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During the Level 1 COVID-19 alert, public access restrictions apply. Persons present in a courtroom and courthouse should register their attendance by using the Court's QR code. All persons in a courtroom and courthouse MUST observe hygiene and social distancing requirements. You may elect to wear a mask and gloves.

For further information, please refer to the latest and/or relevant Protocol: <https://www.courtsofnz.govt.nz/publications/announcements/covid-19/court-protocols/court-of-appeal/>



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This List has been published as at Thursday 17 June 2021.

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.

For any queries please contact the Registry: courtsofappeal@justice.govt.nz

Locations:

The Court of Appeal is located at: [54 Molesworth St, Thorndon, Wellington](#)

All hearings are at the Court of Appeal in Wellington unless otherwise specified.

The Court also sits at the following High Courts (however, please note documents cannot be filed at these addresses – all documents must be sent to the Court at the above Wellington address):

Auckland High Court (Historic Building) – [24 Waterloo Quadrant, Auckland](#) (NB: The Court of Appeal will no longer sit at the Auckland Hearing Centre on Queen Street)

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

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

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

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

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 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 – JULY 2021

Session Week: Monday 5 July to Friday 9 July

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 5 July		
Tuesday 6 July	<p>Court: French J, Cooper J, Collins J</p> <p><u>CA520/2020</u> Andrew Borrowdale (J A Farmer QC, F J Handy, L Farmer) v Director-General of Health & Anor (V E Casey QC, V Mccall, E Jamieson) Intervener: New Zealand Law Society (T C Stephens, J Orphin-Dowell, M Van Alphen Fyfe) Thomas J, Venning J, Ellis J [2020] NZHC 2090 <i>Appeal from High Court judgment in relation to application for judicial review of decisions made by the Director-General of Health, and public announcements by the Prime Minister and others, in response to COVID-19.</i></p>	<p>Court: Kós P, Miller J, Gilbert J</p> <p><u>CA240/2020</u> Port Otago Ltd (L A Anderson Qc, S L Mcmillan) v Environmental Defence Society Incorporated & Ors (D A Allan, A J Logan, P D Anderson, B D Mead, J W Maassen) Gendall J [2019] NZHC 2278 <i>Appeal pursuant to leave granted by this Court as to whether the High Court misapplied the Supreme Court's decision in EDS v NZ King Salmon</i></p>
Wednesday 7 July	<p>Court: French J, Cooper J, Collins J</p> <p><u>CA520/2020</u> Andrew Borrowdale (J A Farmer QC, F J Handy, L Farmer) v Director-General of Health & Anor (V E Casey QC, V Mccall, E Jamieson) Intervener: New Zealand Law Society (T C Stephens, J Orphin-Dowell, M Van Alphen Fyfe) Thomas J, Venning J, Ellis J [2020] NZHC 2090 <i>Appeal from High Court judgment in relation to application for judicial review of decisions made by the Director-General of Health, and public announcements by the Prime Minister and others, in response to COVID-19.</i></p>	<p>Court: Kós P, Miller J, Gilbert J</p> <p><u>CA240/2020</u> Port Otago Ltd (L A Anderson Qc, S L Mcmillan) v Environmental Defence Society Incorporated & Ors (D A Allan, A J Logan, P D Anderson, B D Mead, J W Maassen) Gendall J [2019] NZHC 2278 <i>Appeal pursuant to leave granted by this Court as to whether the High Court misapplied the Supreme Court's decision in EDS v NZ King Salmon</i></p>
Thursday 8 July		
Friday		

