



Supreme Court of New Zealand

26 August 2009

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**APN NEW ZEALAND LIMITED v SIMUNOVICH FISHERIES LIMITED AND
ORS
(SC 69/2008)**

**TELEVISION NEW ZEALAND LIMITED v SIMUNOVICH FISHERIES
LIMITED AND ORS
(SC 70/2008)**

[2009] NZSC 93

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court’s judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

This appeal concerned the scope of pleadings in defamation cases when the defendant raises the defence of truth or honest opinion. The issue was whether the particulars required to support those defences are confined to objectively provable primary facts or may include expressions of opinion or allegations by third parties about or concerning those facts.

The Supreme Court has held, in agreement with the Court of Appeal, that the required particulars are confined to objectively provable primary facts. A defendant may not plead as a particular the opinion or allegation of a third party, save when the honesty of an opinion expressed by the defendant is challenged.

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