IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKAURAU ROHE

CIV-2026-404-375
[2026] NZHC 2685

UNDER	the Defamation Act 1992
BETWEEN	BRENDON NGARINO TE WAATI Plaintiff
AND	NGA-ATAWHAINGA ADRIANNA CREAGH Defendant

Hearing: 16 July 2026

Appearances: T F Cleary and C R Ashby for Plaintiff
No appearance for Defendant

Judgment: 8 September 2026

JUDGMENT OF ANDERSON J

This judgment was delivered by me on 8 September 2026 at 3.00 pm pursuant to r 11.5 of the High Court Rules 2016.

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Registrar/Deputy Registrar

Solicitors:
Chapman Tripp, Auckland

Mr Te Waati's claim

[1] Mr Te Waati seeks summary judgment against Ms Creagh in his defamation claim arising from Facebook posts in which she alleged that Mr Te Waati is a paedophile, a sexual predator and a rapist. He seeks a declaration, a permanent injunction, and general damages of $200,000.[1]

[2] Mr Te Waati is a well-known holistic wellness practitioner within Te Ao Māori and the founder of Te Whare Āio, an organisation that delivers wānanga and seminars on Māori wellbeing practices nationally and internationally.

[3] Mr Te Waati and Ms Creagh were formerly in a brief relationship which ended in 2021. On 30 September 2025, Ms Creagh made four posts on her Facebook page that made serious allegations against Mr Te Waati. Among other things, she described Mr Te Waati as a "pedo and predator", as "a pedo and SA"; and as "a pedo" with high schools being "his target audience for abuse." She said that Mr Te Waati had been "abusing girls on the stage wings and while at [kapa haka] practices." She referred to Mr Te Waati's ex-wife as Mr Te Waati's "own Maxwell Gislaine [sic] putting young vulnerable girls in front of him". Ms Creagh also asserted that Mr Te Waati had "raped [his ex-wife's] cousin".

[4] Ms Creagh's has 2,100 Facebook followers. To the first two posts, Ms Creagh also tagged Te Aho Matua, an organisation that runs Māori language immersion schools.

[5] Mr Te Waati refers to an almost overnight effect on his work following the posts. Monthly revenue of his trading company Māori Movement Ltd (**MML**), previously between $20,000 and $35,000, has fallen to zero and has remained there. A longstanding client wrote to Mr Te Waati cancelling forward bookings for 24 wānanga Mr Te Waati was scheduled to deliver in the 2024/2025 financial year at $10,000 each. It cited the allegations against Mr Te Waati as the reason. Mr Te Waati also was confirmed for four national and four international seminars with projected

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[1] Although Mr Te Waati initially claimed special damages of $408,000 these are not pursued due to issues I raised at the hearing.

revenue of $15,000 to $37,000 from each. All were cancelled following the posts. In Mr Te Waati's words, "work has dried up".

[6] Personally, Mr Te Waati cannot contribute to his community as he had before. His whanau, particularly his nine-year-old son, have been impacted.

Ms Creagh's (non)-response to the proceeding

[7] Mr Te Waati sought to have Ms Creagh stop making defamatory comments and retract the allegations. On 9 October 2025, Mr Te Waati's lawyers formally requested this. Ms Creagh had taken down the Facebook posts by 16 October 2025 and said she would not post certain further allegations.[2] However, she did not retract the allegations. Nor did she return an undertaking proposed by Mr Te Waati's lawyers confirming she would not make such statements in the future.

[8] It appears that initially, Ms Creagh did not appreciate what was meant by a "retraction." Mr Te Waati's lawyers clarified this on 29 October 2025. Ms Creagh responded to the effect that she would not be prepared to make such a statement as this would be "to make [her] a liar".

[9] Ultimately, on 5 February 2026, Mr Te Waati issued the present proceeding for summary judgment. Ms Creagh was served by email on the same date, following her prior confirmation in writing that she would accept service by this means.[3] Mr Te Waati's lawyers arranged for physical copies to be couriered to Ms Creagh's address. They also served updating documents relating to the proceeding.