COURT OF APPEAL FIXTURE LIST – JULY 2021

Session Week: Monday 12 July to Friday 16 July

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 12 July		
Tuesday 13 July	<p>Court: Brown J, Gilbert J, Courtney J</p> <p><u>CA600/2019</u> Shaun Kahu Wylie (S A Cousins, M T Lennard, M C Mccarthy) v Kirsten Monique Wylie & Ors (A Bayliss, S N Van Bohemen) Nation J [2019] NZHC 2638 <i>Appeal against judgment in relationship property (de facto) dispute</i></p>	
Wednesday 14 July	<p>Court: Brown J, Gilbert J, Courtney J</p> <p><u>CA600/2019</u> Shaun Kahu Wylie (S A Cousins, M T Lennard, M C Mccarthy) v Kirsten Monique Wylie & Ors (A Bayliss, S N Van Bohemen) Nation J [2019] NZHC 2638 <i>Appeal against judgment in relationship property (de facto) dispute</i></p>	<p>Court: Kós P, French J, Goddard J</p> <p><u>CA39/2021 & CA42/2021 (to be heard together)</u> <u>CA39/2021</u> James Christopher Johnston (I Hikaka, J Beverwijk, V T Bruton QC) v Ulrike Ursula Johnston & Ors (K G Davenport QC, A M Cameron, A H Brown, H Z Krebs, G Simms, J W Johnson, J J Anson-Holland, N G Lawrence) Downs J <u>CA42/2021</u> Thomas Rufus Johnston, Rufus Lind Johnston, And Cook Islands Trust Limited as trustees of the JCJ Trust & Anor (J W Johnson, G Simms, N G Lawrence, I Hikaka, J Beverwijk, V T Bruton QC) v Ulrike Ursula Johnston & Anor (K G Davenport QC, A M Cameron, A H Brown, H Z Krebs)</p>
Thursday 15 July	<p>Court: French J, Cooper J, Clifford J</p> <p><u>CA246/2020</u> Metropolitan Glass & Glazing Limited (J M Roberts) v Labour Inspector, Ministry of Business and Innovation and Employment (C English, N Fong) Chief Judge Inglis, Judge Holden, Judge Perkins [2020] EmpC 39 <i>Appeal of decision of Employment Court on two aspects of the Holidays Act: (i) "gross" earnings for s14 purposes (ii) treatment of annual holidays in a closedown period</i></p>	
Friday		

COURT OF APPEAL FIXTURE LIST – JULY 2021

Session & Circuit Week: Monday 19 July to Friday 23 July

Date	Divisional Court – Wellington, Courtroom 1 Court: Miller J, Thomas J, Wylie J	Permanent Court – Auckland Courtroom 1
<p>Monday 19 July</p>	<p><u>CA454/2020</u> Sean Victor Tipene SMALE (S J Gill) v The Queen Conviction and Sentence – 9 years imprisonment Hollister-Jones DCJ</p> <p><u>CA481/2020</u> Charles Scott CARE (W T Nabney) v The Queen Sentence – 12 years 9 months prison and MPI of 8 years Davison J</p> <p><u>CA252/2021</u> G (In Person) v The Queen Pre-trial ruling: Section 147 Application Judge B R Northwood</p>	
<p>Tuesday 20 July</p>	<p><u>CA109/2021</u> I (A B Fairley) v The Queen Conviction and Sentence – 2 Years, 9 Months' Imprisonment Glubb DCJ</p> <p><u>CA715/2020</u> Tame Edward HAUMATE (J E Carruthers) v The Queen Conviction – 12 years' and 6 months' imprisonment Mabey QC DCJ</p> <p><u>CA274/2021</u> The Queen (B F Fenton) v B (I M Antunovic) Pre-Trial, Solicitor-General: Declining joinder – Granting severance Turner DCJ</p>	<p>Court: Cooper J, Courtney J, Goddard J</p> <p><u>CA21/2021</u> Averil Rosemary Norman & Anor (R J Hollyman Qc, J W Little, J K Grimmer, K King) v Tūpuna Maunga o Tāmaki Makaurau Authority & Anor (P T Beverley, R A Balasingam , P M Mcnamara, S J Mitchell, G D Palmer) Gwyn J [2020] NZHC 3425 <i>Appeal from High Court declining judicial review of respondents' decisions in relation to felling of trees on Owairaha/Mt Albert reserve.</i></p>
<p>Wednesday 21 July</p>	<p><u>CA284/2021</u> Bruce John Wallace & Ors (D J Chisholm QC, A Mcdonald) v Studio New Zealand Limited (T P Mullins, C Upton) Andrew AJ [2021] NZHC 959</p> <p><u>CA732/2020</u> Ford Tearikiwai Huka TAYLOR (E J Foster) v The Queen Conviction – 3 years and 1 months imprisonment Mackintosh DCJ</p> <p><u>CA319/2020</u> Stacy PAORA (R M Mansfield) v The Queen Sentence – 12 years 1 months imprisonment with a MPI of 6 years Hinton J</p>	<p>Court: Cooper J, Courtney J, Goddard J</p> <p><u>CA21/2021</u> Averil Rosemary Norman & Anor (R J Hollyman Qc, J W Little, J K Grimmer, K King) v Tūpuna Maunga o Tāmaki Makaurau Authority & Anor (P T Beverley, R A Balasingam , P M Mcnamara, S J Mitchell, G D Palmer) Gwyn J [2020] NZHC 3425 <i>Appeal from High Court declining judicial review of respondents' decisions in relation to felling of trees on Owairaha/Mt Albert reserve.</i></p>

