



Anne Toohey

Curriculum Vitae

Summary

I am a barrister at Canterbury Chambers in Christchurch. I specialise in civil litigation, including employment law. I also carry out a broad range of criminal defence work from the most serious criminal charges, to all regulatory offences including traffic and health and safety.

I was appointed to the panel of prosecutors for the Serious Fraud Office from July 2015 for a five year period. I was appointed as a Visiting Justice to NZ prisons from 1 September 2015 for a three year period.

Over the past 20 years, I have appeared in all New Zealand courts including the Supreme Court and Court of Appeal. I have acted for private clients and for the Crown in relation to significant cases including appeals, disciplinary prosecutions, criminal trials and employment cases. I also have experience in regulatory prosecutions by most government departments.

Areas of Expertise

My expertise includes:

- Civil litigation
- Employment law
- Criminal law – including defence in serious criminal trials, appeals, and regulatory charges, and proceeds of crime/forfeiture
- Insurance Law
- Health and safety advice and defence work
- Investigations
- Tribunals
- Health law (including disciplinary charges of health professionals)
- Constitutional and administrative law
- International law and extradition
- Appeals
- Coronial inquests
- Advocacy training

Qualifications and Career

Qualifications

I am a law and arts graduate of the University of Otago (LLB (Hons)) 1996, BA, majoring in history and French).

Professional Background

- Crown Counsel at Crown Law Office, Wellington 2011 – 2013
- Associate and Senior Crown Prosecutor at Raymond Donnelly & Co 2000 – 2011
- Solicitor at Anthony Harper, Christchurch 1999-2000
- Senior Solicitor at Morrison Kent, Wellington 1996-1999

Professional Affiliations

- New Zealand Bar Association
- New Zealand Law Society
- Faculty Member of the New Zealand Law Society Litigation Skills course
- Faculty Member of the PILON (Pacific Islands Law Officer Network) Litigation Skills course

Experience

Civil Litigation and Employment Law

Throughout my career, I have worked as a civil litigator in all areas including contract, tort, insurance and debt recovery.

As a specialist in employment law, I act for both employers and employees. I regularly provide advice and advocacy in relation to restructuring, disciplinary investigations, confidentiality and restraint of trade issues, independent contractors, privacy, health and safety, and professional misconduct charges. I was a speaker at the 2010 New Zealand Law Society conference on employment law. I regularly defend clients in relation to Worksafe prosecutions, and I previously prosecuted in this area.

Criminal Law

I act as a defence counsel for private clients in all areas of criminal law, from more serious matters to traffic matters.

I was classified as a senior counsel by the Solicitor General pursuant to the Crown Solicitors Regulations since 28 June 2006. As senior counsel, I prosecuted for the Crown in both District Court and High Court jury trials, for all types of offending including murder, drug conspiracies, sexual violation (including historic offences), money laundering, fraud and corruption. During my time as a Crown Counsel at Crown Law, I appeared for the Crown in relation to a large number of appeals in the Court of Appeal. I carried responsibility both as a Crown Counsel and as a Crown prosecutor for proceeds of crime or asset recovery work.

Regulatory Law

I have experience in regulatory prosecutions by most government departments including the Department of Conservation, Worksafe, NZTA, Commerce Commission, Inland Revenue, Internal Affairs, Customs and Fisheries, and local bodies including Environment Canterbury.

Health Law

I have acted for disciplinary bodies including the Medical Council and the Dental Council, and I have appeared with respect to appellate work in this area in all courts including the High Court, the Court of Appeal and the Supreme Court. One such case set a precedent for the standard of proof in prosecutions on behalf of all disciplinary bodies: *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1 (SCNZ). I have also acted for defendants in disciplinary prosecutions.

International Law

I am a specialist in international law, particularly extradition. From 2011 until 2013, I was one of a team of senior lawyers involved in the Dotcom extradition and asset recovery proceedings. I also acted on the *Gao* extradition, among others.

Advocacy Training

Since 2007, I have been contracted to the NZ Police as an instructor for the Police Prosecutors' Advocacy Courses at the Police College in Wellington. I have also prepared written training materials for the Police Prosecution Service in relation to advocacy and other legal topics. I have been a faculty member of the NZ Litigation Skills course faculty, and the PILON (Pacific Islands Law Officer Network) faculty.

Practising in Samoa

In January 2007, I went to Samoa to assist the Attorney-General's Office for two months on a New Zealand Aid project, as one of six prosecutors in rotation for one year. New Zealand's involvement was brought about as a result of a request for assistance after local offenders were charged with drug offending concerning a large amount of cocaine that had been sourced from South America.

Notable decisions

- *Commissioner of Police v Dotcom* [2012] NZHC 2190; *Commissioner of Police v Dotcom* [2012] NZHC 328; international law, registration of foreign restraining orders
- *Dotcom v Attorney-General* [2012] 3 NZLR 115 and [2012] NZHC 2000*; judicial review of the issue of search warrants and the provision of files to a foreign jurisdiction
- *United States of America v Dotcom* [2012] NZHC 328; extradition law, appeal in relation to bail
- *R v Shepherd* [2012] 2 NZLR 609 (Court of Appeal); expert evidence in relation to facial mapping techniques
- Numerous appeals in the Court of Appeal including *Desai v R* [2012] NZCA 534; *Albert v R* [2011] NZCA 526; *Perkins v R* [2011] NZCA 665; *Gharbal v R* [2011] NZCA 601), and in the Supreme Court *Burcell v R* [2011] NZSC 142.
- Personal grievance proceedings: *Fredericks v V* [2015] NZEmpC 203; *B v JACL Finance Ltd* ERA 5451866; *D v L* ERA Christchurch CA 207/10, *J v V* ERA Auckland AA141/09, *B v NZM* ERA Auckland AA3/09
- Lead prosecutor of a murder trial - *R v Edmonds*, High Court, 2010
- Lead prosecutor of a Police Officer for bribery - *R v Connolly*, High Court, 2009
- Lead prosecutor of a complex money laundering investigation that involved US\$2 million for which I travelled to New York in December 2009 to carry out briefing in the New York District Attorney's office.
- *R v Sila* [2009] NZCA 223* (Court of Appeal and High Court); double murder prosecution and appeal
- *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1 *(Supreme Court); the

leading decision establishing the required standard of proof in disciplinary prosecutions in New Zealand

- *C v CAC* [2006] 3 NZLR 577* (Supreme Court); scope of privilege/disclosure in the course of a disciplinary prosecution of a doctor for an alleged relationship with a female patient
- Lead prosecutor of numerous trials involving organised crime: Operation Dolmio – 8 person methamphetamine conspiracy - *R v Richardson, Baylis, Glover and others*; Operation Slide – methamphetamine conspiracy - *R v Zeng, Chou and Tsao*; Operation Dam (8 person burglary organised criminal group); *R v Rangihuna & Browne, R v Te Rure, Hannah & Watson* (methamphetamine manufacture).
- Second counsel in numerous murder trials including *R v Boyes-Warren and Brown*; *R v McClintock, Howard and Morgan*, *R v McKenzie and Wilding*, *R v Southon and Peters*, *R v King*.
- Counsel assisting the coroner*; Coroner’s Inquest into 2003 Air Adventures disaster – findings released June 2006

*(second/junior counsel)

Contact

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