

**SHORT CURRICULUM VITAE, JANUARY 2019**

I specialise in administrative, human rights and public international law. I have also worked in habeas corpus, immigration law and refugee protection, information and privacy, law reform and legislative policy, private international law, regulatory and investigatory powers and obligations under the Tiriti o Waitangi/the Treaty of Waitangi. I am currently designated as a special advocate.

I have appeared before all levels of the New Zealand courts, including as counsel before the High Court, Court of Appeal and the Waitangi Tribunal and in Supreme Court leave proceedings, and as junior counsel in substantive Supreme Court matters and one civil appeal to the Privy Council. I have also undertaken proceedings before United Nations bodies and have contributed to proceedings in other jurisdictions. From 2014-2017, I was the inaugural Deputy Inspector-General of Intelligence and Security, responsible with the Inspector-General for oversight of New Zealand's civilian intelligence agencies. Prior to that appointment, I was Crown Counsel with the New Zealand Crown Law Office and represented and advised successive Attorneys-General, other ministers and a very wide range of New Zealand government departments and other public bodies.

I am currently a member of the New Zealand Law Society public and administrative law reform committee. I have previously served on the Society's human rights and privacy law committee and several other professional bodies and am a regular contributor to academic and professional conferences and seminars.

**SIGNIFICANT MATTERS (lead counsel except where marked)**

*Raukawa Settlement Trust v Waitangi Tribunal & ors* (High Court, 12 February 2019) judicial review of Tribunal directions in compulsory resumption application

*A v Minister of Internal Affairs* [2018] NZHC 1328; [2018] NZHC 1797; [2018] NZHC 2890 (also several closed judgments; ongoing) court appointment as special advocate in partially closed Passports Act proceeding

*Microsoft v United States* (United States Supreme Court; with Morgan Coakle LLP) written amicus brief for New Zealand Privacy Commissioner on extraterritorial application of search powers/comity

*Kim v Minister of Justice\** (Court of Appeal; reserved) extradition, including reliance on assurances

*Suveinakama & ors v Ulu o Tokelau & ors* [2017] NZHC 3171; [2017] NZHC 3287; [2018] NZHC 1670; [2018] NZHC 3339 (ongoing) administrative decision-making and civil procedure under Tokelau law

Inspector-General of Intelligence and Security, *Lawfulness of NZSIS access to data under the Customs and Excise Act 1996 and the Immigration Act 2009\** (2015-2017)

Inspector-General of Intelligence and Security, *Legality and propriety of warnings given by the New Zealand Security Intelligence Service\** (2014-2017)

Inspector-General of Intelligence and Security, *Inquiry into GCSB's process for determining its foreign intelligence activity\** (2015-2017)

Inspector-General of Intelligence and Security, *Inquiry into NZSIS applications for sensitive and complex warrants\** (2014-2016) lawfulness and propriety of statutory warrant applications

Inspector-General of Intelligence and Security, *Putting procedural fairness into practice in NZSIS security vetting\** (2016) guide to natural justice obligations in national security context

*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)<sup>1</sup>

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

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

Inspector-General of Intelligence and Security, *Inquiry into NZSIS release of information* (2014)

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

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

*Te Kōhanga Reo National Trust* (Waitangi Tribunal, 2011-2012) (lead counsel for Ministry of Education, Education Review Office, Te Puni Kōkiri and others)

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)

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

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

*Vaihu 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)\* human rights standards governing prison administration/principles of public law compensation

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<sup>1</sup> Also counsel for New Zealand government in approximately fifteen other cases before the Committee and in matters before the Committee on the Elimination of Racial Discrimination; the United Nations Working Group on Arbitrary Detention and other bodies/fora.

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

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

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

*Morgan v Superintendent, Rimutaka Prison* [2005] 3 NZLR 1 (CA/SC\*) retrospectivity in sentencing

## **PREVIOUS POSITIONS/APPOINTMENTS**

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

Warranted/tenured statutory appointment following expansion of Inspector-General's office by Inspector-General of Intelligence and Security Amendment Act 2013. Responsible, with the Inspector-General, for independent oversight of lawfulness and propriety of actions and systems of New Zealand's civilian intelligence and security agencies: see details of published inquiry and review reports above.

2006- **Crown Counsel for constitutional, human rights and international law**  
2014 **(2012-2014); Treaty of Waitangi and international law (2010-2012); human rights (2006-2010)**

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 and appearances as junior counsel in substantive matters in the Supreme Court and Privy Council: see significant matters above.

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

**Also** Associate Crown Counsel, 2003-2005; 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

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

**Also** 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.

## **RECENT AND FORTHCOMING PAPERS/PUBLICATIONS**

“Current developments in judicial review” Legalwise CLE, Auckland/Wellington, March 2019

Contributing author to *Adams on Criminal Law* (New Zealand Bill of Rights Act chapters) (2019-)

Revision co-author for *Laws of New Zealand: Extradition* (forthcoming)

“*Miller v New Zealand: Lost in translation?*” New Zealand Centre for Public Law, June 2018

“Developments in Public Agencies' Access to Privately Held Data and Data Protection Obligations” Legalwise CLE, Auckland/Wellington, March 2018

“‘Big Data’ & public law: defining lawful search & access in the face of data ubiquity” New Zealand Law Society CLE, Wellington, February 2018

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

“Data ubiquity and the law” invited paper to the New Zealand Crown Law Office, 2017; the Office of the Privacy Commissioner, 2017; New Zealand Judges' Clerks' Conference, 2018

“The (more) public life of secret law” lecture to Australian Centre for Military and Security Law, July 2017; also to New Zealand Centre for Public Law, September 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, March 2016

## **PROFESSIONAL ACTIVITIES**

Member, public and administrative law reform committee, New Zealand Law Society

Co-chair, Australia and New Zealand Society of International Law 2018 Conference; 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)

## **OTHER**

New Zealand citizen; married with two children

Security clearance details available on request