manipulation of political outcomes which is a step further and different.

[95] In *Craig v MacGregor*, Hinton J found that Mrs Craig’s statement was “effectively a joint statement” and therefore made by Mr Craig as well.¹⁶⁸ I agree. The evidence before me is that Mr and Mrs Craig discussed Mrs Craig’s statement

¹⁶⁵ NOE 695/6–26.

¹⁶⁶ NOE 680/27–681/6.

¹⁶⁷ CBD 1/33.

¹⁶⁸ *Craig v MacGregor*, above n 85, at [198].

together and Mr Craig may have been involved in drafting it.¹⁶⁹ I consider he participated in and “authorised” her statements.

[96] But Mrs Craig admits only to publishing the statement she made, not Mr Craig’s statement at the press conference. She had participated with him in publishing the booklet. She stood next to him when he made his statements at the press conference. Her evidence was that Mr Craig’s statement was not her statement and that they spoke their own words.¹⁷⁰ She acknowledged she added credibility to his statement by referring to his integrity and honesty.¹⁷¹ Mr Stringer submits Mrs Craig’s statement was effectively a joint statement.¹⁷² He points to a number of statements at the press conference by Mr Craig.¹⁷³ The defendants submit Mrs Craig had no involvement in authoring or publishing Mr Craig’s press conference statements and came nowhere close to communicating his statements by endorsing them.¹⁷⁴

[97] On balance, I do not consider Mrs Craig participated and encouraged Mr Craig in making his statement to the extent that she was responsible for publishing what Mr Craig said. The statements pointed to by Mr Stringer were those of Mr Craig, not Mrs Craig. While she was supporting Mr Craig in general, there is no evidence she instructed him or could control or significantly influence what he said. Accordingly, I hold Mrs Craig did not publish the statements made by Mr Craig at the press conference.

[98] So, at the press conference launching the booklet, I find Mr Craig published statements with seven defamatory meanings, and Mrs Craig published statements with two defamatory meanings.

Does the Craigs’ defence of qualified privilege succeed?

[99] Mr Stringer mounted a persistent series of personal attacks on Mr Craig, the leader of the Conservative Party, over eight months from November 2014 to June 2015

¹⁶⁹ NOE 1295/21.

¹⁷⁰ NOE 1215/18 – 1217/27.

¹⁷¹ NOE 1294-1295.

¹⁷² John Stringer Memorandum 38, 28 September 2019, [Stringer Memorandum 38] at [16].

¹⁷³ At [17]-[25].

¹⁷⁴ Defendants’ Reply to Amicus Memorandum No 18, 27 September 2019, at [16]-[26].

and beyond. I have no doubt they were defamatory. As outlined above, he made allegations and leaked confidential board information to Mr Pete Belt, the Deputy Editor of Whale Oil, from at least 15 November 2014.

[100] Mr Stringer submits:¹⁷⁵

- (a) his correspondence with Mr Belt was differentiated by two email addresses: one for Mr Belt personally and one for Whale Oil;
- (b) he did not know at the time, but it is now clear that on occasions Mr Belt forwarded items to Mr Slater;
- (c) he was not part of that process and did not understand or know by which criteria Mr Belt determined what to forward to Mr Slater or what, if anything he might forward to Mr Slater, which in hindsight was perhaps naïve;
- (d) to elevate that to a conspiracy requires hard facts, not inferences, and Mr Craig's case for Mr Stringer's collusion with Whale Oil is a mirage.

[101] I do not accept Mr Stringer's submission that what he told Mr Belt did not constitute leaking to Whale Oil. And I do not consider that submission is well-supported by a post on another blog, emphasised by Mr Stringer, which includes what is said to be statements by Mr Cameron Slater disavowing Mr Stringer being his source and describing him as "a bit of a dick".¹⁷⁶ The provenance of the alleged post is dubious. Even if the post was by Mr Slater, I do not consider it is credible given the evidence at trial, including that given by Mr Stringer under cross-examination acknowledging he sent specific emails to Mr Belt. And whether or not it was replying to comments made anonymously by Mr Craig, as Mr Stringer submitted, is irrelevant.

[102] It is simply not credible that Mr Stringer did not understand the effect of feeding information to Mr Belt. Mr Stringer was sending emails to Mr Belt about

¹⁷⁵ Stringer Closing, above n 121, at [135]-[153].

¹⁷⁶ John Stringer, Memorandum 37, above n 90, at [26]-[43].

scandalous topics of current interest. Mr Stringer is an experienced political operative. His wife attested to that.¹⁷⁷ A person of Mr Stringer's experience with the media would have expected that the information and allegations he was sending Mr Belt would end up on the Whale Oil blog. I do not believe his protestations to the contrary. Indeed, his email of 26 February 2015 was explicit in asking Mr Belt to "hold off publication" because of a "witch-hunt" due to a previous Whale Oil post.¹⁷⁸ Mr Stringer's email to Mr Belt of 21 June 2015 said "not for publication yet, lets wait for Magic Hands replies".¹⁷⁹ And despite Ms Rankin expressing to him her outrage about the Walden report being leaked to Whale Oil, Mr Stringer continued to feed stories to Mr Belt, as he had leaked that report.¹⁸⁰ It was entirely foreseeable that providing salacious allegations and confidential information to the Deputy Editor of the Whale Oil blog would result in it ending up on that blog. I consider the evidence establishes Mr Stringer knew full well what he was doing when he emailed Mr Belt. He was providing a stream of leaked information and damaging allegations about Mr Craig for possible publication on the Whale Oil blog, including when he was a member of the Board of the Conservative Party. He was working with Whale Oil to attack and undermine Mr Craig.

[103] As Lord Bingham said in *Slipper v British Broadcasting Corporation*, in a passage to which Mr Akel drew my attention, "[d]efamatory statements are objectionable not least because of their propensity to percolate through underground channels and contaminate hidden springs".¹⁸¹ Accordingly, Mr Stringer could expect Mr Craig's responses to Whale Oil's attacks to be aimed at him too.

[104] Mr Stringer and other board members were reminded of their confidentiality obligations and signed a confidentiality agreement on 28 February 2015. Under cross-examination, Mr Stringer eventually acknowledged that Mr Craig was "technically correct" that he should not have had contact with the media, but "as the most experienced pressperson in the Party" he did not "think it was a breach particularly"

¹⁷⁷ Brief of Laurie Stringer, 15 July 2019, at [23].

¹⁷⁸ DB 897.

¹⁷⁹ CBD 2/484.

¹⁸⁰ DB 635. I do not discount the possibility that others may also have leaked the Walden Report. But that does not mean Mr Stringer did not. He agreed, under cross-examination, he did send it to Whale Oil. NOE 118/7 and 29.

¹⁸¹ *Slipper v British Broadcasting Corporation* [1991] 1 QB 283 (CA) at 300.

to clarify things with Mr Belt; that was “not how I live life”.¹⁸² The testimony of his own witness, Mrs Rankin, confirms that his sending of the Walden Report to Mr Belt was a breach of the Code of Conduct, as it must have been.¹⁸³ Indeed, five days after re-signing the Code, on 5 March 2015, Mr Stringer sent another email to Mr Belt, acknowledging there was a “strict ban on talking to the media”, suggesting lines of inquiry that would be damaging to Mr Craig and asking Mr Belt not to disclose his identity.

[105] From 25 June 2015, around the time Mr Stringer’s membership of the Conservative Party was suspended, Mr Stringer’s attacks on Mr Craig were made more directly by way of his blog. And he continued to feed false allegations and board information to the media as well as senior party members. As outlined above, all this continued on a daily basis until around 1 July 2015 and then at least weekly until the Craig’s press conference launching their booklet on 25 July 2015. I accept the defendants’ submission, and their witnesses’ evidence that, in addition to being harmful to Mr Craig, Mr Stringer’s actions were harmful to the Conservative Party.¹⁸⁴

[106] I conclude all the defamatory statements made by the Craigs in the booklet and at the press conference were made in response to Mr Stringer’s attacks. The statements were direct and forceful responses, but that simply reflected the direct and forceful attacks by Mr Stringer. Political debate can be robust, as can the responses to attacks allowed by defamation law.

