

SIGNIFICANT MATTERS/PUBLISHED WORK¹

Administrative law

*Inquiry into GCSB's process for determining its foreign intelligence activity** (2015-2017)

*Kim v Minister of Justice** (forthcoming, CA562/2017; extradition decision-making)

*Putting procedural fairness into practice in NZSIS security vetting** (2016) Guide to natural justice obligations in national security context

Turners & Growers Ltd v Zespri Group Ltd (No 2) (2010) 9 HRNZ 365 (challenge to single desk model; precedent decision on freedom of association, including in regulatory/commercial context)

Wilson v Chief Executive of the Department of Corrections [2009] NZCA 2 (parole)

Civil procedure

Brown v Attorney-General [2006] NZAR 450 (CA) (name suppression)

General Manager, Auckland Central Remand Prison v Mailley [2009] NZAR 649; (2009) 19 PRNZ 736 (CA) (habeas corpus and ancillary powers)

Criminal procedure

Taito v New Zealand CCPR1909/2009 (2015) United Nations Human Rights Committee, challenge to adequacy of appeal procedures following *R v Taito* [2003] 2 NZLR 577 (PC) and consequent New Zealand decisions²

Lawler v R [2013] NZSC 92 (leave) (sentencing)

Morgan v Superintendent, Rimutaka Prison [2005] 3 NZLR 1 (CA/SC) (junior counsel in the Supreme Court; counsel in the High Court/Court of Appeal) retrospectivity in sentencing

R v Shabed [2002] 2 NZLR 377 (CA) (junior counsel for Attorney-General) (evidence admissibility)

Human rights

Committee on Economic, Social and Cultural Rights, Third Periodic Review of New Zealand, Geneva, May 2012 (delegate and counsel)

Committee on the Rights of the Child, Third/Fourth Periodic Review of New Zealand, Geneva, January 2011 (delegate and counsel)

United Nations Human Rights Committee, Fifth Periodic Review of New Zealand, New York, March 2010 (counsel to Minister of Justice as delegation head)

¹ Lead counsel/author unless otherwise noted.

² Also counsel in approximately fifteen other New Zealand cases before the Committee and in matters before the Committee on the Elimination of Racial Discrimination; the United Nations Working Group on Arbitrary Detention; the Subcommittee on Prevention of the Committee against Torture; and other bodies: see http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx.

Vaibu v Attorney-General [2008] NZAR 83 (CA); [2008] NZSC 19 (SC leave - declined) (applicability of New Zealand Bill of Rights Act to severe accidental harm)

Taunoa v Attorney-General [2008] 1 NZLR 429 (SC) (junior counsel for Attorney-General) (human rights standards governing prison administration/principles of public law compensation)

Hester v Commissioner of Inland Revenue - [2005] 2 NZLR 172 (CA); [2005] 2 NZLR 473 (SC-leave - declined) (junior counsel for Commissioner) interpretation of charitable tax exemptions and religious discrimination claim

Privacy/official information

Review of NZSIS holding and use of, and access to, information collected for security vetting purposes (2015-2017)

Inquiry into NZSIS release of information (2014)

Refugee/protection law

Attorney-General v X [2008] 2 NZLR 579 (SC) (leave and substantive) (junior counsel for Attorney-General) - confidentiality in refugee proceedings concerning crimes against humanity

Chief Executive of the Department of Labour v Taito [2006] NZAR 420 (CA) (junior counsel for Attorney-General) interpretation of humanitarian exception in immigration decision-making

Udompun v Attorney-General [2006] NZSC 1 (leave-declined); [2005] 3 NZLR 204 (CA) (counsel at first instance; junior counsel in higher courts) immigration decision-making and detention

Regulatory/enforcement powers

*Inquiry into NZSIS applications for sensitive and complex warrants** (2014-2016) (inquiry into lawfulness and propriety of statutory warrant applications)

Teddy v Police [2015] NZAR 80 (CA) criminal maritime jurisdiction

P F Sugrue Ltd v Attorney-General [2006] 3 NZLR 464 (PC) (junior counsel for Attorney-General) – statutory search/seizure and limitation under the New Zealand Bill of Rights Act

Public international law

U v Attorney-General [2013] 2 NZLR 115 (CA) effect of Hague Convention on Intercountry Adoption on jurisdiction of Family Court

Fang v Jiang [2007] NZAR 420 (HC) (joint counsel for Attorney-General as intervenor) New Zealand precedent case authority on state immunity and extraterritorial jurisdiction

