

Selected experience

ARBITRATOR

Nominations to a variety of property and commercial disputes, including access rights involving competition principles, and appointments including lease issues, rent reviews and international forex.

LITIGATION

Range of general civil litigation and competition advice, representation and appearances in arbitrations and before other tribunals, High Court, Employment Court, Court of Appeal, Privy Council and Supreme Court, for numerous clients (companies and individuals), including: contractual and commercial disputes, employment law, litigious Commerce Commission applications and trade practices, Securities Commission investigations and hearings, Takeovers Panel, disciplinary and other tribunals, etc.

Commerce Commission

- Counsel assisting Commission in first merger authorisation since 2001 amendments to Act, and successful counsel for Commission in High Court appeal against its decision, twice (second authorisation after first lapsed), including Court of Appeal second time.

Port of Tauranga Limited

- Counsel in respect of High Court proceedings regarding alleged contractual entitlement to access to wharves by competitor.

British Airways

- Counsel, Commerce Commission investigation and High Court proceedings

The Warehouse Limited

- Counsel, Woolworths/Foodstuffs takeover, High Court and Court of Appeal proceedings

AstraZeneca

- Counsel, judicial review by AstraZeneca (High Court, Court of Appeal and Supreme Court)

Visa International

- Initial adviser then junior counsel, High Court proceedings (Commerce Commission claim against credit card companies and banks)

New Zealand Dairy Group

- Counsel, High Court (contract dispute)

Mobil Oil New Zealand Limited

- One of counsel in international arbitration (ICSID) regarding Motunui synthetic fuels plant.
- Counsel, various High Court proceedings:
 - by Petrocorp for access to refinery.
 - relating to employee fraud.
 - lease dispute.
 - property damage claim.
 - owner driver contract.

Lion Nathan Limited

- Counsel, High Court lease dispute, and various other proceedings.
- Competition law advice and Commerce Commission clearances.
- Miscellaneous advice.

Goodman Fielder

- Advising and acting as junior counsel in respect of original merger, between Wattie and Goodman Fielder.
- Competition and general litigation advice.

Goldman Sachs J B Were

- Counsel, Securities Commission (various).

Merrill Lynch

- Counsel, Stock Exchange panel.

J F P Energy Limited

- Counsel, arbitration over contractual dispute regarding oil rig.

Forestry Corporation of New Zealand Limited

- Litigation partner responsible for management of two-year arbitration with Tasman, and counsel at year-long hearing.
- Counsel, Crown Forest Licence rent review.

Winstone Pulp International Limited

- Counsel, Crown Forest Licence rent review, lengthy arbitration plus several hearings in High Court and Court of Appeal.

Matariki Forests

- Representation, Maori Land Court issue.

Carter Holt Harvey

- Various.

Tranz Rail Limited

- Counsel, large range of employment issues, industrial disputes (including conduct of ferry lockouts early 1990's) and commercial issues (including securities and insider trading).
- Advising, and original counsel, in respect of terminal litigation with Port Marlborough.

National Provident Fund

- Counsel, High Court and Court of Appeal (rent review issue)

Westpac Banking Corporation Limited

- Counsel, High Court civil proceeding.

The Power Company Limited

- Junior counsel, High Court and Court of Appeal civil proceeding.

Air New Zealand Limited

- One of Commerce Act counsel, Ansett Australia merger.

Auckland International Airport Limited

- Counsel, price control enquiry by Commerce Commission, over two year period leading up to and including lengthy hearing before Commission.
- Counsel, various other disputes, including arbitration relating to aspects of operations.

GPG/Tyndall

- Junior counsel, attempted hostile takeover of Tower Corporation. Seven court hearings in High Court and Court of Appeal plus Privy Council and numerous interlocutory.

Bell Atlantic/Ameritech

- Counsel, various Commerce Act proceedings in High Court by Clear against Telecom.

Progressive Enterprises Limited/Foodland Associated Limited

- Commerce Commission clearances and conduct of litigation through to Privy Council, relating to acquisition of Woolworths NZ.

Tru-Test Limited

- Counsel, successful opposition to takeover efforts by Gallagher Group Limited.

Energy industry

- Commerce Commission clearances, various litigation, appearances before NZEM and Appeal Board, opposition in High Court to Contact/Origin merger proposal.

Milford Sound Development Authority

- Counsel, High Court proceeding.

Canterbury International

- Counsel, High Court contractual dispute.

Merial Limited

- Counsel, lengthy international arbitration.

Healthcare International Limited

- Counsel defending proceedings by Financial Markets Authority

Property Page Limited

- Counsel defending Commerce Commission prosecution

Kiwifruit claimants

- Counsel for claimants in class action against government over introduction of Psa into New Zealand

COMPETITION

Since 1986, numerous clearances (and occasional authorisations), and advice to many clients (big and small) in respect of mergers and acquisitions, either as acquirer, acquiree or competitor. Also briefed by Commerce Commission on occasion. Selected sample:

Mergers and Acquisitions

- Goodman Fielder/Wattie
- Air New Zealand/Ansett
- Lion/Montana
- Progressive/Woolworths NZ
- Genesis Power - various
- Carter Holt Harvey/Tenon

- NZ Dairy Board: merger of New Zealand dairy companies
- Fonterra/National Foods
- CRBF/Carter Holt Harvey
- Central North island Forests
- ISS Holdings/Chubb
- Cavalier/NZWSI (for Commission)
- SKYCITY Entertainment Group Limited
- IAG/Lumley
- Tower

Investigations/trade practices

- Numerous

Proceedings

- Numerous (see below)

Energy industry

- Advice (particularly Genesis Power Limited) on competition aspects of restructuring of industry/deregulation, competitive activity in new environment, Commerce Act
- Commission clearances, and competition litigation
- Counsel for Genesis, before Market Surveillance Committee and Appeal Board

Finance

- Various banks, advice regarding proposed acquisitions, various litigation/regulatory proceedings involving stockbrokers and investment banks.

Insurance

- IAG
- Tower

Health Sector

- Wakefield Health
- Southern Cross

Port Companies

- Northport Ltd
- Port of Tauranga Ltd

Building products

- Carter Holt Harvey