

Dispute resolution in New Zealand

Trends and insights

April 2017



Ranked Tier One for dispute resolution work by independent legal directories
Legal 500 Asia Pacific 2016, Chambers Asia Pacific 2016 and Asialaw Profiles 2016

National Law Firm of the Year for New Zealand – 2016 Asialaw Asia-Pacific
Dispute Resolution Awards

Large Law Firm of the Year – 2016 New Zealand Law Awards

Contents

Uncertainty catalyst for disputes	2
Dispute drivers for 2017	3
Regulatory intervention in 2017	4
Health and safety changes get real	7
Cross-border disputes and commercial claims to rise	8
Continuing evolution and popularity of mediation and arbitration	10
Economic and natural risks continue to drive litigation	12
Ongoing exploration of the use of class actions and third party funding	13
Court reform	14
Public law activity	15
Chapman Tripp’s litigation and dispute resolution team	16



This publication looks at trends and insights for New Zealand dispute resolution in 2017.

Uncertainty catalyst for disputes

Global events and their potential effect on the New Zealand economy, the coming election and regulatory trends at home will create an uncertain environment for business in 2017.

Where uncertainty exists, so does the potential for disputes – whether driven by increased economic pressure on counterparties, regulatory scrutiny or new forms of co-ordinated consumer action. Anticipating and having plans to respond to these trends will be important for New Zealand businesses.

The process of resolving disputes is also changing as it responds to technological innovation and the most significant structural shake-up of the court system since 1908. The jury is still out on whether the changes will do much to improve efficiency in the courts – with the big issues of class actions and third party funding still awaiting definitive regulation. The proof of the pudding will be in the eating.

Dispute drivers for 2017

Continuing robust levels of litigation and increased cross-border disputes.

Big themes over recent years in the business of the courts have been insolvency, director duties and professional negligence cases arising from the global financial crisis, leaky building claims, and claims arising from the Canterbury earthquakes.

This year, we foresee:

- increasingly proactive regulatory intervention
- practical implementation of the new health and safety regime
- the continuing evolution and popularity of mediation and arbitration as an alternative to litigation
- continuing attempts to expand third party liability for commercial claims
- ongoing exploration of the use of class actions and third party funding
- increased cross-border disputes from a changing global trading order – in particular, Brexit and the Trump Administration’s policy reset
- bedding-in of judicature modernisation reforms, such as specialist commercial panels of judges, and the increasing use of electronic documents throughout the court system
- more insolvency litigation as interest rates rise or global uncertainties leach into the New Zealand economy
- a continuing volume of insurance cases arising from major natural disasters, and
- public law actions arising out of the 2017 election and through increased resort to judicial review to challenge public decisions with commercial dimensions.



Regulatory intervention



Mediation



Class actions



Court reforms



Natural disaster insurance cases



Health and safety regime implementation



Commercial claims



Cross border disputes



Insolvency litigation



Election-related public law actions

Regulatory intervention in 2017

We expect increasingly proactive regulatory intervention to continue in 2017.

The Commerce Commission

Over recent years, the Commerce Commission has been given a range of new powers in both fair trading and consumer credit legislation, many of which need to be tested to clarify the law.

Pecuniary sanctions for breach of competition and consumer law remain high, in particular for anti-competitive conduct. In 2016, pecuniary penalties of nearly \$20m were imposed across two industries – real estate and agriculture – in relation to price-fixing arrangements. In recent years, the amounts have almost invariably been the product of negotiation with defendants: reflecting the high potential penalties established in the case law, the high discounts available for early admissions, and the litigation risk of proceeding to a defended hearing.

However, recent judicial statements indicate some concern with the penalty levels being required by the Commission to achieve settlements, meaning a contested penalty hearing should remain a real alternative to, and constraint on, any negotiations with the Commission.

The Commission has also recently secured the first jail sentence against a sole director as party to his company's offending.

The Commerce Commission has recently had to deal with several high-profile mergers, declining two with a third hanging in the balance.

“ In 2016, pecuniary penalties of nearly \$20m were imposed across two industries – real estate and agriculture – in relation to price fixing arrangements. ”

On 23 February, the Commission declined to grant clearance for the \$3.4b Sky/Vodafone merger, which would have created a leading New Zealand telecommunications and media group. The parties have filed appeals in the High Court to preserve their rights while they wait for the release of the Commission's reasons for its decision.