	Divisional Court – Wellington, Courtroom 1 Court: Miller J, Thomas J, Wylie J	
Thursday 22 July	<p><u>CA549/2020</u> Edward Bevin WILTON (R M Mansfield) v The Queen Conviction – 10 months home detention Down DCJ</p> <p><u>CA330/2020</u> Te Kiri Geoffrey WILLIAMS (H G De Groot) v The Queen Conviction and Sentence – 9 years, 2 months imprisonment Wharepouri DCJ</p>	
Friday		

COURT OF APPEAL FIXTURE LIST – JULY 2021

Session & Circuit Week: Monday 26 July to Friday 30 July

Date	Permanent Court – Wellington Courtroom 1	Divisional Court – Auckland, Courtroom 2 Court: Goddard J, Thomas J, Wylie J
Monday 26 July		<p><u>CA649/2020</u> Christopher Lorraine Pickering & Anor (G B Lewis, S N Zellman) v Detection Services Limited & Ors (M A Corlett Qc, R D Butler, T P Refoy-Butler) Woolford J [2020] NZHC 2705 <i>Appeal from High Court determination of amount of damages payable by the appellants for breach of obligations under a joint venture.</i></p> <p><u>CA112/2021</u> Zion WAIKATO-TUHEGA (H Cheeseman) v The Queen Sentence – 6 years and 4 Months' imprisonment Bouchier DCJ</p> <p><u>CA58/2021 –</u> K (M J James) v The Queen Pre-trial ruling: Admissibility of evidence Menzies DCJ</p>
Tuesday 27 July	<p>Court: Kós P, Clifford J, Collins J</p> <p><u>CA158/2021</u> DG (J C Hannam) v The Queen Question of Law on reinstatement of dismissed charge Hikaka DCJ, Fitzgerald J [2021] NZHC 438 <i>Sexual Violation by rape: Whether s354 of Oranga Tamariki Act creates second right of appeal.</i></p> <p><u>CA167/2021</u> The Queen (F R Sinclair) v V (A M Toohey) Pre-trial ruling: Admissibility of evidence O'Driscoll DCJ [2021] NZDC 3726</p>	<p><u>CA198/2021</u> Richard Stuart BEDFORD (D J Matthews) v The Queen Conviction and Sentence – 3 months Community Detention and 12 months of Intensive Supervision Neave DCJ</p> <p><u>CA151/2021</u> James Scott MCKINNON (H Leabourne) v The Queen Conviction and Sentence – 1 year and 5 months Imprisonment Aitken DCJ</p> <p><u>CA139/2021</u> Antonio Pedro DIAZ (D A Kemp, E P Priest) v The Queen Sentence – 3 Years' Imprisonment Wharepouri DCJ</p>
Wednesday 28 July	<p>Court: Brown J, Clifford J, Collins J</p> <p><u>CA45/2021</u> Petromont Holdings Limited (G W Halse, D Grove) v Director-General of the Ministry of Primary Industries (N C Anderson, S J Jensen) Gwyn J [2020] NZHC 3242 <i>Appeal from High Court decision striking out part of application for judicial review of decisions of Director-General of Agriculture and fisheries.</i></p>	<p><u>CA57/2021</u> Nicholas Francis HOPPER (S K Green) v The Queen Conviction – 10 years imprisonment Down DCJ</p> <p><u>CA67/2021</u> Joseph MANUKAU (S K Green) v The Queen Conviction – 1 year home detention Mabey DCJ</p> <p><u>CA209/2021</u> The Queen (M J Lilloco) v T (V J Feyen) Pre-trial ruling and Discharge without conviction, SG Judge McIlraith</p>

Date		Divisional Court – Auckland, Courtroom 2 Court: Goddard J, Thomas J, Wylie J
Thursday 29 July		<u>CA418/2020</u> Ho Shing Lo (M Lloyd) v Ho Cheong Lo & Anor (M G Keall, C McGill) Jagose J [2020] NZHC 1614 <i>Appeal from High Court decision declining to make orders under s339 Property Law Act 2007 for sale of property and division of proceeds.</i>
Friday		