

**IN THE DISTRICT COURT  
AT DUNEDIN**

**CRI-2017-012-002997  
[2018] NZDC 3283**

**NEW ZEALAND POLICE**  
Prosecutor

v

**KANSEI UNO**  
Defendant

Hearing: 22 February 2018  
Appearances: T Hambleton for the Prosecutor  
C Anderson for the Defendant  
Judgment: 22 February 2018

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**ORAL JUDGMENT OF JUDGE K J PHILLIPS**

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[1] Kansei Uno is before me this morning for sentencing in relation to a number of charges involving careless use causing injury.

[2] The Court can take due note of the fact that there has been strong public interest in relation to the issues that arise as a result of Mr Uno's prosecution and his pleas of guilty to these charges. There is a wide public interest, again the Court taking general note of conversation outside the courtroom, in relation to overseas tourists driving rental cars in a manner and without proper skills, as a result, putting drivers and New Zealand public at risk. There has been a good deal of media coverage in relation to the issue.

[3] The application for the in-Court media coverage is an application for the taking of still photographs of the defendant during his sentencing. It is not an application, as I understood it originally was, for suppression as a base for opposing the media application. The application is premised by Ms Andersen in her strong submissions that the public interest in this matter is covered by the reporting of the hearing in print and that there is no need for still photographs to be taken. As I have said, the public interest in New Zealand in relation to these matters is widespread. Ms Anderson's argument is based on a submission that Mr Uno will suffer "draconian consequences" in Japan if there is a photograph of him which would be used in the media in Japan. I think as strong as Ms Andersen could put it was "maybe used in the Japanese media" and that that "might" have consequences on Mr Uno relating to his associate professorship at the Hospital of the [university]. Somewhat surprising to me is in exhibit B to her submissions which is an email from Mr Uno to Ms Andersen where he talks about Japanese culture and the fact that he would have to resign as a government employee. There is no other supporting information given to me in relation to that issue at all.

[4] In any event, I am dealing with the matter in the New Zealand Courts. I am dealing with it in the terms of the New Zealand In-Court Media Coverage Guidelines. I am dealing with Mr Uno who was in New Zealand driving a motor vehicle in a manner where people have suffered injury. That cannot be gainsaid. I refer to the particular matters detailed in a lengthy Victim Impact Statement from Mr Miller, one of the victims.

[5] With due respect to Ms Andersen, the authority that has been placed before me in relation to supporting her argument in *Beacon Media Group Ltd v Waititi*.<sup>1</sup> has very little relevance to the issues that are before me. The person there was a person who was not involved in the proceedings at all. He had a high international profile. The only interest that the media might have in reporting his identity is because of that profile. That is what that Judge was dealing with. I note that the Judge when making a decision to suppress the name because that person was likely to suffer undue hardship did so and said at para 32:

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<sup>1</sup> *Beacon Media Group Ltd v Waititi* [2014] NZHC 281

This case must be distinguished from the usual run of cases where the applicant is in some way involved in the events giving rise to the trial or the trial itself. In such cases the public interest in publication may be greater.

[6] In my view here there is a strong public interest overall. The taking of still photographs and the publication of them in today's age are part and parcel of the media's job to ensure that the Court's business is aired in the rightful forums. I see no grounds here whatsoever to deny what I consider to be a right of the media to take such photographs within the Court system as it has developed during the years and there is nothing in this case that I find changes that position. If Mr Uno has difficulties in Japan, then they are of his own making.

[7] The application for the taking of still photos by the three related news media persons present before the Court is granted. They can take still photographs of the defendant during the first five minutes of the sentencing hearing. The granting of the application is strictly in accordance with all relevant conditions of the appropriate Schedule.

K J Phillips  
District Court Judge