



NZILA conference
SHAKEN NOT STIRRED

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Legal Update on Remedies in Defamation and Privacy

Damages in Defamation



- 7.1.2 *Quantification of damage:*

- (a) The court will take into account the defendant's behaviour, not only before but during the trial.
- (b) Allegations of a very minor kind obviously will not attract significant damages.
- (c) The extent of publication is also relevant.
- (d) Aggravated damages are also available.
- (e) The court will also look at the plaintiff's social standing
- (f) Mitigation of damage: Under s 29, a defendant can ask that certain things be taken into account in mitigation of the damages:

- 29(a) publication by the defendant of a correction, retraction or apology;
- (b) publication by the defendant of an explanation or rebuttal;
- (c) the terms of any injunction or declaration the court is also going to grant;
- (d) any delay between publication and trial which is the fault of the plaintiff.



- 7.1.3 *Exemplary damages*

- Quinn



- Columbus



● 7.1.4 Size of awards

Columbus



Stiassny v Siemer



Karam v Parker

Karam awarded \$535,000 over defamation

4:15 AM Thursday Apr 17, 2014

Assault and Homicide Crime David Bain Politics ☆ f t in 0



The ruling identified some 50 defamatory statements on Mr Karam by Mr Parker and Mr Purkiss to which there was no defence. Photo / Brett Phibbs

Joe Karam has been awarded \$535,000 in a defamation case against two men who launched an "all-out assault" on his reputation because of his support for David Bain.

The online comments by Kent Parker and Victor Purkiss accused Mr Karam of being dishonest in his motivations for helping Mr Bain after he was cleared in 2009 of murdering five members of his family.

Power to overturn awards

Williams v Craig [2017] NZHC 724



Damages in Privacy

Gulati v MGN [2015] EWHC 1482

- Damages increasing and compensate damage to the right itself



Mirror

Injunctions in Privacy

PJS v Newsgroup Newspapers [2016] EWCA Civ 393

- Still of use in spite of publication on internet



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