[107] Mr Stringer submitted that sending the booklet to 1.63 million homes was a “gross disproportionate overreaction” to “a few blog posts and a handful of TV appearances focussed on party process”.¹⁸⁵ This seems to be what he characterised as “nuking Northland to catch a rabbit”.¹⁸⁶ But Mr Stringer’s attacks on Mr Craig were delivered by way of interviews to national mainstream media, information fed to what was at the time one of the best-read blogs in New Zealand, and numerous blogposts by Mr Stringer’s own blog which was accessible by anyone with access to a

¹⁸² NOE 122/26-30.

¹⁸³ NOE 1165/25.

¹⁸⁴ Defendants’ Closing, above n 155, at [6.3]; Day Brief, above n 51 at [5]; Dobbs Brief, above n 9, at [35]; NOE 511/28-29, 735/22-23, 799/3, 1138/20-23, 1141/27-31.

¹⁸⁵ Stringer Closing, above n 121, at [185].

¹⁸⁶ At [236].

smartphone or a computer. I do not accept Mr Stringer's submission that his attacks were "not directed to the public".¹⁸⁷ Given the nationwide nature of Mr Stringer's attacks I do not consider it was disproportionate for the Craigs to make a nationwide response. Katz J came to the same conclusion in relation to Mr Williams' attacks on Mr Craig in a finding approved by the Supreme Court.¹⁸⁸ So did Toogood J in relation to Mr Slater's attacks on Mr Craig.¹⁸⁹

[108] Neither was the tone, language, or force and vigour of the Craigs' response beyond the scope of Mr Stringer's attacks.¹⁹⁰ The Craigs' response, in the booklet and at the press conference, was directly aimed at the nature of Mr Stringer's attacks, or to his credibility which was relevant to his attacks. I do not consider it went beyond their scope. My view of the defence in this regard is reinforced by the value of freedom of speech, which is particularly important in the political context in which both Mr Stringer's attacks and the Craigs' responses occurred. The law of defamation does not finely weigh the heft of political cut and thrust, as it does not otherwise in calibrating responses to attacks. The Craigs' defamatory statements attract qualified privilege.

[109] I also consider the Craigs did not take improper advantage of the occasion of publication, outside the occasion of privilege, so their privilege is not lost. There is no evidence they wanted only to harm Mr Stringer. Rather the evidence is their concern was to vindicate Mr Craig's reputation. There is also no evidence Mr or Mrs Craig knew the allegations against Mr Craig were true or knew that what they were saying was false. There may not have been the proof there is now that Mr Stringer was acting in the way the Craigs believed he was. But they had assembled the material that was the basis of their conclusions, which they provided to Mr Taylor to review independently. Mr Taylor agreed. Mr Stringer has not proved the Craigs were not honest in their beliefs. Rather, I consider they were.

[110] Mr Craig's presentation of a composite of his impressions of other people's views as those of an anonymous "Mr X" was odd and misleading. But the statements attributed to Mr X are not the subject of the defamation claim against the Craigs. And,

¹⁸⁷ At [209].

¹⁸⁸ *Williams v Craig*, above n 82, at [72]; *Craig v Williams*, above n 83 at [34].

¹⁸⁹ *Craig v Slater*, above n 84, at [635].

¹⁹⁰ Stringer Closing, above n 121, at [194]-[207].

in any case, those passages do not demonstrate an improper purpose on the part of Mr or Mrs Craig in publishing the statements. I conclude the defamatory statements were not made in bad faith and were made for the purpose for which privilege is accorded.

[111] I do not accept Mr Stringer's variety of submissions to the contrary:¹⁹¹

- (a) I accept the Craigs made their statements to vindicate Mr Craig's reputation. I do not accept Mr Stringer's submission that harming his reputation was the dominant motive of the booklet.
- (b) The booklet was checked, Mr Taylor was employed to moderate it.
- (c) The booklet was not contrived to be "governmental". There is nothing to suggest it was.
- (d) Whether it was a carry-over of 2014 campaigning by Mr Craig is irrelevant.
- (e) It is also irrelevant that, in other cases, Mr Williams lost qualified privilege or Mr Slater retained it.
- (f) The Craigs "knowing" Mr Stringer did not feature in Mr Hager's book does not help Mr Stringer. As I have explained above, that was not the allegation made by the Craigs.

[112] Although Mr Stringer's attacks were on Mr Craig, Mrs Craig is afforded the same degree of protection by qualified privilege in publishing the booklet as is Mr Craig.

[113] I conclude the Craigs' booklet and statements at the press conference are protected by the defence of qualified privilege of response to attack. That should have been obvious. Mr Stringer himself submitted the defence was strong before trial. The same defence was conceded by Mr Williams in the Supreme Court in his suit against

¹⁹¹ Stringer Closing, above n 121, at [194].

Mr Craig in respect of the same booklet.¹⁹² And Toogood J found the same in respect of Mr Slater's counterclaim against Mr Craig, involving similar attacks.¹⁹³ Hinton J's finding, at the end of this trial, that Mr Craig lost qualified privilege in relation to Ms MacGregor, concerned quite different issues.¹⁹⁴

Do the Craigs' defences of truth or honest opinion succeed?

[114] I consider the Craig's defences of truth and honest opinion succeed in relation to almost all of their defamatory statements of fact or opinion.

[115] One of the most contentious sets of statements of fact by the Craigs was that Mr Stringer lied or was a liar. As is clear from my outline of what happened above, a number of the very serious allegations made by Mr Stringer about Mr Craig were false. Mr Stringer:

- (a) told Whale Oil that Mr Craig had engaged in sexual harassment and made dishonest electoral returns, which Mr Stringer has conceded was not true and in respect of which Mr Craig succeeded in his defamation suit against Mr Stringer;
- (b) told Mr Gower and other media that Mr Craig had paid Ms MacGregor \$107,500, which was not true and he repeated this allegation in an email to Thomas O'Rourke, Al Belcher, Mark Pearce and Deborah Cunliffe on 7 July 2015 after 22 June 2015, when the actual (substantially lesser) amounts had been disclosed;¹⁹⁵
- (c) told Mr Gower, Mr Andrew Craig and Mr Baker that Mr Craig had sent unsolicited and unwanted sext messages which was not true;¹⁹⁶

¹⁹² *Williams v Craig*, above n 83, at [22].

¹⁹³ *Craig v Slater*; above n 84, at [630].

¹⁹⁴ *Craig v MacGregor*, above n 85, at [215].

¹⁹⁵ DB 1553.

¹⁹⁶ DB 1028 and 1033.

- (d) told the New Zealand Herald Mr Day had seen the sext messages, which was not true;¹⁹⁷
- (e) made similar allegations to Whale Oil, through Mr Belt, and sent him internal emails by Mr Stringer to other board members; and
- (f) sent a chain of emails between him and Mr Craig and other board members about some of those allegations to TV3.

[116] Mr Stringer effectively submitted that, although what he said was not correct, he was not deliberately lying because he relied on what others had told him. The defendants submitted that Mr Stringer lied about these matters when he made categorical statements that were untrue. They allege Mr Stringer also lied in a (significant) number of other respects.¹⁹⁸

[117] I find that Mr Stringer did tell lies and could fairly be said to have been a liar in the course of the events in question in this proceeding. He purported to know the truth of these serious allegations he made about Mr Craig when he did not. He purported to be telling the truth in making those allegations when he was not. Even if Mr Stringer did not know at the time that what he was saying was untrue he was so reckless about whether it was true that he lied as that term is ordinarily understood. I do not need to traverse all the other examples identified by the defendants. But I do find that Mr Stringer lied by denying publicly that he leaked Party information and denying that he leaked to Whale Oil.¹⁹⁹ His own witnesses, Mr Monahan and Ms Rankin, clearly still did not know he had leaked information at the time of trial, though Mr Stringer had admitted, at trial, leaking information to Mr Belt by then. Ms Rankin's evidence was that she would be horrified if that was the case.²⁰⁰

[118] Mr Stringer also submitted that the Craigs (and the other defendants) knew his statements "were based on a matrix of triangulated facts across many sources" and that Mr Craig had detailed numerous allegations against him before he published the

¹⁹⁷ NOE 173/24, 31 271/34.