The proposed NZME/Fairfax media merger would combine New Zealand's two largest newspaper and online news networks. The Commission's draft determination to decline authorisation rested heavily on its public interest concerns around media concentration and loss of plurality. A final determination is due soon. Again, an appeal from a decline is possible.

Court action may result from the proposed mergers of established businesses in industries affected by disruption, although in its recent *Godfrey Hirst* decision the Court of Appeal emphasised that the threshold for intervention is high.

The same caution will apply to challenges arising out of the Commission's recent consideration of the settings of regulated industries.

RECENT COMMERCE COMMISSION FAILED MERGER APPLICATIONS



Key regulators and their budgets

Regulator	2017 Activity	Budgets
 <p>COMMERCE COMMISSION NEW ZEALAND <i>Te Komihana Tauhokohoko</i></p>	<p>The Commission has already received several merger applications in 2017. It also has numerous ongoing competition and consumer investigations, as well as regulatory processes concerning controlled industries.</p>	<p>Budget increase last year of \$15.2m over four years</p>
 <p>FMA FINANCIAL MARKETS AUTHORITY <i>TE MANA TATAI HOKOHOKO - NEW ZEALAND</i></p>	<p>The FMA has a number of cases before the courts and will continue to focus on disclosure matters but may increasingly be interested in market manipulation cases following its successful <i>Warmingier</i> case.</p>	<p>\$28.18m (\$2m for litigation) with additional \$9.8m on 1 July 2017</p>
<p>The Overseas Investment Office (OIO)</p>  <p>Land Information New Zealand <i>toitū te whenua</i></p>	<p>The OIO may be more focused on using its extensive enforcement powers, in particular in relation to breach of consent conditions, in an environment that is increasingly sensitive to immigration and foreign investment. The enforcement team will prioritise investigations where the conduct of the investor is at issue, or where important benefits are not delivered.</p>	<p>\$3.3m with increased funding through substantially higher fees imposed in July last year</p>
 <p>Inland Revenue <i>Te Tari Taake</i></p>	<p>The IRD maintained its 100% success record before the Supreme Court in 2016 and is likely to continue to play its part in international attempts to counter base erosion profit-shifting, including continued scrutiny of multinationals operating in New Zealand through current administrative measures.</p>	<p>\$9.3m for enforcement activities, including prosecutions</p>
 <p>SFO SERIOUS FRAUD OFFICE <i>Te Tari Hara Taware</i></p>	<p>The SFO is under pressure to show that it is battling corruption as New Zealand returns to the top position on Transparency International's Corruption Perceptions Index.</p>	<p>Just over \$9m to detect, investigate and prosecute serious financial crime</p>

Health and safety changes get real

The health and safety (H&S) changes are relatively new, with the Health and Safety at Work Act 2015 (HSWA) having been in force since 4 April 2016.

There are yet to be any case law developments in New Zealand. We are only just starting to see some in Australia.

We expect prosecutions brought by WorkSafe this year will give businesses a better indication of the approach WorkSafe and the courts will take to the question of breach and the level of sanctions.

WorkSafe has recently released guidelines as to how it will deal with submissions for enforceable undertakings and we expect to get a better feel over the course of this year as to the circumstances under which it will accept such undertakings and the promises it will require from businesses.

WORKSAFE - THE STATISTICS

Source: WorkSafe New Zealand



One-in-five workers said they had experienced a serious harm incident in the last 12 months



Workplace deaths in 2016



of those workplace deaths were in the agricultural industry



979

notifiable incidents between April and October 2016

CASE STUDY

H&S duties in a multi-contractor worksite

The recent District Court decision over the workplace death of rubbish collector Jane Devonshire, although under the previous legislation, reinforces the fact that multiple duty holders may be prosecuted for the same offence and that the duty to ensure safety cannot be delegated.

Auckland Council, Veolia Environmental Services NZ Ltd and NP Dobbie Maintenance Ltd all accepted their part in the tragedy but the sentencing notes shed light on the different scope of obligation that each party had.

In particular, while the court accepted that the Auckland Council was "remote from day-to-day operations and could only monitor things from a relative distance", it still could have done more to ensure safety by taking a more active role in the performance of its sub-contractors.

