

## **PUBLIC ACCESS:**

The Court of Appeal COVID Protocol was rescinded on 21 August 2023. However, if you are unwell, you are encouraged not to attend Court. If you are required to attend Court, please contact the Registry to discuss alternative arrangements.



## **DISCLAIMER:**

This list is published by the Ministry of Justice on behalf of the Court of Appeal of New Zealand. The Ministry has taken all reasonable measures to ensure the quality and accuracy of the information contained in this list. **However, it is the responsibility of users of the information contained in this list to ensure compliance with conditions, including suppression, or other legal obligations governing access, release, storage and re-publication.**

This List has been published as at Tuesday 26 March 2024.

However, **this list may change significantly after the date of publication and may not reflect the Court's business on any given date. Therefore, this List is intended as a GUIDE ONLY.**

## **Enquiries:**

Please contact the Court by phone on: **(04) 914 3540** or by email: [courtsofappeal@justice.govt.nz](mailto:courtsofappeal@justice.govt.nz) between 9am and 5pm on weekdays (excluding public holidays and dates the Court is closed).

## **Locations:**

The Court of Appeal is located at: [54 Molesworth St, Thorndon, Wellington](#). The Court also sits at the following High Courts (however, please note that all documents must be sent to the Court at the above Wellington address):

Auckland High Court (Historic Building) – [24 Waterloo Quadrant, Auckland](#)

Wellington High Court – [2 Molesworth Street, Wellington](#)

Christchurch High Court (Justice Precinct) – [20 Lichfield Street, Christchurch](#)

Dunedin High Court – [1 Stuart Street, Dunedin](#)

## **Sitting Hours:**

The Court typically sits between 10am and 4pm with adjournments *roughly* from 11:30am – 11:45am and 1pm – 2:15pm. There is no afternoon adjournment.

Sitting hours and adjournments may be adjusted as required and may change at short notice.

## **Lower Court Judgments cited in this list may be found at the following links (if publicly available):**

Senior Courts Judgments of Public Interest: <https://www.courtsofnz.govt.nz/judgments/>

District Court of New Zealand: <https://www.districtcourts.govt.nz/>

Judicial Decisions Online: <https://forms.justice.govt.nz/jdo/Search.jsp>

New Zealand Legal Information Institute (NZLII): [http://www.nzlii.org/databases.html#nz\\_cases](http://www.nzlii.org/databases.html#nz_cases)

## **Court types:**

Full Court – A Court of five Court of Appeal Judges. See [s50 and s51 of the Senior Courts Act 2016](#)

Permanent Court – A Court consisting of three Court of Appeal Judges. See [s48\(1\)\(a\) of the Senior Courts Act 2016](#)

Divisional Court – A Court typically consisting of one Court of Appeal Judge and two High Court Judges. See [s48\(1\)\(c\)](#) and [s52 of the Senior Courts Act 2016](#)

For more information regarding Court types please see: <https://www.courtsofnz.govt.nz/the-courts/court-of-appeal/cases-to-court/>

COURT OF APPEAL FIXTURE LIST – APRIL 2024

Session Week: Monday 1 April to Friday 5 April

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
<b>Monday</b> 1 April	<u>EASTER MONDAY</u>	<u>EASTER MONDAY</u>
<b>Tuesday</b> 2 April  <i>(Southland Anniversary Day, Otago Anniversary Day – Dunedin)</i>	<u>EASTER VACATION</u>	<u>EASTER VACATION</u>
<b>Wednesday</b> 3 April	<u>EASTER VACATION</u>	<u>EASTER VACATION</u>
<b>Thursday</b> 4 April	<u>EASTER VACATION</u>	<u>EASTER VACATION</u>
<b>Friday</b>	<u>EASTER VACATION</u>	<u>EASTER VACATION</u>

