

H S Hancock: Areas of experience including reported cases

Administrative Law/Judicial Review

Raceway Motors v Canterbury Regional Planning Authority [1976] 2 NZLR 605 (SC)

Seataste Products Ltd v Director-General of Agriculture and Fisheries [1995] 2 NZLR 449 (HC)

Rajan v Minister of Immigration [1996] 3 NZLR, 543 (CA)

Randle & Others v Minister for Food, Fibre, Biosecurity and Border Control & Animal Health Board CP14/99, High Court, Dunedin, 25 February 2000, Chisholm J

Woolworths (New Zealand) Ltd v Attorney-General (Department of Labour) [2001] 3 NZLR 123 (HC)

Alan Johnston Sawmilling Ltd v Governor-General [1999] 1 NZCC 61, 129; [2002] NZAR 129 (HC)

Waikato Regional Airport Ltd & Ors v Attorney-General (MAF) [2001] 2 NZLR 670 (HC) [2002] 3 NZLR 433 (CA); [2004] 3 NZLR 1 (PC)

Berryman v Solicitor-General [2005] NZAR 512, High Court

Berryman v New Zealand Defence Force (Costs) CA 95/05, 13 July 2005

Berryman v Solicitor-General (No 2) [2006] NZAR 644

Rangitoto Island Bach Community Association Inc v Director-General of Conservation [2006] NZRMA 376, High Court

Napier Public Health Action Group Inc v Minister of Conservation [2007] 3 NZLR 559 (HC)

Berryman v Attorney-General & Ors, CIV 2005-485-1795, High Court, Wellington, 15 August 2007, Mallon J

The National Beekeepers Association of New Zealand v MAF [2007] NZCA 556, Hammond, Randerson & Chisholm JJ

Jeffries v Attorney-General (Overseas Investment Office), CIV 2006-485-2161, High Court, Wellington, 20 May 2008, Ronald Young J

Hao v Minister of Internal Affairs HC Auckland CIV 2009-404-5610, 7 September 2009 (Citizenship Act revocation)

Jeffries v Attorney-General [2009] NZSC 75; [2010] NZSC 59; [2010] NZCA 38 (Overseas Investment Act)

Siemer v Chief Justice of New Zealand Supreme Court HC Auckland CIV-2010-404-1909, 11 February 2011 [2011] NZCA 183

Tiroa E and Te Hape B Trusts v Chief Executive of Land Information [2012] NZSC 85; [2012] 3 NZLR 808; (2012) 7 NZ ConvC 96-002 (CA) (Crafar Farms)

Seaton v Minister for Land Information [2012] NZSC 59; [2013] NZSC 42 (Public Works compensation)

Alternative Dispute Resolution

Cave Creek mediation/arbitration before the Rt Hon Sir Duncan McMullin, November 1996 at Christchurch and Auckland, in some 111 claims against the Crown arising out of the Department of Conservation viewing platform collapse near Greymouth on 28 April 1995

Minden subdivision, Tauranga, mini-trial focussing on geotechnical issues before the Hon EM Prichard on 22-23 February 1988, which led to the resolution out of court of 14 High Court actions by landowners against the local authority, developers, engineers and others. Refer P T Cavanagh "The Mini Trial: A New Zealand experiment in pre-trial dispute resolution" (1989) NZLJ 23

Feary v Commissioner of Crown Lands (Interpretation Issue) (Compensation) Award, 14 March 2007 and 13 September 2007 (respectively), arbitration at Christchurch before Hugh Rennie QC

Commercial

McConnell Dowell v Liquigas NZ Ltd building dispute arbitration before McGechan QC arising out of the construction of the Lyttelton-Christchurch Gas Pipeline

Clyde Engineering Ltd v Russell Walker Ltd [1984] 2 NZLR 343 (CA)

Ghent v Brinkman & Ors, CP 379/87, 11 September 1987, Eichelbaum J: noted in McGechan, High Court Rules at HR 12.1.10, 12.3.02

Sudfeldt v UDC Finance Ltd (1987) 1 PRNZ 205 (CA)