[10] Ms Creagh ignored the proceeding until 18 June 2026, when she emailed Mr Te Waati's counsel. She advised that she intended to defend the claim but was "entirely judgement-proof". This was well after the March 2026 date advised in the application for filing her notice of opposition and affidavit.[4]

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2 Ms Creagh did state in her email of 16 October 2025: "I will not publish further statements using the terms rapist or pedophile [sic] in regards to your client."

3 That is, service was affected by a method agreed to in writing under r 6.7 of the High Court Rules 2016.

4 Three working days prior to 31 March 2026.

[11] Ms Creagh then took no steps until she sought to file documents after 5.00 pm on 9 July 2026, the Thursday of Matariki weekend. These were: a draft affidavit (with a letter from her social worker annexed); an unsigned notice of opposition; and an unsigned interlocutory application for leave to file the notice of opposition out of time. She did not copy in Mr Te Waati's lawyers. The Registry rejected the documents for filing at 9.35 am on Monday, 13 July 2026.

[12] At the hearing on 16 July 2026, Ms Creagh identified herself from the public gallery part way through Mr Te Waati's submissions. She sought an adjournment and leave to file her opposition out of time. This does not constitute an appearance on the summary judgment application.[5] Ms Creagh presented the same non-conforming documents that had been rejected for filing. The draft affidavit did not address the substantive claim. It was directed only at explaining delay by reference to generalised mental health issues. I declined Ms Creagh's application, for reasons explained elsewhere.[6]

[13] Accordingly, the summary judgment application is not defended.

Legal principles and issues for determination

[14] Summary judgment principles are well settled.[7] Mr Te Waati says that Ms Creagh has no valid defences to his claim and no real question remains to be tried. His affidavit in support deposes to that belief and confirms the statements in his claim to be true and correct.

[15] Mr Te Waati must satisfy the Court that:

(a) Ms Creagh defamed him by publishing defamatory statements containing the pleaded imputations (Issue 1); and

(b) Ms Creagh has no arguable defence (Issue 2).

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5 *Stainton v King House Removals (Southland) Ltd* (1999) 13 PRNZ 202 (HC).
6 Minute, 8 September 2026.
7 High Court Rules 2016, r 12.2; *Pemberton v Chappell* [1987] 1 NZLR 1, (1986) 1 PRNZ 183 (CA); *Krukziener v Hanover Finance Ltd* [2008] NZCA 187; [2010] NZAR 307 at [26].

[16] The Court must then determine what relief should be awarded (Issue 3).

Issue 1: Ms Creagh's posts defame Mr Te Waati

[17] To establish a cause of action in defamation, Mr Te Waati must prove that: Ms Creagh published statements; about Mr Te Waati; and that they adversely affected Mr Te Waati's reputation in a more than minor way.[8]

[18] Mr Te Waati pleaded four causes of action, one for each of the four posts (defined in the claim as Publications 1 to 4 respectively). I find each of the above elements established on each of the causes of action. It is convenient to deal with all posts together for exposition purposes, but I confirm that I have considered each cause of action separately in terms of the statement of claim.[9]

Publications 1 to 4

[19] The first post made the following statements:

> *"Ohh whats that – the same predator I named as a board member of our kura last year and had [ ], villainise TF out of me for itwhile offering zero support? Yup, same guy. Beez, Ngarino Te Waati is a pedo and predator.*"
>
> *"...and Ngarinos ex wife and current puppet [ ], (😠 his own Maxwell Gislaine putting young vulnerable girls in front of him through haka theatre so many girls telling her directly hes sexually harming them😠) all rallied together in 2024 to bury and silence the truth – its so dark and yukk – even though they personally know his victims, and knew it meant deliberately putting more of our young girls directly in harms way 💔😠 "*

[20] The second post made the following statements:

> "*4. ...I even went to [ ] in 2023 to let her know first and in person that I would be doing what I have to do to ensure voices of victims known to her and others, would be heard."*
>
> *"5. I have no faith in the NZ judicial process or NZ Police. Why? Because I saw first hand the way middle aged woman and vulnerable wahine in positions that could aid Beez in some way, folded to him. Police and OT Manager. I'd be happy to name her – I just need a photo as im terrible with names. He has allies in the police and OT is my point..."*

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8 *Smith v King* [2021] NZHC 1252 at [15]; and *Young v Xiao* [2025] NZHC 3697 at [57].

