

EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN
[SQUARE BRACKETS]

ORDER PROHIBITING PUBLICATION OF NAME(S) OR IDENTIFYING
PARTICULARS OF APPELLANT(S) / RESPONDENT(S) / ACCUSED
/ DEFENDANT(S) OR PERSON(S) REFERRED TO IN PARAGRAPH [5]
PURSUANT TO S 19(4) HARMFUL DIGITAL COMMUNICATIONS ACT 2015.
SEE <http://www.legislation.govt.nz/act/public/2015/0063/latest/contents.html>

**IN THE DISTRICT COURT
AT CHRISTCHURCH**

**I TE KŌTI-Ā-ROHE
KI ŌTAUTAHI**

**CIV-2020-009-001946
[2020] NZDC 22891**

BETWEEN	[LAUREL FERGUSON] Applicant
AND	JACQUES DE KOKER Respondent

Hearing: 3 November 2020

Appearances: A Mayer for the Applicant
Respondent appears in Person

Judgment: 3 November 2020

ORAL JUDGMENT OF JUDGE T J GILBERT

[1] Ms [Ferguson] has sought orders under the Harmful Digital Communications Act 2015. They relate to Mr Jacques De Koker who is an electrical engineer based here in Christchurch.

[2] I do not need to go into all of the details because the orders that I am making are by consent. However, in brief I record that the pair engaged in a relationship during which time some intimate digital recordings were made of their activities, and unbeknownst to Ms [Ferguson] Mr De Koker posted those to various websites. She was alerted to them by a friend or an acquaintance as a result of which she brought these proceedings.

[3] The orders that she seeks and which Mr De Koker has responsibly not opposed are that he takes down or disables the material, that he stops what he is doing and does not do it again, and that he does not encourage anyone else to engage in similar communication.

[4] Mr De Koker says that he has already removed the material and that he will not do it again and neither will he communicate with anyone, and he is happy for each of those orders to be made. They seem entirely appropriate to me and I can well understand Ms [Ferguson]'s upset at what has occurred because whilst she consented to the intimate visual recordings being made, she very certainly did not consent to them being splashed about the Internet.

[5] In addition, there is permanent suppression of Ms [Ferguson]'s name which is under s 19(4)(a) of the Act, and I direct that the District Court file is not to be searched except by a District Court Judge. That is because of the sensitivity of some of the material on it.

[6] Finally, and again this is by consent, I have fixed costs at \$1,700 plus GST which Mr De Koker has responsibly acknowledged he will pay and indicated that he can do so within a couple of weeks.

Judge TJ Gilbert
District Court Judge

Date of authentication: 09/11/2020
In an electronic form, authenticated pursuant to Rule 2.2(2)(b) Criminal Procedure Rules 2012.