Alexander v Tse [1988] 1 NZLR 318 (CA)

Rod Milner Motors Ltd v Attorney-General [1999] 2 NZLR 568 (CA)

QBE Insurance Limited v Attorney-General CA 174/04, 3 August 2005, O'Regan, Baragwanath, Panckhurst JJ

Attorney-General (MAF) v Aon New Zealand Ltd, CIV 2005-485-1814, High Court, Wellington, 10 April 2008, Mallon J

AON New Zealand Ltd v Attorney-General (2008) 15 ANZ Ins Cas 61-800 (CA) (broker insurance negligence)

Criminal

R v Halligan [1973] 2 NZLR 159 (CA)

Customs

CBS Records NZ Ltd v Collector of Customs, AP 218/89, High Court, Wellington, 9 March 1995, Greig J

Collector of Customs v Glavish [1995] 1 NZLR 670 (CA)

Stelfort Engineering Ltd v Attorney-General (Customs) (1999) 1 NZCC 61,019 (HC) and (1999) 1 NZCC 61,030 (CA)

Adidas New Zealand Ltd v Collector of Customs (Northern Region) [1999] 1 NZLR 558 (CA)

Avon Cosmetics Ltd v The Collector of Customs [1999] and (1999) 1 NZCC 61,073 (CA)

Integrity Cars (Wholesale) Ltd v Chief Executive of New Zealand Customs (2001) 1 NZCC 61,198 (CA)

Chief Executive of the New Zealand Customs Service v Prairie AG Import Ltd, AP 30/01, High Court, Wellington, 24 May 2002, Ronald Young J

Nike New Zealand Ltd v Chief Executive of the New Zealand Customs Service, (2002) 1 NZCC 61,235 and *Chief Executive of the New Zealand Customs Service v Nike NZ Ltd* [2004] 1 NZLR 238 (CA)

Chief Executive of the New Zealand Customs Service v Rakaia Engineering & Contracting Ltd [2002] 3 NZLR 24 (CA)

Chief Executive of the New Zealand Customs Service v Proclean Products (SI) Ltd, AP260/99, High Court, Wellington, 12 December 2002, Gendall J

Employment

Lilomai'ava v General Motors NZ Ltd [1977] ICJ 109 (IC)

NZ Bank Officers IUOW v National Bank of NZ Ltd (1985) NZ Arb. Ct. Judgments D879 p 728 (AC)

New Zealand Engineering etc IUOW v General Motors NZ Ltd (1986) 1 NZELC 95, 127 (AC)

Environmental

Raceway Motors Ltd & Ors v Canterbury Regional Planning Authority (1976) 6 NZTPA 40

Re Application by Shell Oil NZ Ltd; Canterbury Regional Planning Authority v Christchurch City Council (1977) 6 NZTPA 262

Bidwell & Ors v Wellington City Council (1978) 6 NZTPA 455

NZ Refining Co Ltd application for wastewater discharge rights for the refinery expansion before Northland Regional Council and then before Planning Tribunal at Whangarei (1984)

Family

Payne v Attorney-General (No. 1) [2004] NZFLR 408 (HC)

Payne v Attorney-General (No. 2) [2004] NZFLR 481 (HC)

Payne v Attorney-General (No. 3) [2004] NZFLR 529 (HC)

Maori Land/Treaty

Valuer-General and the Maori Trustee v Wellington Rugby Football Union Inc [1982] 1 NZLR 678 (CA)

Ngai Tahu Maori Trust Board s 438 application in respect of certain Rakiura and Murihiku land, Maori Appellate Court, Invercargill

Report of the Waitangi Tribunal on the Maori Electoral Option in Claim (Wai 413), 10 February 1994

Tort/Local Authority Liability/Psychiatric Injury

Stieller v Porirua CC [1983] NZLR 628 (HC) and *Porirua City Council v Stieller* [1986] 1 NZLR 84 (CA) (defective building materials)

Morton v Douglas Homes Ltd [1984] 2 NZLR 548 (HC) (defective foundations)

Morton v Douglas Homes Ltd No 2 [1984] 2 NZLR 620 (HC)