**COURT OF APPEAL FIXTURE LIST – APRIL 2024**

Session Week: Monday 8 April to Friday 12 April

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 8 April		
Tuesday 9 April	<p><b>Court: Cooper P, Courtney J, Katz J</b></p> <p><b><u>CA108/2023</u></b>                      Russell Thomas Hoban (R A Kirkness, M D Harris, B M Brown, M P Handford) v Attorney-General (T Li, G M Taylor)                      Cooke J [2022] NZHC 3235  <i>Appeal from High Court decision declining to grant a declaration that s 61 of the Human Rights Act 1993 is inconsistent with the right to freedom from discrimination under s 19 of the New Zealand Bill of Rights Act 1990 because s 61 does not apply to "hate speech" on the ground of sexual orientation.</i></p>	
Wednesday 10 April	<p><b>Court: Mallon J, Thomas J, Wylie J</b></p> <p><b><u>CA528/2022</u></b>                      Phillip John Smith (In Person) v The Prison Director at Rolleston Prison                      Nation J [2022] NZHC 2366  <i>Appeal from High Court judgment dismissing claim that a prison rule prohibiting consensual sexual activity breaches the New Zealand Bill of Rights Act 1990.</i></p>	
Thursday 11 April	<p><b>Court: Katz J, Cooke J</b></p> <p><b><u>CA287/2023 &amp; CA773/2023 (to be heard together)</u></b>  <b><u>CA287/2023</u></b>                      Grimshaw &amp; Co (P J Hunt, R Scott, L J Taylor KC) v Body Corporate 207624 (D R Bigio KC, I Denton, S F Pearson)  <b><u>CA773/2023</u></b>                      Grimshaw &amp; Co (P J Hunt, R Scott, L J Taylor KC) v Body Corporate 207624 (D R Bigio KC, A I Denton, S F Pearson)  <i>Applications for Stay</i></p>	
Friday		

**COURT OF APPEAL FIXTURE LIST – APRIL 2024**

Circuit Week: Monday 15 April to Friday 19 April

Date	<b>Divisional Court – Wellington High Court, Courtroom 10</b> <b>Court: Cooke J, Collins J, Moore J</b>	<b>Divisional Court – Auckland, Courtroom 2</b> <b>Court: Wylie J, Mander J, Jagose J</b>
<b>Monday</b> 15 April	<u>CA574/2017</u> Brendon Te Kaha Tuatini PACKER (G H Vear) v The King Conviction and Sentence – 8 Years and 6 Months Imprisonment Burnett DCJ	<u>CA171/2023</u> Whai Rawa Railway Lands LP (R M Keane, S G Ma Ching, D M Salmon KC) v Body Corporate 201036 (D R Bigio KC, J M Wood, J Heatlie) Taylor AJ
	<b>Divisional Court – Wellington, Courtroom 1</b> <b>Court: Cooke J, Collins J, Moore J</b>	<u>CA332/2023</u> Keith Albert CHURCHER (R A Harrison, E J Riddell) v The King Conviction and Sentence – 7 years 10 month's imprisonment Rielly DCJ
	<u>CA51/2024 &amp; CA142/2024 (to be heard together)</u> <u>CA51/2024</u> S (E P Priest) v The King Suppression <u>CA142/2024</u> S (E P Priest) v The King Sentence – 2 years 2 months imprisonment Gault J	
Date	<b>Divisional Court – Wellington High Court, Courtroom 10</b> <b>Court: Cooke J, Collins J, Moore J</b>	<b>Divisional Court – Auckland, Courtroom 2</b> <b>Court: Wylie J, Mander J, Jagose J</b>
<b>Tuesday</b> 16 April	<u>CA342/2021</u> Raymond Iveagh JURY (C W Stevenson, S J Parry) v The King (Z R Johnston, Z Hamill) Conviction and Sentence – Life imprisonment with an MPI of 17 years Davison J	<u>CA154/2023</u> Jeremy James McGuire (R Latton) v Central Standards Committee 3 And Ors (P N Collins, G D Smith, H M Carrad, I M C A McGlone, K Pludthura) Palmer J [2023] NZHC 242 <i>Appeal from High Court decision dismissing judicial review application in connection with potential disciplinary proceedings.</i>  <u>CA63/2024</u> E (M J Taylor-Cyphers) v The King Suppression: Declining to continue Interim Name Suppression Johnstone J  <u>CA467/2023</u> Luke RICHARDS (C J Bernhardt) v The King Sentence – 6 years and 4 months imprisonment Edwards DCJ