¹⁹⁸ Defendants' Closing, above n 155, at [92].

¹⁹⁹ DB 1809, Defendants' blog post bundle [DBPB] 137 and 444-445.

²⁰⁰ NOE 1165/6-26.

booklet.²⁰¹ He appears to rely on that in submitting the defendants were motivated by malice. I do not accept Mr Stringer's first point, I do not follow his reasoning and I do not accept his submission.

[119] Based on the facts I find above, I conclude that all but one of the defamatory statements of fact in the booklet and at the press conference were true or not materially different from the truth:

- (a) Mr Stringer was a member of the "Dirty Politics Brigade". As I have already explained, I do not accept Mr Stringer's submission that this means he was involved in the "Dirty Politics" events described in Mr Hager's book. The phrase "Dirty Politics Brigade" was not used in Mr Hager's book, contrary to Mr Stringer's submission in closing. There is no evidence Mr Stringer was involved in, or said to be involved in, the events described in that book. Rather, the evidence is that Mr Stringer used methods of dirty politics, as that term became known after the publication of Mr Hager's book, in coordination with Whale Oil, to attack Mr Craig.
- (b) Mr Stringer made false allegations, as he admits, in saying Mr Craig sexually harassed other women, made dishonest electoral returns, paid Ms MacGregor a six-figure sum and sent unsolicited and unwanted sexts.
- (c) Mr Stringer's 7 July 2015 statements about the payout to Ms MacGregor were made despite Mr Craig having already released information showing it was substantially smaller.
- (d) Mr Stringer strategically lied to undermine Mr Craig.
- (e) Mr Stringer ran strategies against Mr Craig.
- (f) Mr Stringer ran a defamatory strategy against Mr Craig.

²⁰¹ Stringer Memorandum 38, above n 172, at [12]-[15].

- (g) Mr Stringer acted unlawfully in so far as it is not lawful to defame a person's character, which he did, as he conceded in settling Mr Craig's defamation proceeding against him.
- (h) Mr Stringer acted illegally (which I interpret to mean unlawfully), requiring defamation litigation.
- (i) Mr Stringer was a seriously deliberate, repetitive defamer.
- (j) Mr Stringer engaged in "Dirty Politics" as that term became known after publication of Mr Nicky Hager's book. I accept Mr Stringer was not mentioned in Mr Hager's book, as he submitted. But, after its publication, "dirty politics" became known as a label for those who engaged in the sort of deceitful attack politics described there. That seems to me to be a fair description of Mr Stringer's behaviour as outlined above.
- (k) Mr Stringer was party with a group of others, those at Whale Oil, who manipulated the media and the public using a web of deceit.

[120] I do not accept Mr Stringer's submissions to the contrary, which variously:

- (a) criticise evidence given by Mr or Mrs Craig about what they consider the statements meant,²⁰²
- (b) criticise other statements that were made,²⁰³
- (c) explain that some of Mr Stringer's positions later changed,²⁰⁴

²⁰² Stringer Closing, above n 121, at [15].

²⁰³ Stringer Closing, above n 121, at [15].

²⁰⁴ Stringer Closing, above n 121, from [15]

- (d) point to other statements Mr Stringer submits proves he was not a source, in particular the blogpost said to show that Mr Slater said he was not, a claim I take with a large pillar of salt;²⁰⁵
- (e) point to other things he could have done to leak to Whale Oil more efficiently;²⁰⁶
- (f) point to his wife's evidence disputing that he is, and has said and done, what the Craigs allege;²⁰⁷ and
- (g) suggest "incongruities" in timing of different events are evidence of various conspiracies.²⁰⁸

[121] These points wriggle around the facts of what Mr Stringer said and did, as outlined above. They do not rebut the defences established by Mr and Mrs Craig. Contrary to Mr Stringer's submission, it does not matter to the defence of truth that the Craigs only discovered Mr Stringer's emails to Mr Belt later, and did not have copies at the time. And, contrary to Mr Stringer's submission, I do not accept that the question of whether there was "chaperoning" in place for Mr Craig is relevant to the issues I have to decide or evidence of some conspiracy.²⁰⁹

[122] I consider two statements in the booklet were more statements of opinion than fact. But I hold those opinions were genuinely held by Mr and Mrs Craig and based on facts not materially different from the truth. If, contrary to what I have found, they were statements of fact, they would be protected by the defence of truth. These statements were that:

- (a) Mr Stringer was a "traitor" to, or "Judas" in, the Conservative Party. This reflects Mr Stringer's actions in leaking and lying about Mr Craig and undermining him, to Whale Oil and the media, while he was a Party Board member and being aware the Party and Board was trying to stop

²⁰⁵ Stringer Closing, above n 121, at [15](c).

²⁰⁶ Stringer Memorandum 37, above n 90, at [17].

²⁰⁷ Stringer Closing, above n 121, at [95]-[115].

²⁰⁸ Stringer Closing, above n 121, at [154]-[163].

²⁰⁹ Stringer Closing, above n 121, at [86]-[95] especially [86] and [92].

that. At the time Mr Craig was not aware of the proof of these things that we have now. But he suspected them, based on the information and documentation he was able to gather, and which was made available to Mr Taylor for his moderation exercise. And we now know he was right to do so.

- (b) Mr Stringer behaved unethically. Even in politics, there is such a thing as ethics. Mr Stringer's surreptitious leaking of confidential information and making highly critical and false allegations and lying about the Party's leader to the media, while on the Party's Board and having signed agreements not to do so, in an effort to destabilise the leader's position, can fairly be said to be unethical as that term is ordinarily and reasonably understood.

[123] The one statement in the booklet that is in a different category is the statement that I have found means Mr Stringer was corrupt:

We [as a nation] do not like corrupt people, and honesty is one of our core values. We must therefore reject the "Dirty Politics Brigade" who are seeking to hijack the political debate in New Zealand.

[124] Whatever else he may have done, I do not consider the Craigs have demonstrated that Mr Stringer was corrupt. That is presented in the booklet as an implied statement of fact. The defence of truth does not succeed in relation to that statement, though I held above that it is encompassed within the defence of qualified privilege in responding to an attack. For the avoidance of doubt in that regard, in the political context in which freedom of speech is highly valued, I do not consider that this statement was materially irrelevant or disproportionate to the attacks by Mr Stringer, which also included hyperbole.

[125] In summary, I find that the defence of response to attack succeeds in relation to all the defamatory statements Mr and Mrs Craig published about Mr Stringer in their booklet and at their press conference. The defences of truth and honest opinion also apply to all of those statements except one.

2 Is Mr Taylor liable for statements in the booklet?

Were the statements defamatory of Mr Stringer?

[126] Mr Stringer's ninth cause of action is that Mr Taylor defamed him by publishing, as moderator of the booklet, the same eight defamatory statements in the booklet that he alleges Mr and Mrs Craig published. My findings above about Mr and Mrs Craig apply, for the same reasons, about the defamatory nature of those statements.

[127] Mr Stringer also sues Mr Taylor for other particular statements published in the booklet. Although these are not easily identified in the text of the seventh amended statement of claim, Mr Stringer specifies 10 statements, and what he says are their meanings, in the table attached to the sixth amended statement of claim, which he relies upon. Most of these statements were attributed in the booklet to the anonymous "Mr X". I do not agree four of these statements are defamatory of Mr Stringer, as detailed in the Annex to the judgment. They are either not about Mr Stringer or do not lower Mr Stringer's reputation or cause an ordinary reasonable person to think worse of him in a more than minor way.²¹⁰ The others are defamatory and bear the pleaded meanings, as detailed in the Annex.

[128] Mr Taylor's evidence is that he wrote only the "moderator disclaimer" on the back page of the booklet, in small type:

MODERATOR DISCLAIMER: I have reviewed the booklet entitled "Dirty Politics and Hidden Agendas" and have included annotated references, background documentation, statutory and at-source correspondence as part of my review. I regard "Dirty Politics and Hidden Agendas" booklet as a representatively balanced and fair record of the events that are recorded in the narrative.