We expect to see more WorkSafe investigations that cover the full range of businesses involved in any particular undertaking with prosecutions being based on those differing levels of involvement.

This judgment is an important reminder for businesses at the top of a contractual chain to ensure that they take an active interest in the safety performance of those with whom they are working and engaging. The Health and Safety at Work Act is designed to create a strong safety culture in New Zealand workplaces.

Cross-border disputes and commercial claims to rise

A changing world trading order will see greater numbers of international disputes, while case law finds some manufacturers liable to third parties.

Increased cross-border disputes

Since the creation of the World Trade Organisation in 1994, economies and private businesses have become more integrated through successive free trade agreements, such as NAFTA and (almost) the TPP. There is now an opportunity for new trade deals, for instance with the United Kingdom in the wake of Brexit.

But there is also a risk of increasing friction as the private sector, which increasingly relies on seamless global supply chains, is forced to adapt to the new status quo (however that may evolve).

We expect this will give rise to more contract, insurance and insolvency disputes and litigation testing the machinery of cross-border dispute resolution – the enforceability of dispute resolution clauses, disputes over jurisdiction, attempts to obtain evidence in support of foreign proceedings and to enforce foreign judgments or arbitral awards against assets in New Zealand.

New Zealand cases testing the boundaries between international and domestic law

The New Zealand Parliament has been chafing for some time against its relatively limited role in reviewing and ratifying international treaties. The recent UK Supreme Court Brexit decision upholding the ability of Parliament to regulate exit from an international treaty may, in time, give rise to similar constitutional arguments being made here.

“There is a risk of increasing friction as the private sector ... is forced to adapt to the new status quo.”

Increased third party liability in commercial claims

Recent appeal cases have opened the door to a product liability theory by which manufacturers can be held liable to third parties despite contractual limitations in their contracts of supply to customers.

If the relative protective power of contractual bargains were to be further reduced – especially coupled with more accessible class action infrastructure and better access to third party funding – the risks of third party liability increase. The same observation applies to the Fair Trading Act 1986, despite changes in 2013 to give greater weight to bilateral contractual protections.

CASE STUDY

Consumer is king – *Carter Holt Harvey Ltd v Ministry of Education*

Carter Holt Harvey Ltd's (CHH) application in the Supreme Court to strike out four claims against it by the Ministry of Education over the supply of allegedly defective cladding materials failed on all counts.

The Supreme Court in a unanimous decision took a strongly pro-consumer stance, ruling that all four actions should go to trial and reinstate a claim for negligent misstatement in advertising which had earlier been struck out by the Court of Appeal. The Court rejected arguments that, even in the case of sophisticated purchasers such as the Ministry, the contractual and statutory background meant that it was impossible that a duty of care could arise between consumer and manufacturer (and noting that health and safety obligations on the Ministry potentially favoured imposing a duty of care).

The Court also denied CHH the protection of the Building Act 2004, rejecting CHH's arguments that the Act imposed a ten-year longstop limitation on claims against building product suppliers and manufacturers.

The trend in recent legislation and regulation has been to assert consumer rights and protections. This means that corporates cannot expect to get the benefit of the doubt when the interests of consumers are at stake.

“ The trend in recent legislation and regulation has been to assert consumer rights and protections. ”

Continuing evolution and popularity of mediation and arbitration

Alternative dispute resolution (ADR) remains popular. This is partly due to access issues and increasing strain on court resources. It is also partly due to an increasingly sophisticated portfolio of dispute resolution options.

The Arbitrators' and Mediators' Institute of New Zealand (AMINZ) is due to release its first set of arbitration rules in 2017. It has also been named by Gazette Notice as the default body of the appointment of arbitrators under the First Schedule of the Arbitration Act 1996.

ADR is moving more online. An example is the Complete Online Dispute Resolution Service created by former Solicitor-General Mike Heron QC. This is likely to attract some litigation which would otherwise have gone to the courts.

There is also an increasing trend toward statutes making use of ADR. Examples include:

- the Construction Contracts Act 2002
- the Weathertight Homes Resolution Services Act 2006
- the Financial Service Providers (Registration and Dispute Resolution) Act 2008
- the Electricity Industry Act 2010, and
- the Fire and Emergency New Zealand Bill, still making its way through Parliament as this went to publication.