Treaty of Waitangi

Te Kōhanga Reo National Trust (Waitangi Tribunal, 2011-2012) (lead counsel for Ministry of Education, Education Review Office, Te Puni Kōkiri and others) – Crown regulation, funding and review of kōhanga reo

RECENT ACADEMIC/PROFESSIONAL PUBLICATIONS

“‘Big Data’ & public law: defining lawful search & access in the face of data ubiquity” invited paper to New Zealand Law Society, forthcoming 2018

“International law, cyberspace and where to next” invited paper to Beeby Colloquium on International Law, forthcoming 2017

“Data ubiquity and the law” work in progress; presented as invited paper to the New Zealand Crown Law Office; presented as invited paper to the Office of the Privacy Commissioner, New Zealand, 2017

“Public lawyers in small places” invited paper to New Zealand Government Legal Network, 2017

“The (more) public life of secret law” lecture to Australian Centre for Military and Security Law, 2017; also to New Zealand Centre for Public Law, 2017

“International human rights law together or apart” *Sustaining the International Legal Order in an Era of Rising Nationalism* Australian and New Zealand Society of International Law, 2017

“A partly outside job? The potential of transnational legal discourse for disclosure in proceedings involving national security decisions” *Accountability for Transnational Counter-Terrorism Operations*, IACL Research Group on Constitutional Responses to Terrorism conference, Dickson Pool School of Law, Kings College London 2016

POSITIONS/APPOINTMENTS

2017- **Barrister sole, Thorndon Chambers, Wellington**

Specialist in administrative, constitutional, human rights and public international law

2014- **Deputy Inspector-General of Intelligence and Security**
2017

Warranted statutory appointment as first Deputy Inspector-General following expansion of Inspector-General's office by Inspector-General of Intelligence and Security Amendment Act 2013. Responsible, with the Inspector-General, for oversight of lawfulness and propriety of actions and systems of New Zealand's civilian intelligence and security agencies, including:

Exercise of the powers of a standing commission of inquiry in respect of both own motion inquiries and complaints, including conduct of inquiry proceedings, including summons and examination of witnesses;

Substantial engagement with administrative, constitutional, human rights and international law issues;

Public and legislative reporting (see examples below), including contributions to legislative policy and law reform; and

Contributions to establishment and management of expand Inspector-General's office.

2012- **Crown Counsel for constitutional, human rights and international law, Crown**
2014 **Law Office**, with responsibilities including:

Appearances as lead counsel in significant Court of Appeal and High Court matters, in Supreme Court leave proceedings and in international matters including numerous United Nations human rights procedures/proceedings (see further above);

Appearances as junior counsel in substantive matters in the Supreme Court and Privy Council and significant contributions to other appellate matters (see further above);

Extensive advisory work, including short-notice advice to Attorney-General and other ministers, substantial opinions for clients across government, published Bill of Rights vet opinions and other advice and contributions to significant policy/law reform work; and

Development work, including specialist assistance to other teams, supervision/mentoring, internal Supreme Court proceedings committee, inhouse and external education and liaison with other jurisdictions.

Previous positions

Crown Counsel for Treaty of Waitangi and international law, 2010-2012

Crown Counsel for human rights, 2006-2010; Associate Crown Counsel, 2003-2005 and Assistant Crown Counsel, 2000-2002

Associate, Chen & Palmer, Barristers and Solicitors 1998-2000

QUALIFICATIONS

B.A. (French/German), Victoria University of Wellington, conferred 1995

LL.B. (Hons) (I), Victoria University of Wellington, conferred 1996

Barrister and solicitor of the High Court of New Zealand, admitted and enrolled since 1999; barrister sole from 2017

General Course and Directed Higher Studies Seminar, Hague Academy of International Law, 2007

Further studies in international law and legal theory and small group teaching in Australian administrative and constitutional law at the Australian National University, Canberra, Australia, 1997-1998

Currently part-time research student in international law at Victoria University

PROFESSIONAL ACTIVITIES

Member, New Zealand Law Society Public and Administrative Law Committee

Member, Australia and New Zealand Society of International Law 2018 Conference Organizing Committee

Past member, Human Rights and Privacy Law Committee, New Zealand Law Society (2009-2013); past member, New Zealand Private International Law Coordination Committee (2004-2014); past member, Wellington District Law Society Library Committee (2001-2007); past Hon Secretary, New Zealand Branch International Law Association (1998-2005).