[129] I am satisfied, on the basis of the evidence of Mr Craig and Mr Taylor,²¹¹ that the statements attributed in the booklet to Mr X were written by Mr Craig, not by Mr Taylor. I am also satisfied Mr Taylor was not the direct author of the other statements in the booklet except for the Moderator's Disclaimer.

²¹⁰ One is an insult which does not have a defamatory meaning or lower Mr Stringer's reputation. See *Sellman v Slater*, above n 125, at table entry 34.

²¹¹ NOE 633-655, 1036-1037.

Were the defamatory statements published by Mr Taylor?

[130] The defendants submit Mr Taylor did not author any statements in the booklet, give editorial advice to Mr Craig about any changes, provide any material used in the booklet or play any role in printing or distributing it.²¹² Accordingly, they submit Mr Taylor did not actively contribute to the formation or distribution of the booklet and therefore did not publish the statements in the booklet. They submit Mr Taylor only published the Moderator Disclaimer in the booklet, which did not identify Mr Stringer. They submit no ordinary reasonable person would think Mr Taylor was endorsing all the statements about Mr Stringer or, if they did, the imputations pleaded by Mr Stringer do not arise from the Disclaimer. Mr Akel submits the issue for the Court is whether Mr Taylor participated in the publication of the booklet, endorsing what it said, or whether he made a neutral statement of a moderator's position. Mr Stringer did not make submissions about this.

[131] In the Disclaimer, Mr Taylor said he “regard[s]” the booklet “as a representatively balanced and fair record of the events that are recorded in the narrative”. Mr Taylor's evidence is that he was the moderator, an “independent commentator” on the booklet.²¹³ If a statement in the booklet was not valid, consistent or reliable he would not have approved the moderator's Disclaimer.²¹⁴ He recalled that there was some information in the draft booklet about which he raised a concern and which he thought was not retained in the booklet.²¹⁵ He wrote the Disclaimer but “had no other involvement with the editing or production of the booklet”.²¹⁶

[132] By writing the moderator's statement, I consider Mr Taylor expressed his opinion that the statements in the booklet, collectively, are a representatively balanced and fair record of the events recorded in it. In addition, in his professional moderation process, Mr Taylor also expressed his opinion to the Craigs that each statement was valid, consistent and reliable. The Craigs were relying on his opinion and he knew that. If he raised a concern, the statement might not be made. Mr Taylor's evidence is

²¹² Defendants' Reply, above n 174, at [4]-[15].

²¹³ NOE 1018/22 – 1020/8.

²¹⁴ NOE 1033/8-10.

²¹⁵ NOE 1080/1-30.

²¹⁶ Taylor Brief, above n 69, at [60].

that that may have occurred. That was the point of him being asked to act as moderator.

[133] Accordingly, although the moderator's statement did not say so, I consider the evidence is that Mr Taylor effectively participated in making the defamatory statements. And Mr Taylor also knew his moderation of the booklet, and the Moderator Disclaimer he drafted, would add credibility to the booklet as a whole.²¹⁷ He did not participate in the technical process of "publishing" the booklet as that term is commonly used. But I find he knew or ought to have known that his actions would encourage the publication of the booklet as a whole, containing the statements about which Mr Stringer complains. He had the opportunity to influence, significantly, whether the statements were published. The published statements reflect that influence. Accordingly, at law, Mr Taylor is responsible for publishing the statements.

Do Mr Taylor's defences succeed?

[134] However, the same defence of qualified privilege in replying to attacks that protect the Craigs also applies to Mr Taylor's role in publishing the statements. Mr Taylor was not attacked by Mr Stringer. Mr Stringer did not even know Mr Taylor was the moderator of the booklet until well after these proceedings were first initiated. But the defamatory statements were made by the Craigs in response to attacks on Mr Craig by Mr Stringer. I have found they were not out of proportion to Mr Stringer's attacks, were not made in bad faith and were made for the purpose for which privilege was accorded. The same applies to Mr Taylor. He cannot be liable for assisting the Craigs' lawful responses to Mr Stringer's attacks. He is afforded the same degree of protection as they are.

[135] I consider the defence of qualified privilege applies to all the defamatory statements in the booklet Mr Taylor assisted to make and publish. The reasoning above, that applies the defence to the Craigs, also applies to Mr Taylor's statements. Their substance falls squarely within the same parameters of being proportionate to Mr Stringer's attacks on Mr Craig, within the political context in which they were made.

²¹⁷ NOE 1078/20 – 1079/3.

[136] I do not accept Mr Taylor was predominantly motivated by an improper purpose. Mr Stringer came nowhere near proving his allegations that Mr Taylor was the author of a website attacking Ms MacGregor. His attempts to suggest similarities of language were unconvincing. Even if Mr Taylor was the author, which he denies,²¹⁸ I cannot see the relevance of that to this case. Mr Taylor accepted an invitation to moderate the booklet. The evidence is that he did so professionally. Mr Taylor was acting in good faith, for the purpose for which the privilege is accorded. He did not lose the protection of that privilege.

[137] In addition, for the same reasons that I found the defences of truth or honest opinion succeed in relation to the eight statements complained of in respect of the Craigs, I consider Mr Taylor's defences of truth and honest opinion also succeed. Except for the statement that Mr Stringer was corrupt, the statements of fact were true, or not materially different from the truth.

[138] Most of the additional statements of fact or opinion that Mr Stringer pleads against Mr Taylor also attract the defences of truth or honest opinion, respectively, for the same reasons, as detailed in the Annex. I note in particular that, as far as I can tell on the basis of the evidence before me, the Moderator's Disclaimer is a statement of opinion by Mr Taylor that was genuinely held and based on facts that were true or not materially different from the truth.

3 Is Mr Craig liable for his other statements?

10 August 2015: Guest Blogpost

[139] On 10 August 2015, Mr Craig's guest blogpost on Mr Bradbury's website was entitled "Dirty Politics why should we care?".²¹⁹ It quoted the introduction in the booklet. Under the heading "What happens next" it indicated Mr Craig would be taking legal action. The blogpost did not mention Mr Stringer by name.

²¹⁸ NOE 1036-1037.

²¹⁹ DB 3/1706.

[140] In Mr Stringer's third cause of action he alleges these statements have a variety of defamatory meanings.²²⁰ Mr Craig admits some of them have those defamatory meanings but submits others do not relate to Mr Stringer. He pleads defences of truth, honest opinion and defence to attack.

[141] I agree that the statements in the blogpost, which Mr Craig admits have seven defamatory meanings about Mr Stringer, do so. Although Mr Stringer is not mentioned in the blogpost directly, its references to and quotations of the booklet, in which he is a direct target, connect Mr Stringer to the blogpost. I accept Mr Stringer's submission and Mr Craig's concession that it is a sufficiently direct connection that the ordinary reader could well understand the blogpost to refer to Mr Stringer. That is so applying the usual legal test that applies to blogs as well as other media, even bearing in mind the attributes of a blogpost as a casual or conversational medium.²²¹ These meanings are reproduced in the annex to this judgment.

[142] The meanings Mr Craig accepts are defamatory of Mr Stringer are all similar to the meanings of statements in the booklet I have examined above. For the same reasons, the defences of response to attack and truth succeed, as detailed in the Annex.

[143] The only additional alleged meaning in this cause of action which calls for explanation is the suggestion that Mr Stringer "was associated with an attack group". That is implied in the booklet. But I consider the evidence is that this was true, or not materially different from the truth, in so far as it relates to Mr Stringer's association with those involved with the Whale Oil blog, which can fairly bear that characterisation.

[144] I do not agree that other meanings Mr Stringer alleges are defamatory relate to him. Neither the blogpost nor the booklet can fairly be taken to mean that Mr Stringer: attacked others beyond Mr Craig; lacked conscience or ethics and is an antithesis of good New Zealand patriotism; was self-serving and cynical and manipulative; or abandoned honesty and fairness.

²²⁰ 7ASOC, above n 158, at [111].

