

WENDY ALDRED
BA, LLB, LLM (Hons)
BARRISTER

Central Chambers
Level 8 Civic Assurance House
114-118 Lambton Quay
P O Box 5082
Wellington
Ph: 499 5021 / 021 419 800
wendy.aldred@centralchambers.co.nz



Admitted to the Bar (New Zealand): 26 May 1995
Admitted as a Solicitor of England and Wales: August 2001

OVERVIEW

I am a Wellington-based barrister with a practice in civil and commercial litigation and public law. I represent and advise a wide range of clients, including government departments, industry organisations, unions, health sector agencies, private businesses and individuals.

I am an experienced advocate, having appeared before the New Zealand courts at all levels as well as specialist tribunals and inquests, and have participated in numerous mediations and arbitrations.

I have an interest in investigations and inquiries and have represented clients in those contexts, and have also acted as an independent investigator in employment investigations in both the public and private sectors.

Before joining the independent Bar I was employed as Crown Counsel at the Crown Law Office, where I worked for four years, providing advice and representation to the executive government. I acted for the Crown in applications for judicial review, statutory appeals and civil proceedings, as well as undertaking opinion work for a broad range of government clients. Prior to that I worked for private law firms, including Phillips Fox (Wellington) and Kingsley Napley, a highly regarded London litigation firm.

I regularly speak at legal conferences and seminars, including most recently the Conferenz Medical Law Conference, the Conferenz Elder Law Conference, and the New Zealand Aged Care Association Annual Conference (all 2013). I am also a faculty member for the NZLS Litigation Skills Programme.

WORK HISTORY

2007 – present: Barrister

Areas of practice:

- civil and commercial litigation
- public law and judicial review: advice and litigation
- health sector/medical law and ACC
- intellectual property litigation
- employment law (including employment investigations)
- human rights and privacy law
- inquests
- Public Works Act litigation and advice

2003 – 2007: Associate Crown Counsel and Crown Counsel, Crown Law, Wellington

Constitutional Group (Law Officer Team) 2003 – 2004.

Public Law Group (Governmental Business Team) 2004 – 2007.

2001 – 2003: Senior Associate, Phillips Fox Lawyers, Wellington

General commercial litigation, employment, medical and insurance litigation.

1999 – 2001: Senior Solicitor, Kingsley Napley Solicitors, London, England

Conducted medical negligence proceedings on behalf of the victims of serious medical accidents or their families. Worked closely with senior barristers and Queens' Counsel.

1996 –1999: Solicitor, O'Regan Arndt Peters and Evans, Barristers & Solicitors, Wellington

Work involved general litigation and dispute resolution, commercial law and conveyancing. Specialised in ACC litigation, employment and Coronial matters.

1995 – 1995: Policy Adviser, Ministry of Commerce, Wellington

Provided policy and legal advice in the areas of energy and broadcasting and communications.

1994 and 1998: Tutor in Public Law, Faculty of Law, Victoria University of Wellington

EDUCATION

1994: Master of Laws Programme, Victoria University of Wellington

Public Law, Company Law, Equity and Restitution.

1989 – 1993: LLB/BA course, University of Canterbury, Christchurch

Bachelor of Laws

Bachelor of Arts - double major in French language and Classics.

1984 – 1988: Kapiti College, Raumati Beach: Awarded 'A' Bursary.

CURRENT PROFESSIONAL MEMBERSHIPS

- New Zealand Law Society (current practising certificate)
- New Zealand Bar Association
- Intellectual Property Association of Australia and New Zealand
- NZLS (Wellington branch) Health Law Committee member

STATUTORY APPOINTMENTS

Member, Legal Aid Review Panel (2007 - 2011)

RECENT WORK

- Acting for seven families in related proceedings under the Public Works Act against Auckland Council seeking to enforce offer back rights in respect of land taken for harbour works (High Court, Auckland) (2014).
- Defending a High Court intellectual property proceeding (allegations of breaches of copyright and patent infringement) (current).
- Appearing for the New Zealand Aged Care Association in a case brought by the Service and Food Workers' Union alleging breaches of the Equal Pay Act (Employment Court, Auckland) (2013).
- Assisting the Ministry of Health (Medsafe) in relation to the establishment of a trans-Tasman agency for the regulation of therapeutic products ("ANZTPA") (ongoing).

REPORTED CASES

- *Right to Life (NZ) Inc v Attorney-General* [2012] 3 NZLR 762 (Supreme Court): representing the Abortion Supervisory Committee in defence of an application for judicial review by an anti-abortion group of the Committee's interpretation of its statutory powers and functions (counsel in the High Court, Court of Appeal and Supreme Court).
- *Hutt DHB v B* [2011] NZFLR 873 (HC): representing the mother of a terminally ill child in an application to the High Court for orders approving the DHB's decision not to surgically reinsert a feeding tube to prolong the child's life.
- *Mark v Attorney-General* [2011] 2 NZLR 538 (CA): acting for the plaintiffs in an application for declarations for the offer back of land that had been compulsorily acquired under the Public Works Act.
- *Attorney-General v Mair* [2009] NZCA 625: acting for Te Runanga O Ngati Apa Society Inc as intervener in an appeal against a High Court decision that the Waitangi Tribunal erred in refusing urgency for the hearing of two Tribunal claims.

- *Meenken v Rigg Zschokke Ltd* [2009] ERNZ 295 (Employment Court): acting for employer in a challenge by employee of deductions made from wages pursuant to an IRD deduction notice.
- *Legal Services Agency v Garrett* (2008) 19 PRNZ 144 (HC): acting for an applicant for aid in an appeal by LSA against a decision of the Legal Aid Review Panel to grant aid for representation of the applicant in a Health and Disability Commissioner mediation.
- *Mihos v Attorney-General* [2008] NZAR 177 (HC): acting for the Crown in defence of an application by the plaintiff for review of NZ Customs Service decisions to seize vehicles and refuse to waive forfeiture. Significant decision in relation to the doctrine of proportionality in administrative law and s 9 NZ Bill of Rights Act 1990.
- *Young v Police* [2007] NZAR 92 (CA): acting for the High Court of New Zealand in an appeal against a decision of an Associate Judge to strike out proceedings.
- *Akatere & Ors v Attorney-General* [2006] 3 NZLR 705 (HC): defending challenge to the application of the Crown guidelines governing compensation for wrongful conviction and imprisonment.
- *Page v Saunders* (2005) 7 HRNZ 799 (HC): representing a District Court Judge in a proceeding for damages under the New Zealand Bill of Rights Act 1990 (strike out application). Significant authority in relation to the immunity from suit of District Court Judges.
- *Attorney-General v Palmer* [2005] NZAR 46 (HC): acting for Attorney-General in a vexatious litigant application.
- *Queen v Speaker of House of Representatives* [2004] NZAR 585 (HC): defending an application by the plaintiff for orders intervening in the Parliamentary (select committee) process.
- *McKenzie Institute v Accident Rehabilitation Compensation and Insurance Corporation* (1997) 8 TCLR 329 (CA): acting for the McKenzie Institute in a claim for damages for breach of contract against ARCIC for failure to refer claimants to the Institute's facility.