Ironically, increased use of ADR is likely to lead to increased litigation to determine the precise workings of these laws, as well as more decisions on the mechanics of the arbitration and mediation process and permissible recourse to the Courts.

There have been recent appellate court decisions on all of these matters, with particular issues in 2017 likely to include:

- the enforceability (and exceptions to enforceability) of mediated settlement agreements
- the enforceability of tiered dispute resolution clauses, and
- the extent to which parties may appeal against an arbitration award on a question of law, where the basis for the dispute is a disagreement with the outcome of an arbitrator's interpretation of a contract rather than a claim that, in reaching that outcome, the arbitrator misidentified or misapplied conventional contractual interpretation principles.

“Ironically, increased use of ADR is likely to lead to increased litigation to determine the precise workings of these laws.”

In 2017, we may see the first adjudications involving designers and engineers under the amended Construction Contracts Act 2002. Adjudication has historically applied principally to payment disputes between an owner, head contractor and/or subcontractor. Involving construction professionals raises difficult questions of the suitability of a highly abridged dispute process for professional negligence claims, and the impact on professional indemnity cover.

The ADR landscape will continue to evolve. Parties using ADR, especially for cross-border business, will need to be increasingly well-advised to create efficiency and avoid fishhooks.

CASE STUDY

Case study: overcoming settlement agreements induced by fraud – *Hayward v Zurich*

Mr Hayward suffered an injury at work due to the negligence of his employer but dishonestly exaggerated the damage he had sustained to increase his pay-out. A settlement was agreed with Zurich, the employer's liability insurer, shortly before the issue of quantum was due to be tried.

Subsequently, the employer was approached by Mr Hayward's neighbours who alleged that his claim to have suffered a serious back injury was false and that he had recovered in full at least a year before the insurance payment was settled. Zurich sued for damages for deceit. It succeeded at trial, but the Court of Appeal of England and Wales allowed Mr Hayward's appeal on the grounds that Zurich did not believe, at the time of settlement, Mr Hayward's representation; it simply considered that there was a real risk that Mr Hayward's evidence would be believed at trial.

The Supreme Court of the United Kingdom allowed the appeal, noting that it was "not persuaded that the importance of encouraging settlement, which ... is considerable, is sufficient to allow Mr Hayward to retain moneys which he only obtained by fraud". The test was not whether the claimant alleging deceit believed the misrepresentation; it was sufficient that it had been induced to act in reliance on the representation.

Out of court settlements are often made for strategic reasons, either to avoid the reputational damage of a trial or because the chances of achieving a successful outcome do not justify the costs of litigation. This decision supports a pragmatic approach to intervening in settlements induced by fraud.

Economic and natural risks continue to drive litigation

Economic uncertainty drives disputes.

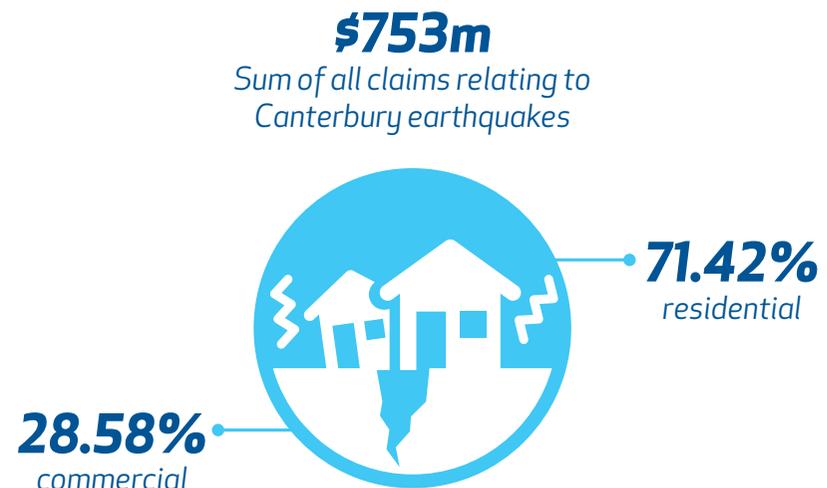
Potential for increased insolvency traffic if economic conditions change

Currently, the Official Cash Rate is at a historic low, and the Treasury is forecasting average growth of around 3% over the next five years. But things can change. The Auckland housing market, the fourth most expensive in the world, is significantly leveraged and higher interest rates are inevitable over time.

