IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

I TE KŌTI MATUA O AOTEAROA
ŌTAUTAHI ROHE

CIV-2026-409-371
[2026] NZHC 2848

UNDER THE	Defamation Act 1992
IN THE MATTER OF	a defamation
BETWEEN	BRUCE MERVYN McDOWELL Plaintiff
AND	RICHARD JOHN WILD Defendant

On the papers

Appearances: R Franks, Applicant for access

Judgment: 17 September 2026

JUDGMENT OF PRESTON J
(Access to court documents)

This judgment was delivered by me on 17 September 2026 at 11.00 am, pursuant to r 11.5 of the High Court Rules

Registrar/Deputy Registrar
Date:

[1] Mr Franks, a member of the accredited news media, renews his application for access to all documents filed in this proceeding including the statement of claim and statement of defence.

[2] Mr Franks' previous application was made when the only court filings were the recently filed statement of claim and notice of proceeding. It was declined by Osborne J on 11 August 2026, who observed that the allegations made by the plaintiff had yet to be responded to at all by the defendant.[1] The Judge determined that at that point, permission to access would not strike the correct balance between open justice and the privacy interests of the parties.

[3] Since the decision of Osborne J the defendant has filed a statement of defence and the plaintiff a statement of reply.

Renewed application—process for response

[4] The request is brought pursuant to r 11 of the Senior Courts (Access to Court Documents) Rules 2017. The parties have had opportunity to provide their views under the Rules. No opposition, or response, has been provided within the prescribed time frame.

Decision

[5] I have considered as relevant the matters identified in r 12, which provides:

> **12 Matters to be considered**
>
> In determining a request for access under rule 11, the Judge must consider the nature of, and the reasons given for, the request and take into account each of the following matters that is relevant to the request or any objection to the request:
>
> (a) the orderly and fair administration of justice:
>
> (b) the right of a defendant in a criminal proceeding to a fair trial:

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1 *McDowell v Wild* [2026] NZHC 2338 at [2].

(c) the right to bring and defend civil proceedings without the disclosure of any more information about the private lives of individuals, or matters that are commercially sensitive, than is necessary to satisfy the principle of open justice:

(d) the protection of other confidentiality and privacy interests (including those of children and other vulnerable members of the community) and any privilege held by, or available to, any person:

(e) the principle of open justice (including the encouragement of fair and accurate reporting of, and comment on, court hearings and decisions):

(f) the freedom to seek, receive, and impart information:

(g) whether a document to which the request relates is subject to any restriction under rule 7:

(h) any other matter that the Judge thinks appropriate.

[6] I have regard also to the stage of the proceeding, before the substantive hearing, when protection of confidentiality and privacy interests (among other matters) may require that access to documents be limited.[2]

[7] The proceedings allege defamatory statements were made in the context of a meeting of a community sports club, which claims are denied in the statement of defence now pleaded including four affirmative defences averred, and to which a statement of reply is now also filed. I note also that the defendant contends as a first affirmative defence that the proceeding is barred by the Limitation Act 2010.

[8] Weighing these matters and in the absence of any opposition from the parties or any particular privacy or confidentiality issue brought to my attention, I am satisfied access to the pleadings may be permitted, on condition:[3]

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2 Rule 13(a).
3 Rule 11(7).

(a) Any reportage should not reproduce any specific content of statements which are said to be defamatory (denied) and yet to be subject of a substantive hearing.

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Preston J

Solicitors:
Rhodes & Co, Christchurch
Taylor Shaw, Christchurch

Copy to:
Mr Franks, The Star