²²¹ *Sellman v Slater*, above n 125, at [82]; *Stocker v Stocker*, above n 127, at [43].

Other statements

[145] In his fourth, fifth, sixth and 13th causes of action, Mr Stringer alleges other statements made by Mr Craig were defamatory: on TV3 on 10 August 2015; on RNZ on 11 September 2015; and in emails to party members on 16 September 2015 and 14 October 2015, as detailed in the Annex.

[146] Mr Craig agrees. As do I. But these statements are all similar to those which I have already considered. It follows from my findings above that Mr Craig's statements were justified responses to Mr Stringer's attacks. That defence was not defeated by ill-will. And the meanings of the defamatory statements were true, or not materially different from the truth.

4 Are Mrs Storr or Mr Stitt liable for their emails?

[147] In his seventh, eighth and 10th causes of action, Mr Stringer pleads that Mrs Storr and Mr Stitt defamed him in three emails to party members.

Were the statements defamatory and published by Mrs Storr and Mr Stitt?

[148] In an email on 27 June 2015 about five different topics, Mrs Storr told party members that Mr Stringer had gone public and been suspended from the Party for "several serious breaches of his obligations".²²² She said, if members were contacted by him, they should "please understand that he is suspended and has no standing in any way". Mr Stringer suggested to Mrs Storr in cross-examination that Mr Craig drafted that statement, but Mrs Storr's evidence was that she, Mr Stitt and Mr Craig all worked on the draft together, and it was then sent to Mr Heslop because he was the only one not present.²²³

[149] Mr Stringer submits that the evidence of the authorship of this statement is most significant in revealing duplicity, consternation and a hidden conspiracy.²²⁴ I do not consider the history of its authorship changes anything about the application of the

²²² DB 2/1394.

²²³ NOE 929/1-930/1.

²²⁴ Stringer Closing at [30].

law of defamation to the statement. Mrs Storr accepted she published the statement to the party members.

[150] In his seventh cause of action, Mr Stringer pleads that Mrs Storr's statements have meanings which defame him:

- (a) One meaning, that Mr Stringer attacks and lies, is similar to the other statements I have already considered and it is not disputed that it is defamatory. Mrs Storr also accepts the statement meant that Mr Stringer was suspended from the Conservative Party for serious breaches of his obligations and that is defamatory.
- (b) But Mrs Storr disputes that the statement meant that Mr Stringer caused resignations from the party. I agree her statement does not say that. But it does say, in the paragraph above under a different heading that "Some (now ex) Board Members went public with their opinions" and "This began a series of resignations from the Board". I agree that is capable of being read together with the next paragraph as referring to Mr Stringer though it is going too far to say it attributes the resignations to Mr Stringer. The ordinary meaning of the paragraph is that resignations followed, perhaps influenced by the actions of those Board members who went public, but not necessarily caused by them.

[151] In an email to party members on 29 July 2015, Mr Stitt sent an update to party members entitled "The Gauntlet is laid" about the Craig's press conference, with a link to the booklet.²²⁵ He said "We are communicating this to you, not just because Colin, our former leader, has been attacked and has decided to expose the lies of the attackers, but because this attack has also been aimed at removing the Conservative Party from its very existence." There was some evidence at trial that Mr Stitt initially put a link to the booklet in the update but was then asked by Mr Heslop to take it down.²²⁶ Mr Stringer submitted this suggests Mr Stitt's "machinations . . . was

²²⁵ DB 1632.

²²⁶ NOE 870/9-28.

disingenuous, ‘tricky’, surreptitious’.²²⁷ I do not consider these suggestions are relevant to any legal issue I have to determine.

[152] In his eighth cause of action, Mr Stringer pleads that these statements had three defamatory meanings. Mr Stitt accepts party members would understand some of the statements referred to Mr Stringer and the meanings are defamatory. Two are similar to other meanings I have considered already, as detailed in the Annex. The third is that Mr Stringer tried to destroy the Conservative Party and caused it to suffer, which I accept, on balance, is defamatory.

[153] In an email on 6 October 2015, Mrs Storr sent a “Conservative Party General Update” to party members saying Mr Craig had issued lawsuits, including against Mr Stringer and they “await a hearing date to resolve this issue”.²²⁸ In his 10th cause of action, Mr Stringer pleads these statements have defamatory meanings, similar to meanings I have considered already, as detailed in the Annex.²²⁹ Mrs Storr submits the alleged meaning that Mr Stringer acted unlawfully is not available. It is not. The Update did not say that. The other meanings are available and are defamatory.

Do Mrs Storr’s and Mr Stitt’s defences succeed?

[154] I apply to these meanings the same reasoning as that above about the other similar meanings I have already considered. In relation to the statements with defamatory meanings that are different from those I have already considered, I accept the defences of truth or honest opinion apply to them:

- (a) I accept Mr Stringer was suspended from the Conservative Party. I accept that occurred because of serious breaches of his obligations to the Party. The statement was true or not materially different from the truth.
- (b) I accept it is Mr Stitt’s honest opinion that Mr Stringer tried to destroy the Conservative Party and caused it to suffer. Given Mr Stringer’s

²²⁷ Stringer Closing, above n 121, at [51].

²²⁸ DB 3/1801.

²²⁹ 7ASOC, above n 158, at [182].

behaviour, as found in this judgment, that is based on facts that are true or not materially different from the truth.

[155] In addition, Mrs Storr was the membership manager of the Conservative Party which still existed as an entity. Mr Stitt was the National Administrator. I do not accept Mr Stringer's submission that, if anyone had qualified privilege, it was him, as the only remaining elected official of the party. I consider that Mrs Storr and Mr Stitt had a duty, by virtue of their offices and roles, to communicate with party members about matters in the public domain affecting the party. Party members had a corresponding interest in receiving communications about such matters. This is consistent with case law cited by *Gatley*: that members of a trade association had such a privilege in *Aspro Travel v Owners Abroad Group*; and a member of a professional interpreters' association had such a privilege in relation to communications with other members in *Cambridge v Makin* (though it failed for lack of honest belief).²³⁰ Members of a political party have even more reason to attract privilege, given the importance of freedom of political speech to a free and democratic society. This is reinforced by s 14 of the Bill of Rights.

[156] Each of the three communications here concerned recent events relevant to the Party: Mr Stringer's attacks on Mr Craig; Mr Craig's booklet; and Mr Craig's legal proceedings. On each occasion, Mrs Storr or Mr Stitt communicated information that party members had an interest in receiving: the Mr Stringer was no longer a Party member; that Mr Craig had responded to attacks; and there would be legal proceedings to resolve allegations against Mr Craig. I accept Mrs Storr and Mr Stitt's defamatory words are protected by the defence of qualified privilege for a duty to publish.

[157] Mr Stringer is exercised about whether, technically, he was validly suspended by the Party.²³¹ I have found that he was suspended. But I do not need to consider whether the suspension was valid. Mrs Storr was following the instructions of Mr Dobbs and the Party Secretary, Mr Heslop. I accept she genuinely believed Mr Stringer had been suspended.

²³⁰ *Gatley*, above n 129, at [14.16]-[14.17], citing *Aspro Travel v Owners Abroad Group* [1996] 1 WLR 132, *Cambridge v Makin* [2011] EWHC 12 (QB).

²³¹ Stringer Closing, above n 121, at [67]-[72], [156]-[163]; Stringer Memorandum 37, above n 90, at [22]-[25].

[158] I reject Mr Stringer’s submission that Mrs Storr and Mr Stitt were acting at the direction, or as “puppets” of Mr Craig.²³² There is no evidence of that. I consider Mrs Storr and Mr Stitt were utterly genuine in their beliefs in what they were saying. The information they communicated was not false or misleading. They were truly updating Party members. Their defence of duty to publish is not defeated by ill-will.