<b>Date</b>	<b>Divisional Court – Wellington, Courtroom 1</b> <b>Court: Cooke J, Moore J, Osborne J</b>	<b>Divisional Court – Auckland, Courtroom 2</b> <b>Court: Wylie J, Mander J, Jagose J</b>
<b>Wednesday</b> 17 April	<u>CA37/2023</u> Moorehouse Commercial Park Limited (S P Rennie, J E Bayley) v Vero Insurance New Zealand Limited (H Birch, C M Brick) Dunningham J [2022] NZHC 3260 <i>Whether proposed earthquake repairs meet insurance policy standard.</i>	<u>CA132/2023</u> Warren Trevor REID (A C Cresswell) v The King (H G Clark) Conviction and Sentence – 9 years and 3 months imprisonment Gibson DCJ  <u>CA16/2022</u> Murray Edward ROBERTSON (A G Rogers) v The King Counsel to Assist the Court: J E L Carruthers Sentence – Preventive detention with minimum period of imprisonment of 5 years Gault J  <u>CA195/2023</u> Maxine Leiana GREEN (S Brickell) v The King Sentence – 10 years and 4 months imprisonment M Sharp DCJ
		<b>Divisional Court – Auckland, Courtroom 2</b> <b>Court: Courtney J, Mander J, Jagose J</b>
		<u>CA57/2024 – 45 mins</u> S (S J Shamy) v The King Pre-trial ruling Lynch DCJ
<b>Date</b>	<b>Divisional Court – Wellington, Courtroom 1</b> <b>Court: Cooke J, Moore J, Osborne J</b>	<b>Divisional Court – Auckland, Courtroom 2</b> <b>Court: Wylie J, Mander J, Jagose J</b>
<b>Thursday</b> 18 April	<u>CA37/2023</u> Moorehouse Commercial Park Limited (S P Rennie, J E Bayley) v Vero Insurance New Zealand Limited (H Birch, C M Brick) Dunningham J [2022] NZHC 3260 <i>Whether proposed earthquake repairs meet insurance policy standard.</i>	<u>CA341/2019</u> H (R M Mansfield KC, B M Gloyn) v The King Application to recall judgment Gilbert J, Thomas J, Dunningham J [2020] NZCA 464  <u>CA789/2023</u> P (R M Mansfield KC) v The King Suppression Harvey J
<b>Friday</b>		

