



Supreme Court of New Zealand

16 November 2007

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

ROGERS v TELEVISION NEW ZEALAND LIMITED (SC 68/2006) [2007] NZSC 91

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.

The Supreme Court has upheld a decision of the Court of Appeal which allows Television New Zealand to broadcast a police videotape containing admissions by an accused person who was found not guilty on a charge of murder. The videotape was not part of the evidence at the trial. It had been excluded because of police breaches of the Bill of Rights.

The appellant, Mr Rogers, was tried by a jury in 2005 for the murder of a woman in 1994. Another man had previously been charged with the murder and was convicted of manslaughter in 1995. His conviction was set aside by the Court of Appeal in 2004. Following further inquiries, Mr Rogers was interviewed at the scene by the police and charged with the murder. Prior to the trial, the Court of Appeal decided that this interview had taken place in breach of Mr Rogers' rights under the Bill of Rights Act and that the police videotape of the interview was not to be shown to the jury at his trial. The trial proceeded and Mr Rogers was found not guilty.

Television New Zealand had been given a copy of the videotape by the police prior to the trial, and intended, following its conclusion, to show excerpts in a programme about the homicide and the two trials. It was restrained by the High Court on the ground that this would infringe Mr Rogers' privacy rights as an acquitted person. The Court of Appeal decided that his rights were not affected, and set aside the High Court's orders. That outcome has now been upheld by a majority of the Supreme Court in a split 3:2 decision.

A majority of three Judges (Justices Blanchard, Tipping and McGrath), in separate judgments, decided that in the particular circumstances Mr Rogers' privacy interests were outweighed by the interests of open justice. Those interests favoured permitting the broadcast of the videotape.

The Judges in the minority (Chief Justice Elias and Justice Anderson) would have sent the case back to the High Court for further consideration and restrained any broadcast of the videotape pending the High Court's decision.

Judges were critical of the police actions in releasing a videotape of an interview with a suspect to a media organisation.

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