

# Victoria Casey QC

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Thorndon Chambers

I have a broad litigation practice with a particular focus on the interface between public and commercial law. My areas of practice include regulatory litigation and investigations (including under the Commerce Act, Fair Trading Act and AML legislation), administrative law and judicial review, intellectual property, privacy, environmental law, tax, charities, negligence, Crown liability, discrimination and human rights, government inquiries and general commercial litigation. I have worked across a range of sectors including energy, construction, finance, health and disability, local government and central government agencies.

I am experienced in leading major complex litigation, and also in the effective use and defence of urgent applications.

I joined the independent bar in 2012, following five years as Crown Counsel with the Crown Law Office's Tax & Commercial and Human Rights Teams. I became QC in 2016. I have previously worked for Bell Gully (Auckland and Wellington offices), Meredith Connell (Auckland) and Sly and Weigall (Canberra). I have spent time on secondment with the Commerce Commission and with Australian Defence Industries.

I am an approved legal aid provider for civil appellate work in the Court of Appeal and Supreme Court.

## Recent judgments

- *Mercury NZ Ltd v Commissioner of Inland Revenue* [2019] NZHC 1524 (depreciation)
- *Greymouth Petroleum Mining Group Ltd v Minister of Energy & Resources* [2019] NZHC 1222 (petroleum mining permit)
- *Dotcom v Attorney-General* [2019] 2 NZLR 277 (appeal from Human Rights Review Tribunal decision, privacy and damages)
- *Director of Proceedings v Brooks* [2019] NZHRRT 33 (name suppression, medical professional)
- *Taylor v Chief Executive of Dept of Corrections* [2019] NZHC 644 (security)
- *Commerce Commission v Euro Corporation Ltd* [2019] NZDC 1025 (steel mesh prosecution, venue decision)
- *Rewiti v Maori Women's Welfare League* [2018] NZHC 2713 (judicial review of changes to the League's constitution)
- *Reekie v Claimant A* [2018] NZHC 2434 (amicus assisting the Court on an appeal under the Prisoners and Victims Claims Act 2005)

- *Heinz Watties Ltd v Ministry of Business, Innovation and Employment* [2018] NZHC 2309 (anti-dumping duties)
- *Taranaki-Whanganui Conservation Board and others v Environmental Protection Authority* [2018] NZHC 2217 (appeal against consent for off-shore iron sands mining)
- *McGoughan v DePuy International Ltd and ACC* [2018] 2 NZLR 916 (CA) and [2016] 2 NZLR 119 (HC) (challenge to the statutory bar on litigation under the ACC regime)
- *Attorney-General v Taylor* [2017] NZCA 215, [2017] 3 NZLR 24 (appearing for the Speaker of the House of Representatives as intervener)
- *Foundation for Anti-Aging Research v Charities Registration Board* [2016] NZHC 2328, (2016) 27 NZTC 22-074 (charitable status of scientific research)
- *Chief Executive of the Dept of Corrections v Ranui* [2016] NZHC 1174 (amicus, extended supervision orders)
- *Splice Fruit Ltd v The New Zealand Kiwifruit Board* [2016] NZHC 864, [2016] NZAR 280 (judicial review of collaborative marketing decisions)
- *K Casey v University of Otago* (private prosecution under s 49 of the Health and Safety in Employment Act) [2015] NZDC 17543 (sentencing notes)
- *Bates v Valuers Registration Board* [2015] NZHC 1351 (judicial review staying disciplinary process)
- *Seales v Attorney-General* [2015] 3 NZLR 556 (application for declarations relating to physician assisted suicide/euthanasia: representing the Care Alliance as intervener)
- *Quake Outcasts v Minister for Canterbury Earthquake Recovery* [2015] NZSC 27 (Supreme Court) and [2014] 2 NZLR 587 (Court of Appeal) (judicial review of decisions relating to the residential red zones in Christchurch: representing the Human Rights Commission as intervener)
- *Siemer v Brown* [2014] NZHC 3175 (damages claims relating to search warrant; [2015] NZCA 69, 161 and 276; [2015] NZSC 41, 50, 62, 86, 102, 126, 157 and 173)
- *Godfrey Hirst Ltd v Cavalier Bremworth Ltd* [2014] 3 NZLR 611; [2014] NZCA 418 (decision setting the parameters for 'fine print' in advertising on the internet under the Fair Trading Act, representing the Commerce Commission as intervener)

