

# PRESENTER

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Francis has an LLB with honours from Victoria University, and a first class masters degree from Cambridge University. After periods with Ashurst in London and Chapman Tripp in Wellington, he commenced practice as a barrister in 1993 specialising in public law and commercial cases. He was appointed Queens Counsel in 2004. A major part of his practice is made up of judicial review cases, acting both for and against public bodies.

## **Overview**

This seminar booklet is designed to provide the participants with a clear and coherent understanding of how judicial review works in practice in New Zealand. It is designed to assist those involved in arguing judicial review claims, and those involved in the exercise of powers that can be reviewed. Judicial review is a topic that is plagued by unnecessary complexity. It is frequently blighted by the use of arcane terminology, and over elaborate academic analysis. At its heart, however, judicial review before the Courts is straightforward. It should not be a particularly difficult area, but it has been made that way by the tendency for complexity. The booklet aims to provide a clear understanding of the principles that actually matter before the Courts so that these forces of complexity can be resisted. It can be seen as part of the continuing struggle for simplicity in administrative law.<sup>1</sup>

## **Acknowledgements**

This seminar booklet is a redraft of a booklet first used in 2008 and then 2010. It is based on a workshop booklet originally prepared by Mary Scholtens QC in 1999, as revised by her in 2004. The extent of the changes to the original booklet mean that it is now both unfair to attribute the views expressed in this booklet to her, or to fail to acknowledge her original authorship. In addition, the source of much of the material on “How to do it”, and Appendices B and C, is an earlier NZLS seminar on Judicial Review which Mary presented with Paul Radich. The information and materials in those sections is the work of Paul and Tristran Gilbertson, with, again, updating.

*The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.*

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<sup>1</sup> See Taggart (ed) *Judicial Review of Administrative Law in the 1980s*, Auckland, OUP, 1986 at 2.

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