Prospects are already uncertain in the economies of Europe, China and the United States with the risk of more political and economic uncertainty to come. The result may be a faster-than-expected economic slow-down which makes credit harder to access and more difficult for households, businesses and farmers to make ends meet. If so, one can expect increased informal workouts, insolvencies and/or debt recoveries.

A continuing need for court resolution of disputes arising from earthquake activity

We expect further litigation from Christchurch around the relationship between the obligations of EQC and those of private insurers. In addition, there will likely be cases arising from the Kaikoura earthquakes, including significant commercial landlord-tenant disputes triggered by the surprising amount of damage and disruption caused to the Wellington CBD. The risk of a further severe shake affecting Wellington has increased compared to historic levels, as has concern in the capital about the consequences of any further event.



Statistics: NZ Law Society, September 2016

Ongoing exploration of the use of class actions and third party funding

Class actions and third party funding mechanisms have the potential to significantly improve access to justice in New Zealand, but change in this area so far has been fairly modest and incremental.

We expect that will change, given their increasing adoption and regulation in comparable jurisdictions such as the United Kingdom, Singapore and Australia.

The Law Commission, which is presently looking at declaratory judgments, may also look at resurrecting a Class Action Bill.

Class actions

There has been an increase in interlocutory skirmishing around proposed representative actions, with at least three recently getting the green light, including claims against the Ministry of Primary Industries in relation to the Kiwifruit PSA virus, Christchurch earthquake insurer Southern Response, and cladding manufacturer James Hardie (under appeal).

This activity is likely to continue. 2016 was also notable for sounding the death knell of the class action suit against the former Feltex directors.

Investor claims against directors are easier under the Financial Markets Conduct Act 2013 which provides for a "presumption of loss" such that, if there has been a contravention and the investor has lost money, the loss will be deemed to be a result of the contravention unless some other cause can be proven.

It remains to be seen whether the new statutory mechanism, particularly when accompanied by class action or third party funding developments, will result in increased investor litigation.

Third party funding

Decisions on the use of third party funding have yet to establish a settled policy. Some have been relatively permissive, others much less so. In July 2016, the Court of Appeal upheld a decision declining to stay an action due to the involvement of a funder. In December 2016, the Supreme Court granted leave to appeal.

“ Investor claims against directors are easier under the Financial Markets Conduct Act 2013. ”

Court reform

The former Judicature Modernisation Bill has been enacted as 23 separate Acts. Together these effect the most significant reform of court structures in the last 100 years, originating from a comprehensive 2012 Law Commission proposal.

Specialist benches

The Senior Courts Act established a specialist commercial panel of the High Court from which judges may be selected to hear and determine commercial proceedings in accordance with general civil procedural rules. The Commercial List, which had been in place since 1987, is now defunct.

The Act further enables the establishment of other specialist panels where there is an identifiable need in the future.

Technology and construction divisions, for example, have been created in several other common law jurisdictions, reflecting the technical subject matter which often arises in these areas.

Judicial specialisation is a controversial topic on which the Law Commission received many submissions. Historically, judges have been expected to be generalists, but parties to commercial disputes have increasingly wanted commercial expertise on the bench.

In recognition of the sensitivity of this tension, the Law Commission recommended that judges on the commercial panel preside over commercial cases for no more than 50% of their time. This recommendation has not yet been adopted, and the details of how the panels will operate remain to be worked through.

Digitisation

The Electronic Courts and Tribunals Act 2016 will enable courts and tribunals to go paperless. The legislation is permissive rather than mandatory (to prevent people on the wrong side of the digital divide from being denied justice). However, we expect that there will be much interest in taking up the opportunity, given the widespread adoption of electronic facilities in New Zealand and the scope digitisation offers to increase efficiency and access to justice.

But the courts will need to put in place new infrastructures, like e-filing and electronic payment systems, and to be better equipped to manage

proceedings electronically. Litigation remains practically dependent on paper-based information for the most part, notwithstanding the flexibility given by these reforms. Breaking that dependency will be the true opening of the door to the benefits of digitisation in the court system and that will require real investment by government in developing the necessary registry systems.

Digital options are much more advanced in arbitration and mediation than in the courts. We continue to see the development of online dispute resolution services designed to provide a rapid and light-handed means of dealing with civil disputes. We expect these to grow in popularity and sophistication over coming years.

