



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

7 FEBRUARY 2024

## **MEDIA RELEASE**

F (SC 90/2023) v THE KING

**Hearing in the Supreme Court Wednesday 28 February 2024**

### **CASE HISTORY SYNOPSIS**

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court. The synopsis does not comprise part of the reasons for the judgment of the Court of Appeal.

**ORDER PROHIBITING PUBLICATION OF THE APPLICANT'S NAME,  
ADDRESS, OCCUPATION AND IDENTIFYING PARTICULARS AND OF THE  
INFORMATION TO WHICH THE APPLICATION UNDER S 205(2)(c) OF THE  
CRIMINAL PROCEDURE ACT 2011 RELATES UNTIL FINAL RESOLUTION OF  
THE APPEAL TO THIS COURT.**

### **Introduction**

Section 205(1) of the Criminal Procedure Act 2011 (the Act) allows a court to make an order prohibiting publication of the evidence adduced or the submissions made in any proceeding in respect of an offence. One qualifying circumstance in which this may occur is where publication would be likely to “endanger the safety of any person” (**section 205(2)(c)**). However, a court still has a discretion to refuse to make the suppression order.

### **Background**

The Appellant, Ms F, was the partner of a man who in December 2022 pleaded guilty to charges of serious criminal offending. Prior to his sentencing, Ms F's partner appealed a High Court judgment revoking a suppression order originally made in the District Court prohibiting the publication of any details which might lead to the identification of Ms F.

Ms F also made two applications for suppression in the Court of Appeal. The first application was sought under s 205 of the Act, on the basis that publication of certain facts in the evidence adduced and submissions made in her partner's court proceeding would be likely to endanger the safety of any person, especially Ms F. The second application, under s 202 of the Act, sought suppression of her name, address and occupation. Again, this application was made on the basis that Ms F was a person connected with a convicted offender and that publication would be likely to endanger her safety.

In July 2023, the Court of Appeal dismissed the appeal from Ms F's partner. The Court also declined Ms F's two applications for suppression. The Court determined that it was not likely her safety would be endangered if certain facts were made public. The Court was confident in the ability of the police to respond if necessary. Even if the statutory threshold was met, the Court indicated that it would not have exercised its discretion in favour of suppression. Although Ms F had nothing to do with her partner's offending, the Court determined there was an overriding public interest in the relationship between them and all the surrounding circumstances.

### **This appeal**

Ms F applied for leave to appeal the decision of the Court of Appeal. On 30 October 2023, the Supreme Court granted leave to appeal in part.

The approved question is whether the Court of Appeal erred in declining to make the order sought by Ms F under s 205(2)(c) of the Act. The Supreme Court has declined leave in relation to the Court of Appeal's refusal to make a suppression order under s 202 of the Act.

### **Viewing of hearing**

The courtroom is open to the public.

This hearing can be viewed remotely by a limited number of members of the public. The [Protocol for Remote Viewing of Hearings](#) will apply. No recording is permitted.

If you wish to view this hearing remotely, please email your request with your name and phone number to the Supreme Court Registry, [supremecourt@courts.govt.nz](mailto:supremecourt@courts.govt.nz), before 1 pm on Tuesday 27 February 2024.

### **The panel**

The Hon Justice Williams	The Hon Justice Glazebrook	The Rt Hon Chief Justice Winkelmann	The Hon Justice Ellen France	The Hon Justice Miller
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Judges as seen from the public gallery

### **Counsel**

- F (Appellant): *F E Guy Kidd KC and K T Dalziel*
- The King (Respondent): *B C L Charmley and T R Simpson*
- Stuff Ltd (Intervener): *E D Nilsson and K M Hursthouse*

### **Sitting hours**

Court will begin at 10:00am and conclude at 1:00pm with an adjournment taken from 11:30am to 11:45am.

### **Enquiries**

Any enquiries about the hearing should be directed via email to [supremecourt@justice.govt.nz](mailto:supremecourt@justice.govt.nz). While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Supreme Court leave decision: [\[2023\] NZSC 143](#) (30 October 2023)