9 In the extracts below, redactions have been made to seek to preserve anonymity of non-parties.

[21] The third post made the following statements:

> *"What support was offered to me as a parent whos child abuser was brought into our school by [ ] and [ ]– despite them both knowing of his part as a pedo and SA. None. Zero!"*
>
> *"My original concern was always the fact our [ ] already knew Beez was a pedo…[ ] took Beez into 6 other highschools, knowing thats his target audience for abuse.*
>
> *[*Mr Te Waaiti and his ex-wife's company*] then closed for a year. Why?? Cos their dancers all went to [ ] to tell him Beez was SA abusing them."*

[22] The fourth post made the following statements:

> *"As for [ ]– the kura leadership knew Beez was abusing girls on the stage wings and while at practices…"*
>
> *"[ ] also told me herself she knows he has raped her own cousin while they were married…'"*

Ms Creagh published the posts

[23] Ms Creagh published the four posts, and third parties read them, as shown by the long standing client's letter cancelling forward bookings on the basis of the posts and an Instagram post referring to the allegations.[10] I infer that the posts were read by those of Ms Creagh's followers that view their Facebook feeds from the posts' nature and because the posts remained online for approximately two weeks.[11]

The posts included statements about Mr Te Waati

[24] Each of the four posts identified Mr Te Waati. The first post included a photograph of Mr Te Waati and identified him by his name, "Ngarino Te Waati", and his nickname, "Beez". The second, third, and fourth posts that followed and were made on the same day also referred to him as "Beez" and further identified him by reference to his ex-wife's name.

[25] Even when Ms Creagh only referred to Mr Te Waati by using two bee emojis and referring to his ex-wife, a subsequent Instagram post confirms that this has been understood to be a reference to Mr Te Waati.

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10 At paragraph [5] above.
11 *Nguyen v Dinh* [2025] NZHC 3674 at [47].

The statements were defamatory

[26] The pleaded imputations are defamatory in that they lower the reputation of Mr Te Waati in the estimation of right-thinking members of society. Few accusations affect a person's standing in the community more than a charge of child sexual abuse.

[27] I turn to the question of whether the pleaded imputations are conveyed by the statements. In determining this, the Court asks what the ordinary reasonable reader would understand the words to mean, reading the publication as a whole and in context.[12]

[28] I find that in their natural and ordinary meaning, the four publications conveyed the pleaded imputations being that Mr Te Waati:

(a) is a paedophile and serial sexual predator;

(b) has sexually abused multiple girls in his care at kapa haka practice and performances;

(c) raped his ex-wife's cousin;

(d) targeted schools and youth programmes to gain access to victims; and

(e) corrupted Police and an Oranga Tamariki manager to evade investigation and prosecution.

[29] The reference in the first post to "Maxwell Gislaine" supplies a true innuendo that Mr Te Waati operates as Jeffrey Epstein did, using a position of trust to access and abuse young girls, with associates enabling and concealing the abuse. An ordinary, reasonable reader within the audience to which the posts were addressed would have grasped the comparison without effort.

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12 *Young v Xiao*, above n 8, at [58]–[60], quoting the principles set out in *New Zealand Magazines Ltd v Hadlee (No 2)* [2005] NZAR 621 (CA) at 625.

Issue 2: Ms Creagh has no arguable defence

[30] While a plaintiff has the overall onus in a summary judgment application, the defendant has an evidential onus to demonstrate some tenable basis upon which they might be able to resist their prima facie liability.[13]

[31] Ms Creagh has not filed a notice of opposition or any affidavit evidence. The only defences conceivably available are affirmative defences on which she has raised no evidential foundation. Nonetheless I discuss the affirmative defences Mr Cleary addressed in submissions.