Other changes

Other procedural improvements include:

- raising the civil jurisdiction of the District Court to \$350,000
- a Private Member's Bill to simplify rules governing choice of law in tort cases, and
- a Private Member's Bill to clarify arbitration is available for trust law disputes.

Public law activity

Every election year, public and administrative law principles get tested.

The election of a new administration (even a reconfigured administration under MMP) can also give rise to questions requiring testing. Generally, we expect more cases:

- seeking to extend judicial review and administrative law principles into the commercial realm – such as the Supreme Court's decision in *Ririnui v Landcorp* (in which a private sale contract was challenged on public law grounds), and the Court of Appeal *Problem Gambling* decision (in which a government procurement was challenged and which may be further appealed to the Supreme Court), and
- challenging executive decision-making (such as the threatened judicial review of proposed New Zealand King Salmon marine farm relocation orders which are likely to be issued by the Minister of Primary Industries under a previously-unused section of the Resource Management Act).

CASE STUDY

How secure is your contract? *Ririnui v Landcorp*

A contractual agreement by Landcorp to sell land to Micro Farms was the subject of public law criticism by a majority of the Supreme Court, testing the boundaries of when public law claims can be used to upset private contracts.

In selling the land, Landcorp acted on the mistaken belief that there was no Treaty claim over the land, an earlier claim involving Ngāti Mākino having been settled (at a time when the land was still believed to be required by Landcorp). In fact, another iwi, Ngāti Whakahemo, maintained a Treaty claim.

The Minister had intervened to request that Landcorp halt the tender process and enter negotiations with Ngāti Mākino but, when Ngāti Mākino did not arrange a bid before the deadline Landcorp had set, Landcorp decided to accept an offer from Micro Farms.

While the deal with Micro Farms was being finalised, a board member of Landcorp had discussions with Ngāti Whakahemo that led it to believe incorrectly that it was still possible for it to buy the land. The Supreme Court was highly critical of the member's conduct.

The Supreme Court held that Landcorp's decision to enter the contract with Micro Farms was reviewable, and was invalid as entered into under a material mistake of fact. However, by a bare majority, the Supreme Court refused to set aside the contract. This would unjustifiably prejudice Micro Farms, which, although aware of the Treaty claim, had not taken the risk of a judicial review challenge by Ngāti Whakahemo.

The decision to uphold the contract was decided by a bare majority in the Supreme Court so – on another day – might have gone the other way. The case underlines the importance of appreciating the particular risks of engaging with the Crown, given its public law obligations.

Chapman Tripp's litigation and dispute resolution team

Protecting reputations and financial positions through good judgement and strong advocacy.

Our team helps clients avoid costly disputes by providing commercial, practical advice on managing key risks. By working with our clients when things are going well, we can reduce the likelihood of things going wrong down the track.

This proactive approach means we are best placed to protect clients' important business, public and personal interests. We work on significant matters with legal, commercial, political and economic considerations and balancing diverse interests.

We act on New Zealand's most significant commercial disputes and employ specialists in areas prone to disputes including business acquisitions, securities regulation, competition, property and construction, energy, oil and gas, public law, general contract, intellectual property and employment law. No matter the nature of your dispute we will have a subject matter expert who can help. This is a key advantage of having the biggest litigation team in New Zealand.

National Law Firm of the Year for New Zealand

2016 Asialaw Asia-Pacific Dispute Resolution Awards

"First-class" Chapman Tripp provides "excellent service and good value, with highly regarded partners".

Tier 1, Dispute Resolution, The Legal 500, Asia Pacific 2017

Chapman Tripp's recent litigation and dispute resolution highlights

In 2016, we advised:

- the EQC on all aspects of its statutory natural disaster insurance obligations (the most significant story in NZ's litigation markets by a significant margin)
- the Motion Picture Association of America in copyright and asset freezing litigation against notorious internet entrepreneur Kim Dotcom
- the major bank creditors – ANZ, BNZ, CBA, Westpac New Zealand and BTMU – of state-owned coal mining company Solid Energy in High Court proceedings challenging a deed of company arrangement which provides for the orderly sale, realisation and distribution of Solid Energy Group assets over a two-and-a-half year period
- Kathmandu in claiming costs incurred in responding to Briscoe Group's unsuccessful takeover bid
- Wellington International Airport in a High Court judicial review relating to the airport's proposed runway extension
- Bayley Corporation in a Commerce Commission investigation into alleged cartel and price-fixing operations. The investigation has been the most significant wholly domestic cartel matter on the Commission's books over the last 12 months
- The Government of Kazakhstan in obtaining documentation for New Zealand file sharing site "Mega" for use in New York proceedings
- Ngāti Whātua Ōrākei Trust in relation to the Hauraki Cross Claims, and
- James Hardie New Zealand on defending several of the most significant class actions in New Zealand, arising from the leaky building crisis.