- *Kim v Attorney-General* [2014] NZHC 1383 (judicial review of extradition decisions: undertaking from Peoples Republic of China re death penalty, prospect of torture)
- *Rossi v Chief Executive of the Ministry of Business, Innovation and Employment* [2014] NZHC 2168 (judicial review relating to deportation of offender while appeal against underlying conviction pending)
- *Wellington International Airport Ltd and others v Commerce Commission* [2013] NZHC 3289 and *The Major Electricity Users Group v Commerce Commission* [2014] NZHC 1765 (the input methodology appeals under Part 4 of the Commerce Act)
- *Lavakula v Chief Executive of the Dept of Corrections* [2013] NZHC 3365 (judicial review, placement of young offenders in adult prison)
- *Vector Ltd v Commerce Commission* [2013] 2 NZLR 445 (Supreme Court) and [2012] 2 NZLR 525 (Court of Appeal) (judicial review under Part 4 of the Commerce Act)

#### Other matters

Assistant Commissioner of Patents, Trade Marks and Plant Designs, 2015 – 2018

Panel member litigation strategy review of government agency (2018)

Independent peer review of investigation into serious complaints against a senior executive (2018)

Chair of the Minimum Taste Standard Committee appointed by the New Zealand Kiwifruit Board inquiring into a complaint against Zespri (2017)

Represented Hastings District Council in Stage 2 of the Government Inquiry into Havelock North Drinking Water (2017)

Appointed counsel assisting the Government Inquiry by the Hon Lester Chisholm into allegations regarding the Hon Judith Collins and a former Director of the Serious Fraud Office (2014)

#### **Seminars and Publications**

Member planning group for *Human Rights Law – New Frontiers* NZLS CLE Intensive May 2019

*Discovery in Judicial Review* (presentation to the Crown Law Office) November 2018

*Public Law Claims* NZCLE 21 August 2018

Seminars on Parliamentary Privilege in the context of litigation, July – August 2017, NZCLE February 2018

NZCLE Public Sector Governance Intensive: *When things go wrong – responding to external investigations* 26 October 2017

Government Legal Network *Health Law: Collisions between science, social policy, economics and ethics* 22 March 2017

Judicial Review 2016 in review *Legalwise* seminar 2 March 2017

Judicial Review in practice (presentation to the Crown Law Office) September 2016

Administrative Law 2015 in review *Legalwise* seminar 25 February 2016.

Victoria University cross-campus human rights symposium paper: *'The right to die' and 'rational suicide': respecting human rights for all or a claim for privilege by the strong? The case for the status quo'* 10 December 2015, paper published [2015] HRR 10.

*Gathering and disposing of information under the Inquiries Act 2013* NZLS Public Law Intensive 8 October 2015

The Legal Framework for Administrative Decision Making, *Legalwise* seminar 8 September 2015

Recent cases and developments in administrative law, *Legalwise* seminar, 24 February 2015

Article on the use of electronic bundles in the High Court, *LawTalk*, 7 June 2013.

Judicial Review seminars for Visiting Justices (Royal Federation of Justices) and Hearing Adjudicators (Dept of Corrections), 2008 to 2010.

Paper on the extraterritorial effect of the New Zealand Bill of Rights Act 1990, presented to a joint seminar of Government lawyers and members of the Refugee Status Appeals Authority, 2009.

Discovery seminars for Crown Law and state sector clients, 2008 to 2010.

## **Professional and community appointments**

Deputy Chair, Archdiocese of Wellington Board of Administration