Truth[14]

[32] A defamatory statement is presumed to be false in the absence of an evidential basis for the defence of truth.[15] There is no evidence to suggest that Mr Te Waati is in fact a paedophile, sexual abuser, predator, rapist or has corrupted the Police or a manager at Oranga Tamariki. Moreover, a complaint Ms Creagh raised was thoroughly investigated, and no action was taken. It would be a licence to defame if a plaintiff was required to "disprove" truth where a defendant has taken no steps in response to summary judgment proceedings where liability for defamation is otherwise established.

Honest opinion[16]

[33] There is no arguable honest opinion defence for two reasons: the imputations were presented as facts not opinions and, in any event, the underpinning facts insofar as they are presented are false.[17]

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13 *Greenbank New Zealand Ltd v Haas* [2000] 3 NZLR 341 (CA) at [19].
14 Defamation Act 1992, s 8.
15 Although a plaintiff suing for defamation is not required to prove the impugned statement is false, that can be inferred if the defence of truth is unsuccessful see Ursula Cheer *Burrows and Cheer Media Law in New Zealand* (8th ed, LexisNexis, Wellington, 2021) at 17–18.
16 Defamation Act, s 9.
17 *Young v Xiao*, above n 8, at [92] and [313].

Qualified privilege/responsible communication in the public interest[18]

[34] Qualified privilege or responsible communication in the public interest cannot succeed because there is no qualified privilege to air allegations publicly, only to report the allegations to the proper authorities.[19]

[35] "Responsible communication" similarly cannot succeed because the communication was not made responsibly: it was false, sensationalist and no opportunity was given to Mr Te Waati to respond, let alone have that response fairly reported.[20] Further, there has since been no retraction.[21]

Conclusion on liability

[36] For these reasons, summary judgment should be granted on Ms Creagh's liability. On the evidence before me, Mr Te Waati has proven that Ms Creagh defamed him and that she has no arguable defence.

Issue 3: Remedies, including an injunction and damages

[37] The remedies Mr Te Waati seeks are a declaration, a permanent injunction, and damages, together with costs.[22]

Declaration and injunction

[38] Once liability is established a declaration is routine. This gives Mr Te Waati a finding he can use to clear his name.[23] While a permanent injunction is not necessarily routine, it is appropriate where, as here, there has been no retraction or undertaking not to repeat the allegations.[24] An injunction will deter repetition and give Mr Te Waati a speedy remedy if it occurs.

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18 Defamation Act, s 16.
19 *Vickery v McLean* [2006] NZAR 481 (CA) at [19].
20 *Craig v Slater* [2020] NZCA 305 at [97]–[110].
21 *Young v Xiao*, above n 8, at [394].
22 In his statement of claim, Mr Te Waati also sought a retraction and apology. Mr Cleary clarified in submissions this was not being pursued.
23 Defamation Act 1992, s 24(1).
24 *Smith v King*, above n 8, at [50]–[51].

[39] I accept the wording of the declaration and injunction proposed are appropriate. The four posts are referred to in these as Publications 1 to 4, respectively, following the statement of claim definitions.

General damages

[40] General damages are awarded to compensate Mr Te Waati for harm to his reputation, to vindicate Mr Te Waati's good name and to provide consolation for a wrong done, taking into account the distress, hurt and humiliation caused by the defamation.[25] While a liability verdict is important, "[t]he sum awarded must be an outward and visible sign of vindication, sending a message restoring a claimant's good name 'sufficient to convince a bystander of the baselessness of the charge'."[26]

[41] In assessing what quantum of general damages is required to achieve these purposes the following factors are relevant:[27]

(a) Gravity: The imputations — paedophilia, child sexual abuse, rape and grooming, with an "Epstein" innuendo on top — are very serious. Not only do they go to the core of Mr Te Waati's personal reputation, but they also target his professional vocation, given that they allege that he used his work to target and abuse young girls.

