

## NZCPL Government Law Year in Review 2020: Judicial Review

### Statistics:

Note: these statistics are preliminary outputs from a pilot study conducted over the summer of 2019/20 on various quantitative aspects of all judicial review cases and administrative appeals decided in 2019.

- Including appeals, applications for interlocutory matters, and applications for leave for appeal, there were 147 judicial review decisions in 2019 & 157 administrative appeals to the High Court.
- Of the judicial reviews, approximately 1/3 resulted in at least one ground being made out, while the other 2/3 resulted in the decision being upheld.
- The most common grounds of review pleaded were error of law, natural justice, and relevancy (in that order).
- Immigration was the biggest subject area for judicial review, followed by prisons and enforcement of sentences, local government, resource management, and police conduct.
- Most frequent judges in judicial review cases:
  - High Court: Cooke, Dobson, Cull, and Fitzgerald JJ (in that order).
  - Court of Appeal: Gilbert, Cooper, and Brown JJ (in that order).

### Cases referenced:

The case discussion part of the presentation focused on a consideration of to what extent 'publicness' is required for a situation to be subject to judicial review, and how that factor, if required, might be assessed. The following cases were referred to:

- *Moncrieff-Spittle v Regional Facilities Auckland Ltd* [2019] NZHC 2399
- *Middeldorp v Avondale Jockey Club Inc* [2019] NZHC 901
- *Middeldorp v Avondale Jockey Club Inc* [2020] NZCA 13
- *Reay v Attorney-General* [2019] NZCA 475