Result

[159] If successful, Mr Stringer sought declarations, damages, aggravating damages and, apparently, punitive damages against the defendants, amounting to a total of over \$3.5 million dollars. I agree with the point Mr Akel offered in submission, that it is too late for Mr Stringer to put punitive damages under s 28 of the Act in issue, when he failed to do so in his pleading. I also accept Mr Akel’s point that Mr Stringer’s own conduct would be relevant to any damages award if he were successful. He provided a link to, and argued against the booklet, republished the three Party updates on his own blog and even used the term “Judas” as a heading for one of his own cartoons on his blog.²³³ And I accept the defendants’ submission that the amounts claimed are divorced from reality. But, as it is, Mr Stringer has not succeeded in any of his claims.

[160] All parties represented themselves. But Mr Craig submitted that, due to interactions between the parties over costs, they should be the subject of further submissions in light of the judgment. Mr Stringer did not disagree. I therefore give the defendants 10 working days from the date of this judgment to file and serve a memorandum on costs. Mr Stringer has 10 working days from receipt of that memorandum to file and serve a similar memorandum in reply.

[161] Mr Stringer’s suit was misconceived. I dismiss his claim.

Palmer J

²³² Stringer Closing, above n 121, at [58].

²³³ DB 155, 157-158, 45, 48, 177.

Annex 1: Table of Allegedly Defamatory Statements

	Statement and context	Pleaded defamatory meanings	Is it defamatory, published and about Mr Stringer?	Do defences of qualified privilege, truth or honest opinion apply?
	Mrs Storr’s first update			
1	27 June 2015: a statement in an email from Mrs Storr to the party that Mr Stringer had gone public with his opinion and that he had been suspended from the party for “several serious breaches of his obligations”.	Mr Stringer was suspended from the Conservative Party for serious breaches of his obligations. Mr Stringer attacks and lies.	Mrs Storr admits she published a defamatory statement about Mr Stringer with those meanings.	Ms Storr’s words were protected by qualified privilege for a duty to publish: as the membership secretary of the Conservative Party, she had a duty to communicate with party members about matters in the public domain affecting the party, and party members had a corresponding interest in receiving those communications. This defence was not defeated by ill-will. The defence of truth also applies: Mr Stringer was suspended from the Conservative Party because of his serious breaches to the Party. And the evidence is Mr Stringer attacks and lies, as in 3 and 6 below.

2	27 June 2015: a statement in Mrs Storr's email where she said the fact several Board Members went public with their opinions "began a series of resignations from the Board."	Mr Stringer caused resignations from the party.	Mrs Storr did not publish a defamatory statement about Mr Stringer with that meaning. The ordinary meaning of the paragraph is that resignations followed, perhaps influenced by the actions of those Board members who went public, but not necessarily caused by them.	
The Booklet				
3	29 July 2015: a series of statements in the "dirty politics" booklet that Mr Stringer was part of a "dirty politics brigade".	Mr Stringer is a member of the "Dirty Politics Brigade".	Mr and Mrs Craig admit they published defamatory statements with that meaning, which were about Mr Stringer. Mr Taylor also published this statement.	The statements attract qualified privilege because their force and vigour were not out of proportion to Mr Stringer's attack, were not made in bad faith and were made for the purpose for which privilege is accorded. The defence of truth applies. Mr Stringer did use the methods of dirty politics to attack Mr Craig, in coordination with those involved in Whale Oil.
4	29 July 2015: statements in the "dirty politics" booklet which say that Mr Stringer had engaged in illegal acts.	Mr Stringer acts unlawfully.	Mr and Mrs Craig admit they published defamatory statements with that meaning, insofar as it is not lawful to defame a person's character. These statements were made about Mr Stringer.	Qualified privilege of response to attack applies as above. The defence of truth also applies in so far as it is not lawful to defame others, which he did, as he

			Mr Taylor also published these statements.	conceded in settling Mr Craig's defamation proceeding against him.
5	29 July 2015: statements in the "dirty politics" booklet which say that Mr Stringer had made false allegations.	Mr Stringer makes false allegations.	Mr and Mrs Craig admit they published defamatory statements with that meaning, which were about Mr Stringer. Mr Taylor also published these statements.	Qualified privilege of response to attack applies as above. The defence of truth also applies: Mr Stringer has admitted to making false allegations in saying Mr Craig sexually harassed other women, made dishonest electoral returns, paid Ms MacGregor a six-figure sum and sent unsolicited and unwanted sexts.
6	29 July 2015: a series of statements in the "dirty politics" booklet that Mr Stringer had engaged in a "campaign of lies".	Mr Stringer tells lies.	Mr and Mrs Craig admit they published defamatory statements with that meaning, which were about Mr Stringer. Mr Taylor also published these statements.	Qualified privilege of response to attack applies as above. The defence of truth also applies: Mr Stringer purported to know and tell the truth of what he said but did not. Even if Mr Stringer did not know at the time that what he was saying was untrue he was so reckless about the truth of his statements that he told "lies" as that term is ordinarily understood.
7	29 July 2015: statements in the "dirty politics" booklet explaining how dirty politics is	Mr Stringer is corrupt.	These statements are used to explain the concept of "dirty politics" and are not specifically	

	“a professional foul on a grand scale and the corruption of a process that should be free and fair.”		aimed at Mr Stringer and do not allege corruption.	
8	29 July 2015: a statement in the “dirty politics” booklet that “We do not like corrupt people, and honesty is one of our core values. We must therefore reject the ‘Dirty Politics Brigade’ who are seeking to hijack the political debate in New Zealand.”	Mr Stringer is corrupt.	Mr Craig used the term “Dirty Politics Brigade” to apply to Mr Williams, Mr Slater, and Mr Stringer. The booklet identifies Mr Stringer as one of the “Dirty Politics Brigade”. This passage does bear the defamatory meaning that Mr Stringer is corrupt. Mr and Mrs Craig and Mr Taylor published the statement.	Qualified privilege of response to attack applies as above. The defence of truth does not apply: the defendants have not demonstrated that Mr Stringer was corrupt, and that statement was presented as an implied statement of fact.
9	29 July 2015: a statement in the “dirty politics” booklet that “[i]n addition there have been threatening and harassing emails and texts not just to Craig but also those who are supporting him.”	Mr Stringer is guilty of harassment.	The context of this paragraph does not establish who was sending the harassing emails. An ordinary reader would not consider this an allegation that Mr Stringer is guilty of harassment.	
10	29 July 2015: a description in the “dirty politics” booklet of Mr Stringer as “unethical” and promoting a “professional foul on a grand scale”.	Mr Stringer is unethical.	Mr Craig admits he made a defamatory statement which meant that Mr Stringer is unethical, while Mrs Craig admits she made a defamatory statement to the effect that Mr Stringer has acted unethically.	Qualified privilege of response to attack applies as above. The defence of honest opinion also applies: Mr Stringer’s actions can be fairly said to be unethical as that term is ordinarily understood. If, alternatively, this was a statement

			Mr Taylor also published these statements.	of fact rather than opinion, the defence of truth would apply.
11	29 July 2015: statements in the “dirty politics” booklet describing Mr Stringer as “the Judas within the party” and using other biblical language.	Mr Stringer is a “Judas”.	Mr Craig admits he made a defamatory statement with the meaning that Mr Stringer is a Judas, while Mrs Craig admits she made a defamatory statement that has the meaning that Mr Stringer is a “Judas” insofar as that means he betrayed his duty to a group of colleagues. Both accept the special meaning that this meant Mr Stringer was a “traitor”. Mr Taylor also published these statements.	Qualified privilege of response to attack applies as above. The defence of honest opinion also applies: this statement reflects Mr Stringer’s actions in leaking information and lying about Mr Craig and undermining him to Whale Oil and the media, while he was a Party and Board member and knew that the Party and Board were trying to prevent such information being spread. If, alternatively, this was a statement of fact rather than opinion, the defence of truth would apply.
12	29 July 2015: statements in the booklet that Mr Stringer campaigned within the board to destabilise support for Mr Craig and that he “was able to gain influence over some (notably Regan Monahan) but could not move the majority support for Mr Craig”.	Mr Stringer persistently destabilised the Board as a campaign. He manipulated Regan Monahan.	The statements do not bear the pleaded meanings and are not defamatory.	