(b) Reach: The posts were to 2,100 Facebook followers and were tagged into the Te Aho Matua network, directed at the community in which Mr Te Waati earns his living and where his reputation is the most important. That network is nationwide. Given the way social media operates, there is also the "grapevine effect" where allegations are spread more widely through other posts and word of mouth.[28] Mr Te Waati provided evidence of third parties spreading the allegations.

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25 *Nguyen v Dinh*, [2025] NZHC 2358 at [80]; and *Young v Xiao*, above n 8, at [408].

26 *Young v Xiao*, above n 8, at [408] quoting from *Sahota v Middlesex Broadcasting Corporation Ltd* [2021] EWHC 3363 (QB) at [34].

27 *Siemer v Stiassny* [2011] 2 NZLR 361 (CA) at [30] and [66]. See also s 29 of the Defamation Act 1992.

28 *Nguyen v Dinh*, above n 25, at [87].

(c) Standing: Mr Te Waati built his professional reputation over many years as a respected Māori wellness practitioner and the founder of an active organisation that helps the community. The publications targeted that reputation in the community that sustains it.

(d) Consequences: I set out earlier the level of revenue and bookings Mr Te Waati's trading company, MML had lost due to the defamatory posts.[29] Monthly revenue, previously between $20,000 and $35,000, has fallen to zero and has remained there. Although Mr Te Waati has not particularised the net financial loss to him personally from the defamatory Facebook posts, there is no doubt that he has suffered serious financial consequences. I can take into account the overall consequences to him of the posts.[30]

(e) Aggravating conduct by Ms Creagh: Ms Creagh published four posts in a single day, tagging an organisation to widen the reach. She did so after her earlier lower-level allegations had been investigated and found to lack any basis. Ms Creagh has made no retraction or effort to make amends. Indeed, after clarification to Ms Creagh of what a retraction involved, her response was to reconfirm the sting of the defamatory content to Mr Te Waati's lawyers by saying this would make her a liar. With no offer or sign of amends, the impact of the defamation continues.

[42] In considering the appropriate award in the above sets of circumstances, case comparators are of limited assistance because no two cases will be alike.[31] With that qualification, the following general damages awards are informative:

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29 At paragraph [5] above.

30 *Spring v Williams* [2022] NZHC 2165 at [29] and [35] citing Matthew Collins *Collins on Defamation* (Oxford University Press, Oxford, 2014) at [21.08] and [21.11]; and *Gleaner Company Ltd v Abrahams* [2003] UKPC 55, [2004] 1 AC 628 at [56].

31 *Young v Xiao*, above n 8, at [409].

(a) $365,000, $225,000 and $100,000 against three of the four defendants in *Nguyen v Dinh*.[32] Each defendant made two or three publications alleging criminal hacking, embezzlement and fraud – serious, but lesser imputations than those against Mr Te Waati. The posts went to a group of 2,600 to 3,500 members or to personal pages with 1,000 to 2,000 Facebook friends, within a Vietnamese community of around 10,000 – a similar following to Ms Creagh's Facebook profile but a smaller tagged group.

(b) $225,000 in *Young v Xiao*.[33] That award concerned sixteen posts on a WeChat account or third-party websites that were "part of an ongoing narrative" accusing Mr Young of corruption, disloyalty, dishonesty, and a lack of fitness for public office.[34] A central factual allegation of supporting Taiwan on which these imputations were based, while false, was not defamatory. The Court found that thousands – not tens of thousands as claimed – accessed the posts.

(c) $170,000 in *Spring v Williams*.[35] The defendant alleged the plaintiff was a drug dealer who laundered money for gangs. The posts were on a private Instagram account with 949 followers but spread within the motor vehicle industry.

(d) $500,000 (in 2000 dollars) in *Columbus v Independent News Auckland Ltd*.[36] The defendant had published allegations that the plaintiff, a well-known performer, had been unprofessional and greedy. The allegations were published to the 29,000 readers of the newspaper "New Zealand Truth". This was a lower-level defamation, but the publication was much wider than in this case.

