

The New Zealand Police

and

Brenton Harrison Tarrant

Minute of Judge P.R. Kellar as to media applications and suppression orders

16 March 2019

1. This Minute is a record of determinations made on 16 March 2019 at the Christchurch District Court in relation to –
 - a. Applications by the media in New Zealand and overseas for the right to film, take still photographs and take sound recordings of the proceedings upon Mr Tarrant’s first appearance on a charge of murder;
 - b. An application from the New Zealand Police to suppress publication of the name of the victim of the alleged murder.
2. I made an order that the court be cleared of the public, on the advice of the Police, for reasons of public safety. The Court was however open to accredited media as surrogates of the public.
3. My approach to media coverage of this first appearance reflects the fact that openness and transparency are fundamental principles of the New Zealand justice system. Therefore, court proceedings are generally open to the public. However, a judge must exercise control over conduct in the court-room and he or she has wide statutory powers to protect the integrity of the trial process and the rule of law. These powers include what news media are able to report and record in court and when and how this material is published.

4. These matters are reflected in the provisions of the Criminal Procedure Act, which sets out the rights of the news media to be present in court in all but the most exceptional circumstances. The judiciary have further established guidelines which outline the responsibilities of news media in covering proceedings in court. A copy of the In-Court Media Coverage Guidelines has been provided to all members of the news media.
5. I have received 11 media applications to film, take still photographs and to make sound recordings of the proceedings. The factors I have taken into account in making a decision include:
 - a. The need for a fair trial;
 - b. The desirability of open justice;
 - c. The principle that the media have an important role in the reporting of trials as the eyes and ears of the public;
 - d. Obligations of the court to victims of offences;
 - e. The interests and reasonable concerns and perceptions of the parties, victims and witnesses.
6. I am also mindful of the fact that under the trial protocols set out under the Criminal Procedure Act, this proceeding will necessarily be transferred to the High Court where decisions about media coverage of further appearances may be reviewed.
7. I am aware of the extensive media coverage that has already occurred including publication of the defendant's name and photographs of him. My concern and responsibility however is to ensure the integrity of the trial process. At this early stage and in order to protect the fair trial rights of the defendant I have taken a precautionary approach and am requiring media to pixilate the face of the defendant.
8. I grant the following media applications:

- a. TVNZ and Stuff may film the proceedings on condition that the filming be made available in a pool to other media who request it;
 - b. NZME may take still photographs of the proceedings, also on the condition that the photographs be made available to other media who request them;
 - c. Radio New Zealand may take a sound recording of the proceeding, also on condition that the sound recording be made available to other media who request it;
 - d. The face of the defendant must be pixilated in all filming or still photographs taken of him. No film or still photograph of the defendant may be published unless his face is pixilated;
 - e. TVNZ, Stuff and NZME must only provide film or still photographs to other media in which the face of the defendant is pixilated;
 - f. All media must comply with the conditions set out in the In-Court Media Guidelines
9. Aside from the above media applications, there shall be no other recording made of the proceedings in court.
10. I also make an order suppressing publication of the name of the victim of the alleged offending pending further order of the court.
11. Finally, I would like to remind all news media that while they are the eyes and ears of the public, what they publish must provide or assist in providing accurate, fair and balanced reporting of the hearing. Any report must not be used or published out of context. It is also vital that no news media publish any material that could imperil the prospect of a trial that is fair to all who are involved in it.

Judge Paul Kellar
16 March 2019