13	29 July 2015: The Moderator Disclaimer in the booklet, quoted in the judgment at [128].	Statements attributed to Mr Stringer in the booklet were thoroughly reviewed by Mr Taylor against background information and the booklet is “representatively balanced and fair” regarding the claims against him.	By this statement, Mr Taylor expressed his opinion that the statements in the booklet, collectively, are a representatively balanced and fair record of the events recorded in it. He published the statement.	Qualified privilege of response to attack applies as above. Honest opinion applies: the opinion was genuinely held and based on facts that were true or not materially different from the truth.
14	29 July 2015: statements in the booklet attributed to Mr X, after saying Mr Slater hates Mr Craig and he’s an easy target: “Don’t forget it’s about ratings, money, money, money and sex sells”.	Mr Stringer is about ratings and money and uses sex to sell statements he makes.	The statement is not about Mr Stringer. It is not defamatory of him.	
15	29 July 2015: a statement in the booklet attributed to Mr X that Mr Stringer “is an idiot really”.	Mr Stringer is an idiot.	This is just an insult. It does not convey a defamatory meaning or lower Mr Stringer’s reputation.	
16	29 July 2015: statements in the booklet attributed to Mr X, in response to a question suggesting allegations against Mr Craig were false, saying “just that it gets reported so it looks like it’s true . . . [laughs] the damage is done just by the allegations, and anyway Stringer has been going hard on this for weeks...”	Mr Stringer uses the media to make his statements appear to be true. He makes allegations in order to damage Colin Craig and works hard at this.	This is defamatory and bears the meaning alleged. Mr Taylor published it.	Qualified privilege of response to attack applies as above. The defence of truth applies, as in 3 above.

17	29 July 2015: statement in the booklet attributed to Mr X that the attack on Mr Craig “will keep going as long as Cam and Stringer have information”.	Mr Stringer will persist in attacking Colin Craig.	This is defamatory and bears the meaning pleaded, given the context that the attacks are said to be false. Mr Taylor published it.	Qualified privilege of response to attack applies as above. The defence of honest opinion applies, about a prediction of the future, based on facts as in 3 above.
18	29 July 2015: statement in the booklet attributed to Mr X, in response to the suggestion that the allegations are false and Mr Craig is planning legal action for defamation, that “Stringer would be well and ... truly screwed”.	Mr Stringer will be screwed by Craig’s legal war of attrition using his money.	This is defamatory and bears the meaning pleaded, given the implication that Mr Stringer would lose a defamation proceeding. Mr Taylor published it.	Qualified privilege of response to attack applies as above. The defence of truth applies, as in 4 above.
19	29 July 2015: statements in the booklet attributed to Mr X, that the Board was “taken out in 5 days” when it was “vulnerable”.	Mr Stringer destroyed the board in 5 days and struck while the board was vulnerable.	These statements are not about Mr Stringer, but Mr Slater. Mr Stringer’s involvement was related to the next statement.	
20	29 July 2015: statements in the booklet attributed to Mr X, that there as “a combined Stringer/Rankin coup” and Ms Rankin “swallowed it hook line and sinker and then went crazy doing whatever she could to pull Craig down”.	Mr Stringer was in a conspiracy with Mrs Rankin who was manipulated and fooled by Mr Stringer.	The statement is defamatory and bears the meaning pleaded, except that the statement does not suggest Mr Stringer and Mrs Rankin were in a conspiracy. Mr Taylor published it.	Qualified privilege of response to attack applies as above. The defence of truth applies. Mrs Rankin was fooled by Mr Stringer. Her evidence that she did not know he leaked information while a board member demonstrates that.

21	29 July 2015: the footer on pages 10 and 11 of the booklet "Truth behind the Lies".	That Mr Stringer told lies.	The statement bears the pleaded meaning and is defamatory. Mr Taylor published it.	Qualified privilege of response to attack applies as above. The defence of truth applies, as in 6 above.
	The Press Conference			
22	29 July 2015: statements at the press conference that Mr Stringer was part of the "Dirty Politics Brigade".	Mr Stringer is part of a "Dirty Politics Brigade".	Mr and Mrs Craig admit they published defamatory statements with that meaning which were about Mr Stringer.	Qualified privilege of response to attack applies as in 3 above. The defence of truth applies, as in 3 above.
23	29 July 2015: a statement at the press conference that Mr Stringer is part of a "group of people who influence public opinion through a web of deceit and media manipulation."	Mr Stringer is party with a group of others who manipulate the media and the public using a web of deceit.	Mr and Mrs Craig admit they published defamatory statements with that meaning which were about Mr Stringer	Qualified privilege of response to attack applies as above. The defence of truth also applies, as in 3 above.
24	29 July 2015: statements at the press conference that Mr Stringer has deliberately and repeatedly defamed Mr Craig.	Mr Stringer is a serious, deliberate, repeat defamer.	Mr Craig admits he made a defamatory statement with that meaning. Mrs Craig did not make such a statement.	Qualified privilege of response to attack applies as in 4 above. The defence of truth also applies, in 4 above.
25	29 July 2015: a statement at the press conference about "the strategy being run against me"	Mr Stringer ran strategies against Mr Craig.	Mr Craig admits he published a defamatory statement with that meaning. Mrs Craig did not make this statement at the press conference.	Qualified privilege of response to attack applies as in 3 above. The statements also attract the defence of truth, as in 3 above.

26	29 July 2015: statements at the press conference about Mr Stringer having acted illegally, which included saying he would be “taking legal action against the Dirty Politics Brigade” and that “the second defamation action is against Mr John Stringer”	Mr Stringer acted illegally, requiring defamation litigation.	Mr Craig admits he published a defamatory statement with that meaning. Mrs Craig did not make this statement at the press conference.	Qualified privilege of response to attack applies as above. The statements also attract the defence of truth, as in 4 above.
27	29 July 2015: a statement at the press conference that “this is the day we start to fight back against the Dirty Politics Brigade who have been running a defamatory strategy against me.”	Mr Stringer ran a defamatory strategy against Mr Craig.	Mr Craig did publish a defamatory statement about Mr Stringer bearing that meaning: he identified Mr Stringer later in the statement, and in the accompanying “dirty politics” booklet, as one of the three key people in the “Dirty Politics Brigade”, against whom he was taking legal action. Mrs Craig did not make this statement at the press conference.	Qualified privilege of response to attack applies as above. The statements also attract the defence of truth, as in 4 above.
28	29 July 2015: a statement at the press conference that “[i]n our booklet we reveal that there has been a campaign of defamatory lies to undermine my public standing, a campaign that in the Dirty Politics Brigade’s own words they describe as a	Mr Stringer strategically lied to undermine Mr Craig.	Read in context, and given Mr Craig’s identification of Mr Stringer with the “Dirty Politics Brigade”, Mr Craig did publish a defamatory statement about Mr Stringer bearing that meaning. Mrs Craig did not make this statement at the press conference.	Qualified privilege of response to attack applies as above. The statements also attract the defence of truth, as in 3 and 6 above.