Litigation and disputes resolution: Initial contacts



**EDWARD SCORGIE – PARTNER
AUCKLAND**
T: +64 9 357 8989 | M: +64 27 256 4601
E: edward.scorgie@chapmantripp.com



**DANIEL KALDERIMIS – PARTNER
WELLINGTON**
T: +64 4 498 2409 | M: +64 27 599 5839
E: daniel.kalderimis@chapmantripp.com



**GARTH GALLOWAY – PARTNER
CHRISTCHURCH**
T: +64 3 353 0111 | M: +64 27 507 5390
E: garth.galloway@chapmantripp.com

Other litigation & dispute resolution partners and special counsel



**MICHAEL ARTHUR – PARTNER
AUCKLAND**
T: +64 9 357 9296 | M: +64 27 209 4999
E: michael.arthur@chapmantripp.com



**JUSTIN GRAHAM – PARTNER
AUCKLAND**
T: +64 9 357 8997 | M: +64 27 209 0807
E: justin.graham@chapmantripp.com



**VICTORIA HEINE – PARTNER
WELLINGTON**
T: +64 4 498 6327 | M: +64 27 561 3707
E: victoria.heine@chapmantripp.com



**JOHN KNIGHT – PARTNER
WELLINGTON**
T: +64 4 498 4947 | M: +64 27 224 9819
E: john.knight@chapmantripp.com



**JOHN MCKAY – PARTNER
AUCKLAND**
T: +64 9 357 9064 | M: +64 27 494 9312
E: john.mckay@chapmantripp.com



**BRUCE SCOTT – PARTNER
WELLINGTON**
T: +64 4 498 4951 | M: +64 27 443 0174
E: bruce.scott@chapmantripp.com



**TIM SMITH – PARTNER
WELLINGTON**
T: +64 4 498 2402 | M: +64 27 225 2243
E: tim.smith@chapmantripp.com



**MATT SUMPTER – PARTNER
AUCKLAND**
T: +64 9 357 9075 | M: +64 27 531 3919
E: matt.sumpter@chapmantripp.com



**MARIE WISKER – PARTNER
AUCKLAND**
T: +64 9 358 9845 | M: +64 27 559 8571
E: marie.wisker@chapmantripp.com



**GEOFF CARTER – SPECIAL COUNSEL
CHRISTCHURCH**
T: +64 3 353 0394 | M: +64 27 290 5057
E: geoff.carter@chapmantripp.com

Chapman Tripp is New Zealand's leading full-service commercial law firm, with offices in Auckland, Wellington and Christchurch. Our lawyers are recognised leaders in corporate and commercial, mergers and acquisitions, capital markets, banking and finance, restructuring and insolvency, litigation and dispute resolution, employment, government and public law, intellectual property, telecommunications, real estate and construction, energy and natural resources, and tax law.

Our thanks to Daniel Kalderimis, Edward Scorgie and Tim Smith for helping to write this publication.

If you would prefer to receive this publication by email, or if you would like to be removed from the mailing list, please send us an email at subscriptions@chapmantripp.com.

Every effort has been made to ensure accuracy in this publication. However, the items are necessarily generalised and readers are urged to seek specific advice on particular matters and not rely solely on this text.

© Chapman Tripp

AUCKLAND

23 Albert Street
PO Box 2206, Auckland 1140
New Zealand

T: +64 9 357 9000
F: +64 9 357 9099

WELLINGTON

10 Customhouse Quay
PO Box 993, Wellington 6140
New Zealand

T: +64 4 499 5999
F: +64 4 472 7111

CHRISTCHURCH

60 Cashel Street
PO Box 2510, Christchurch 8140
New Zealand

T: +64 3 353 4130
F: +64 3 365 4587

www.chapmantripp.com