

before the breach could constitute a contempt. The Solicitor-General does not have to prove harm in contempt proceedings brought on the basis of breach of a Court order. A lack of harm would be relevant, if at all, only to remedy.

[3] It is also unarguable that the absence of prosecutorial guidelines renders contempt proceedings unlawful. Inherent in this submission is the idea that contempt proceedings are akin to a criminal prosecution. They are not, even though some of the safeguards of criminal proceedings are incorporated into the process.

[4] The sentence does not involve a matter of general or public importance. Assuming the courts have jurisdiction to make suppression orders, then we do not consider the sentence imposed is a miscarriage of justice, still less “a substantial miscarriage of justice”.

Solicitors:
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