	‘strategy that is being worked out’”.			
29	29 July 2015: a reference by Mr Craig at the press conference to “the dirty politics agenda”.	Mr Stringer has a dirty political agenda.	Mr and Mrs Craig did not publish a statement about Mr Stringer bearing the alleged meaning. The phrase “dirty political agenda” is a more generic allegation than “dirty politics”, being about substantive goals not just methods.	
30	29 July 2015: a statement at the press conference that some media “expressed concerns about a smear campaign” and wished good judgment had been exercised “with other false allegations”.	Mr Stringer smeared and was false as a campaign.	Mr and Mrs Craig did not publish a statement about Mr Stringer bearing the alleged meaning.	
31	29 July 2015: a statement at the press conference that “author Nicky Hager shed some light on who these people are and how they operate”.	Mr Stringer is strategically involved with Nicky Hager’s identified “Dirty Politics Brigade” as defined in his 2014 book from which the Booklet takes the same title in 2015 to reinforce the link.	Mr and Mrs Craig did not publish a statement about Mr Stringer bearing the alleged meaning. Mr Hager’s book did not use the phrase “Dirty Politics Brigade”, and Mr Craig did not say that Mr Hager identified Mr Stringer in his book.	
32	29 July 2015: a statement at the press conference that “[i]t does not serve this country well to have a group of people who	Mr Stringer, with those others defined by Mr Hager, operates to manipulate political outcomes.	Mr and Mrs Craig did not publish a statement about Mr Stringer bearing the alleged meaning. Mr Craig’s statement suggested	

	influence public opinion through a web of deceit and media manipulation”		manipulation of the media, not manipulation of political outcomes.	
	Mr Stitt’s update			
33	29 July 2015: Mr Stitt sent an email to party members called “the Gauntlet is laid”, referencing the Craigs’ press conference and with a link to the booklet. He included the statement “we are communicating this to you, not just because Colin, our former leader, has been attacked and has decided to expose the lies of the attackers, but because this attack has also been aimed at removing the Conservative Party from its very existence.	Mr Stringer is a lying attacker. Mr Stringer attacks and lies.	Mr Stitt admits he published a defamatory statement about Mr Stringer with that meaning.	The defence of qualified privilege of duty to publish applies: Mr Stitt was the National Administrator at the time and had a duty to communicate with party members. The defence of truth also applies as in 3 and 6 above.
34	29 July 2015: Mr Stitt’s email to the party, as above.	Mr Stringer tried to destroy the Conservative Party and caused it to suffer.	Mr Stitt admits he published a defamatory statement about Mr Stringer with that meaning.	The defence of qualified privilege of duty to publish applies as in 33 above. The defence of honest opinion applies, and given Mr Stringer’s behaviour, this opinion was based on facts that are true or not materially different from the truth.

	Mr Craig's other statements			
35	10 August 2015: Mr Craig wrote a guest blogpost on Mr Bradbury's website entitled "dirty politics why should we care?" ("Daily Blog post") which included statements about being "attacked".	Mr Stringer attacked Mr Craig.	Mr Craig admits he published a defamatory statement with that meaning about Mr Stringer.	The defences of qualified privilege and truth apply, as in 3 above.
36	10 August 2015: statements in the Daily Blog post referring to a "recent defamatory attack".	Mr Stringer is guilty of recent defamatory attacks.	Mr Craig admits he published a defamatory statement with that meaning about Mr Stringer.	The defences of qualified privilege and truth apply, as in 3 and 4 above.
37	10 August 2015: statements in the Daily Blog post that state Mr Craig was not the first to be attacked in a defamatory way.	Mr Stringer has attacked others in the past.	The statement does not bear the pleaded meaning. It does not say Mr Stringer made attacks on others.	
38	10 August 2015: statements in the Daily Blog post referring to people who "engage in the practice of 'attack politics' to harm opponents"	Mr Stringer engages in "attack politics" to harm others.	Mr Craig admits he published a defamatory statement with that meaning about Mr Stringer.	The defences of qualified privilege and truth apply, as in 3 above.
39	10 August 2015: statements in the Daily Blog post which compare dirty politics to unsporting behaviour.	Mr Stringer acts unfairly and in an unsporting manner.	Mr Craig admits he published a defamatory statement with that meaning about Mr Stringer.	The defences of qualified privilege and truth apply, as in 3 and 10 above.
40	10 August 2015: further statements in the Daily Blog	Mr Stringer operates outside the rules.	The statement does not bear the pleaded meaning.	

	post which compare dirty politics to unsporting behaviour.			
41	10 August 2015: statements in the Daily Blog post to the effect that Mr Craig has been a target of “dirty politics”.	Mr Stringer deliberately targeted Mr Craig.	Mr Craig admits he published a defamatory statement with that meaning about Mr Stringer.	The defences of qualified privilege and truth apply, as in 3 above.
42	10 August 2015: a statement in the Daily Blog post, quoting the “dirty politics” booklet, which says “[t]hese commentators often run ‘blog sites’ and are guided by their own conscience (or lack thereof) when it comes to ethics.”	Mr Stringer lacks conscience or ethics and is an antithesis of good New Zealand patriotism.	Mr Craig did not publish such a defamatory statement with that meaning about Mr Stringer.	
43	10 August 2015: a statement in the Daily Blog post that “what they have done is not legal and so I will be looking to the courts to rule on the matter as a way to restore my public opinion.”	Mr Stringer has been involved in illegal acts.	Mr Craig admits he published a defamatory statement with that meaning about Mr Stringer, insofar as “illegal” means “unlawful”.	The defences of qualified privilege and truth apply, as in 4 above.
44	10 August 2015: a statement in the Daily Blog post that “I remain hopeful that our nation can resist the slide into self-serving and cynical manipulation of mainstream media.”	Mr Stringer is self-serving and cynical and manipulative.	The statement does not refer to Mr Stringer.	
45	10 August 2015: a statement in the Daily Blog post saying “I	Mr Stringer has abandoned honesty and fairness.	The statement does not refer to Mr Stringer.	

	hope instead that we [New Zealand] might retain our values of honesty and a fair go.”			
46	10 August 2015: a statement in the Daily Blog post saying “In our national anthem is the plea ‘from corruption guard our state’”.	Mr Stringer is corrupt.	The statement does not refer to Mr Stringer.	
47	10 August 2015: a statement at the end of the Daily Blog post saying “I wish to acknowledge the importance of Nicky Hagar’s [sic] book on Dirty Politics last year. His work in shining light on the practice of attack politics has been an important contribution to helping democracy in New Zealand.”	Mr Stringer is associated with an attack group as defined in Nicky Hager’s 2014 book.	Mr Craig admits he published a defamatory statement with that meaning about Mr Stringer, and that the group referred to included Mr Williams, Mr Belt and Mr Slater.	The defences of qualified privilege and truth apply, as in 3 above.
48	10 August 2015: Mr Craig responded to Mr Stringer’s claims of electoral fraud by saying “this is just more dirty politics, it’s another false allegation.”	Mr Stringer was guilty of false allegations and dirty politics.	Mr Craig admits he published a defamatory statement with that meaning about Mr Stringer.	The defences of qualified privilege and truth apply, as in 3 above.
49	11 September 2015: RNZ article where Mr Craig said “There’s been an ongoing campaign of defamation, continual blog	Mr Stringer was guilty of an ongoing campaign of defamation against Mr Craig.	Mr Craig admits he published a defamatory statement with those meanings about Mr Stringer.	The defences of qualified privilege and truth apply, as in 3 and 6 above.

	publications, continual media statements by Mr Stringer that are untrue, and that are defamatory of me.”	Mr Stringer was guilty of making untrue defamatory statements in the media about Mr Craig.		
50	16 September 2015: in an email to Conservative Party members, Mr Craig wrote a passage that included the following statements: “Mr Stringer says “everything he has said is true and he can prove it” and “Their claims are false and they are wrong to claim they are true.”	Mr Stringer makes untrue statements. Mr Stringer is lying and false. Mr Stringer is wrong to claim his statements are true.	Mr Craig admits he published a defamatory statement with those meanings about Mr Stringer, insofar as Mr Stringer was saying things about Mr Craig which were untrue.	The defences of qualified privilege and truth apply, as in 3 and 6 above.
	Mrs Storr’s second update			
51	6 October 2015: statements in an email to party members from Mrs Storr saying Mr Craig had issued lawsuits, including against Mr Stringer, and they “await a hearing date to resolve this issue”.	Mr Stringer acted illegally.	Mrs Storr admits publishing a defamatory statement about Mr Stringer with that meaning.	The defences of qualified privilege and truth apply, as in 4 above.
	Mr Craig’s last statement			
52	14 October 2015: Mr Craig said in an email to party members “The situation continues as Mr Stringer persists making allegations that are defamatory of me and then says they are true – “provable by the	Mr Stringer makes defamatory statements. Mr Stringer was lying. Mr Stringer’s statements are a “defamatory campaign of lies”.	Mr Craig admits he published a defamatory statement with those meanings about Mr Stringer.	The defences of qualified privilege and truth apply, as in 3 and 6 above.

testimony of witnesses” or something similar is the latest phrase he has used. I have labelled this activity a “campaign of lies” and I do consider it a fitting description.”			
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