M v L [1999] 1 NZLR 747 (CA) (evidence)

Bryant v Attorney-General, CP44/00, High Court, Wellington, 7 August 2000, Heron J (ACC interpretation)

Wijoski trading as Mayfair Nursery v Attorney-General (MAF), CP384/98, High Court, Wellington, 4 September 2001, Ellis J (negligent advice – horticulture)

AB v Attorney-General HC Wellington CIV-2006-485-2304, 22 February 2011, Joseph Williams J (psychiatric injury claim against Army)

Berryman v Attorney-General HC Wellington CIV-2006-485-751, 31 July 2009

New Zealand Defence Force v Berryman [2008] NZCA 392

W v Attorney-General, CP 42/97, High Court, Wellington, 3 October 2002, Smellie J and CA227/02, 15 July 2003, Blanchard, Tipping, McGrath, Anderson, Glazebrook JJ

S v Attorney-General, [2002] NZFLR 295 (HC), (2002) 22 FRNZ 39 and [2003] 3 NZLR 450 (CA)

Knight v Crown Health Financing Agency, CIV 2005-485-2678, High Court, Wellington, 16 November 2007, Gendall J (claim against former mental hospital); 13 February 2008 judgment as to costs

J v Crown Health Financing Agency, CIV 2000-485-876, High Court, Wellington, 8 February 2008, Gendall J

P v Attorney-General HC Wellington, CIV 2006-485-874, 16 June 2010, Mallon J; (2010) 20 PRNZ 78 (HC) (psychiatric claim against Navy)

Counsel assisting in *Stephenson v Jones & Anor* High Court, Wellington CIV-2012-485-1921 (two week defamation jury trial, July 2013)

Taxation

Ch'elle Properties Ltd v Commissioner of Inland Revenue (2004) 21 NZTC 18,810 (HC)

Falloon v Commissioner of Inland Revenue (2005) 22 NZTC 19, 653 (HC)

X v Commissioner of Inland Revenue [2006] NZTRA 9

Rotorua Regional Airport Limited v Commissioner of Inland Revenue, HC Wellington, CIV-2008-485-2524, 12 November 2009, Mallon J (GST declaratory judgment)

Major professional sports tax litigation involving distinction between income and capital payments: resolved in IRD's favour days before High Court hearing date.

Complex international shipping multi-jurisdiction taxation High Court litigation resolved pre-hearing by substantial taxpayer payment to IRD.

Valuation/Public Works Act

Fulton Hogan Ltd, Danne Mora Holdings Ltd v Minister of Land, LVP No. 180/98, Land Valuation Tribunal, Auckland, 15 June 1999, Judge B N Morris, R M McGough, D R Smyth

Neil Construction Ltd & Others v North Shore City Council & Others [2001] 3 NZLR 533 (HC)

Rodney District Council & Ors v Attorney-General and the Valuer-General [2000] 3 NZLR 678 (CA), *Rodney District Council v Attorney-General* [2003] 3 NZLR 721 (PC)

LINZ v Luke & Ors, CIV 2004-404-57, High Court, Auckland, 11 May 2007, Harrison J, and Court of Appeal, CA 503/07, 3 March 2008, Chambers, O'Regan, Arnold JJ

Tubi v Minister for Land Information [2011] NZEnvC 53 (Public Works objection)

Pryor v Minister of Lands [2010] NZEnvC 288 [2011] NZEnvC 14 (Public Works objection)

Gold Star Insurance Company Limited v Minister for Land Information [2013] NZLVT 1 (13 March 2013) (Public Works compensation)

Treasury Properties Limited v Attorney-General HC Auckland CIV2008-404-8034, 15 July 2011; [2013] NZHC 1587 (28 June 2013) Judgment (No. 2) Toogood J

Hall v Attorney-General [2012] NZHC 3615 (21 December 2012) Duffy J

Papamoa South Ltd v Minister for Land Information, an arbitration before Hon Robert Fisher QC determined in accordance with Public Works Act (10 day hearing) date of award 20 August 2013