**COURT OF APPEAL FIXTURE LIST – APRIL 2024**

Session Week: Monday 22 April to Friday 26 April

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
<b>Monday</b> 22 April		
<b>Tuesday</b> 23 April	<p><b>Court: Courtney J, Mallon J, Thomas J</b></p> <p><b>10am</b>  <u>CA658/2023; CA729/2023 &amp; CA743/2023 (to be heard together) – 2 days</u>  <u>CA658/2023</u>                      H (J CL Dixon KC, H M Z Lanham, S R Holden) v The King (B H Dickey, A D Luck)                      Conviction – Six Months Community Detention and \$100,000 Fine  <u>CA729/2023</u>                      The King (B H Dickey, A D Luck) v H (J CL Dixon KC, H M Z LANHAM, S R Holden)                      Sentence – Six months community detention and \$100,000 fine  <u>CA743/2023</u>                      H (J CL Dixon KC, H M Z Lanham, S R Holden) v The King (B H Dickey, A D Luck)                      Suppression                      Gault J</p>	<p><b>Court: Cooper P, French J, Collins J</b></p> <p><b>10am</b>  <u>CA481/2022 – 2 days</u>                      Anthony Paul Simons &amp; Ors (D M Salmon KC, A Van Ammers, S Russell) v ANZ Bank New Zealand Limited &amp; Anor (S M Hunter KC, J S Cooper KC, S V East, K M Massey, J W Upson, S Hiebendaal, J E Hodder KC)                      Intervener: LPF Group Limited (M G Colson KC, J A MacGillivray)                      Venning J [2020] NZHC 1836  <i>Whether common fund orders should be made in a class action.</i></p>
<b>Wednesday</b> 24 April	<p><b>Court: Courtney J, Mallon J, Thomas J</b></p> <p><b>10am</b>  <u>CA658/2023; CA729/2023 &amp; CA743/2023 (to be heard together) – 2 days</u>  <u>CA658/2023</u>                      H (J CL Dixon KC, H M Z Lanham, S R Holden) v The King (B H Dickey, A D Luck)                      Conviction – Six Months Community Detention and \$100,000 Fine  <u>CA729/2023</u>                      The King (B H Dickey, A D Luck) v H (J CL Dixon KC, H M Z LANHAM, S R Holden)                      Sentence – Six months community detention and \$100,000 fine  <u>CA743/2023</u>                      H (J CL Dixon KC, H M Z Lanham, S R Holden) v The King (B H Dickey, A D Luck)                      Suppression                      Gault J</p>	<p><b>Court: Cooper P, French J, Collins J</b></p> <p><b>10am</b>  <u>CA481/2022 – 2 days</u>                      Anthony Paul Simons &amp; Ors (D M Salmon KC, A Van Ammers, S Russell) v ANZ Bank New Zealand Limited &amp; Anor (S M Hunter KC, J S Cooper KC, S V East, K M Massey, J W Upson, S Hiebendaal, J E Hodder KC)                      Intervener: LPF Group Limited (M G Colson KC, J A MacGillivray)                      Venning J [2020] NZHC 1836  <i>Whether common fund orders should be made in a class action.</i></p>
<b>Thursday</b> 25 April	<u>ANZAC DAY</u>	<u>ANZAC DAY</u>
<b>Friday</b>		

COURT OF APPEAL FIXTURE LIST – APRIL 2024

Session Week: Monday 29 April to Friday 2 May

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 29 April		
Tuesday 30 April	<p><b>Court: French J, Courtney J, Mallon J</b></p> <p><b><u>CA217/2023</u></b> Solicitor-General's Reference from CRI-2022-404-212 at High Court at Auckland Crown counsel: M J Lillico, Z A Fuhr Counsel to Assist the Court: T Mijatov Fitzgerald J [2023] NZHC 31 <i>Was the High Court correct to conclude that conviction of the dog's owner is a precondition to an order for destruction being made under s 57(3) of the Dog Control Act 1996?</i></p> <p><b><u>CA335/2022</u></b> R (P K Hamlin) v New Zealand Police Conviction and Fitness to Stand Trial Sinclair DCJ; Gibson DCJ; Harvey J <i>Whether reasonable belief in consent is relevant to s10 inquiry under the Criminal Procedure (Mentally Impaired Persons) Act 2003</i></p>	
Wednesday 1 May	<p><b>Court: Katz J, Thomas J, Cooke J</b></p> <p><b><u>CA212/2023</u></b> LMCHB Limited (J B Smith KC, M C Smith, H E McQueen) v Buller Coal Limited &amp; Anor (J E Hodder KC, R J Gordon, S Howard-Brown) Isac J [2023] NZHC 633 <i>Appeal from High Court judgment dismissing a claim under Deed of Guarantee and Security.</i></p>	
Thursday 2 May	<p><b>Court: Katz J, Thomas J, Cooke J</b></p> <p><b><u>CA212/2023</u></b> LMCHB Limited (J B Smith KC, M C Smith, H E McQueen) v Buller Coal Limited &amp; Anor (J E Hodder KC, R J Gordon, S Howard-Brown) Isac J [2023] NZHC 633 <i>Appeal from High Court judgment dismissing a claim under Deed of Guarantee and Security.</i></p>	
Friday		