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In response to your request that the paper be shortened, you will find that I have deleted some words and sentences so as to make your paper read better and avoid repetition. In two places, I have deleted quotations for the same reason. In each case, the quotation did not add any supporting argument to your text.

Before finalizing your paper, you should check the requirements regarding margins, line spacing, cover sheet and page numbering.

Perhaps you might like to study what I have done by comparing your original with the tracked changes and then with the final edited version. This may help you to improve your own style and sentence structure.

Also, I notice that your word processor is using US spelling. I have changed some spelling to the Australian/UK standard and this now shows up as errors in the spellchecker. If you are in Australia or elsewhere where UK based English is used, and unless you have been told otherwise, you should consider changing your word processor to follow this spelling standard.

Please note that what I have done is to edit your paper so that it can be presented using correct English expression and a readable style. In doing this, except for the deletions indicated above, I have not added to or changed the factual content that you have provided. The legal analysis in your paper must remain the product of your own work.

Best wishes

Allen  
BetterEdit.com  
11 June 2004

## Hoskings v Runtig and Pacific Magazines NZ Ltd [2004] NZCA 101/03

(hereafter referred as Hoskings v Runtig.)

### Parties

Appellants	Michael Noel James Hosking Marie Angela Hosking
First Respondent	Simon Runtig
Second Respondent	Pacific Magazines NZ Limited
First Intervener	Commissioner for Children
Second Intervener	Commonwealth Press Union (NZ)
Third Intervener	ACP Media Limited

### Brief

Mr and Mrs Hosking, a well-known couple, had been ~~on~~the subject of attention by the media. In 2001, it was reported that Mrs. Hosking had become pregnant and that her pregnancy involved the controversial IVF treatment. The couple was willing to disclose to the media ~~about~~the issues surrounding the pregnancy and did not object to various magazines' articles on the subject being published~~about the issue~~. However, after the birth of the twins (Ruby and Bella) in June 2001, the Hoskings refused to allow any media attention to matters and release about concerning the twins.

In mid-2002, the first respondent took ~~the~~photographs of the twins while they were in a public street with their mother, without the appellant's' knowledge. The appellants sought a permanent injunction preventing the respondents from taking and publishing any photographs of their children until they ~~became-reach~~18 years of age.

The first Intervener, acting in favour of the appellants, ~~seekedsought~~ to have the court ~~apply-use~~ the United Nations Convention on the Rights of the Child

(UNCROC), which 'upholds the privacy of children and protection of their identity', as a guidance. The second Intervener and the third Intervener, acting in favour of the respondents, submitted that ~~the significance of the~~ freedom of expression as a guaranteed right under s14 of the New Zealand Bill of Rights Act 1990 ~~should be upheld~~ and that ~~tort of privacy of tort should did~~ not exist in New Zealand.

The legal issue arising from the case is whether a separate tort of privacy existed in New Zealand and if it ~~was does~~, whether it could provide remedies to the appellants. Also, ~~the matter raises it arose an~~ the important issue of the competing interest between freedom of expression and the right to privacy. Other important issues regarding privacy ~~involved include is~~ whether the photographs disclosed any private information to the public, if the publication of the photographs ~~would increase the risk~~ ~~compromised the~~ of safety of the children, and if the content of the photographs can be ~~seen interpreted~~ as offensive to 'ordinary persons'.

In ~~its a~~ unanimous decision, —Gault P and Blanchard J, Keith J, Tipping J and Anderson J —dismissed the appeal ~~with and awarded~~ the respondents ~~entitled to~~ fixed costs of \$18,000. ~~The decisions have similar reasoning behind it.~~

The justices found that there is no free-standing tort of invasion of privacy in New Zealand common law. ~~and m~~ More importantly, even if ~~its such a~~ tort existed, the freedom of expression would outweigh the right to privacy. The decisions also ~~indicated~~ ~~agreed~~ ~~ment~~ that the publication of the photographs is not likely to pose ~~any~~ danger to the twins, nor can it be seen ~~to cause any public~~ ~~offensive~~ ~~to people with ordinary sensibilities~~. Furthermore, it was agreed that the photographs ~~does~~ not disclose "any private information which may be useful to someone with ill-intent".

In the joint decisions, ~~their Honours~~ Gault P and Blanchard J, ~~his honors~~ also found that there is no cause ~~effor an~~ action directed ~~teat~~ unauthorized representation of ~~an~~ image, as there was no trespass or assault, and ~~that~~ there has been no foundation laid for a claim of negligent infliction of emotional harm to the children.