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32 *Nguyen v Dinh*, above n 25, at [215]. A separate award of $60,000 was later lowered to $35,000, *Nguyen v Dinh*, above n 11, at [65].

33 *Young v Xiao*, above n 8, at [425].

34 At [65].

35 *Spring v Williams* [2022] NZHC 2165 at [36].

36 *Columbus v Independent New Auckland Ltd* HC Auckland CP 600/98, 7 April 2000 at [60]. The trial occurred in 2000. The Judge found the jury had awarded $500,000 in general damages and $175,000 in special damages.

[43] Having regard to the comparator cases, I accept Mr Cleary's submission that a substantial damages award is warranted given the factors I outlined above. I make a general damages award of $200,000.

Result and orders

[44] Mr Te Waati succeeds in his claim for summary judgment on all four causes of action. Mr Te Waati is entitled to costs.

[45] I make the following orders:

(a) A declaration in terms of Schedule 1.

(b) A permanent injunction in terms of Schedule 2.

(c) An order that Ms Creagh pay to Mr Te Waati $200,000 in general damages.

(d) Directing that Mr Te Waati in support of his costs claim within 10 working days.

[46] I make no award of interest on the damages sum.[37] I will address costs on the papers.

Anderson J

[37] The statement of claim does not specify the Interest on Money Claims Act 2016 section under which interest is sought as required by s 25(1)). In principle, this can be cured by amendment, but it is not appropriate for the Court to invite an amendment application post-hearing in an undefended summary judgment proceeding.

SCHEDULE 1: DECLARATION

It is declared, under section 24 of the Defamation Act 1992, that the defendant is liable to the plaintiff in defamation in respect of each of Publications 1 to 4, in that the defendant:

1. defamed the plaintiff by publishing each of Publications 1 to 4, which falsely alleged that:

    (a) Publication 1: the plaintiff is a paedophile and is a predator who sexually harms girls; and further, by way of innuendo, that the plaintiff is a paedophile and is a serial child abuser who used or tried to use his positions to gain access to and sexually abuse girls;

    (b) Publication 2: the plaintiff has victimised many girls and has corrupted Police and a manager at Oranga Tamariki to avoid any investigation, prosecution and conviction;

    (c) Publication 3: the plaintiff sexually abuses children, is a paedophile, and grooms high school students with the intention of sexually abusing them; and

    (d) Publication 4: the plaintiff has abused multiple girls on the stage wings at kapa haka practice and raped his ex-wife's cousin; and

2. has no defences for publishing these defamatory statements against the plaintiff.

SCHEDULE 2: PERMANENT INJUNCTION

The defendant is permanently restrained, whether by herself or through third parties acting on her instructions, from publishing, republishing, or causing or permitting to be published, in any form or by any medium (including on Facebook or any other social media platform), any of Publications 1 to 4, any of the statements contained in them, in relation to the conduct alleged in Publications 1 to 4 or otherwise the subject of this proceeding, any of the following defamatory imputations:

(a) the plaintiff is a paedophile;

(b) the plaintiff is a predator who sexually harms girls;

(c) the plaintiff is a serial child abuser who used or tried to use his positions to gain access to and sexually abuse girls;

(d) the plaintiff has victimised many girls;

(e) the plaintiff has corrupted Police or a manager at Oranga Tamariki to avoid any investigation, prosecution or conviction;

(f) the plaintiff sexually abuses children;

(g) the plaintiff grooms high school students with the intention of sexually abusing them;

(h) the plaintiff has abused girls on the stage wings at kapa haka practice; or

(i) the plaintiff raped his ex-wife's cousin,

provided that nothing in this order restrains the defendant from:

(a) publishing any statement concerning conduct of the plaintiff occurring after the date of this judgment, so long as the statement does not repeat or reassert the truth of Publications 1 to 4 or the allegations that were the subject of this proceeding;

(b) making a complaint or providing information in good faith to the New Zealand Police or any other person or body with a proper interest in receiving it, in circumstances attracting absolute or qualified privilege; or

(c) making any statement in the course of, or for the purposes of, any proceeding before a court or tribunal.