

GARY HUGHES

BARRISTER



SUMMARY

An independent barrister with well over two decades experience providing advocacy, representation, dispute resolution and strategic risk advice:

- specialising in all types of regulatory investigations and cases;
- deep expertise in NZ Commerce Commission, Financial Markets Authority, Serious Fraud Office and the three AML-CFT Supervisors;
- maintains strong sector independence, for and against regulators;
- working across private and public sector clients, applying blended skills from a litigation and commercial (non-contentious) legal background.

Prior to establishing Akarana Chambers in Auckland as a founding member in 2016, Gary was equity partner at leading boutique firm Wilson Harle. Before 2009, he was a principal (salaried partner equivalent) at Chapman Tripp, and worked at leading law firms global (Clyde & Co) and trans-Tasman (Phillips Fox), and for a time in the in-house team at Aon(UK).

Mobile:

(+64) 021 477 780

Landline:

(+64) 09 558 5877

Email:

gary@garyhughes.nz

Website:

www.law-strategy.nz

Address:

PO Box 178
Shortland Street
Auckland 1140
NEW ZEALAND

Akarana Chambers
L 11, 59 High Street
AUCKLAND

Ranked in lawyer guides:

Global Investigations
Review
Legal 500 Asia
Chambers Asia-Pacific
Asia Law Profiles
Who's Who Legal
Benchmark Litigation
Global Competition Review

SPECIALIST AREAS OF EXPERTISE

AML, Fraud & Financial Conduct – anti-money laundering (AML) & anti-bribery/corruption (ABC), FSP Register or Financial Markets Conduct cases, fraud, financial services disputes (banking, securities and white-collar crime).

Competition and Consumer law – all areas of Commerce Commission work: cartel cases, merger clearance, restrictive contracts, abuse of market power, joint ventures, consumer credit finance, utilities sector price control, fair trading and unfair contract terms.

Regulatory investigations, inquiries, licensing approvals, disputes or appeals - across a wide range of government agencies and areas of law.

Insurance law and claims - policy coverage and indemnity issues, claims disputes, statutory liability cover, D&O, and subrogation/allocation issues.

Privacy, Media, Technology - Privacy Commissioner investigations, breach of confidence, Official Information Act matters, digital and internet cases, media law, defamation, advertising, marketing, and regulatory affairs.

Transport, Infrastructure, Trade – helping global shipping lines, trucking or logistics, aviation, land transport firms and tech giant Uber resolve contract or commercial disputes, or deal with regulators such as NZ Transport Agency, Ministry of Transport, Maritime NZ, Civil Aviation Authority, NZ Customs.

RELEVANT CASE EXAMPLES AND EXPERIENCE

- Handling AML/CFT enforcement cases or investigations, for reporting entities engaging with RBNZ, FMA, or DIA, and also separately investigations in Australia (by AUSTRAC), and the Cook Islands.
- Advising on impact of law reforms such as Commerce Act criminalisation changes, new Privacy Bill (and GDPR overlaps), and the Hayne Royal Commission (Australia), or RBNZ/FMA financial misconduct inquiries.

- Representing an affected individual investigated (not charged) in the Commerce Commission property buyer cartel case (Ronovationz).
 - Representing a firm in the first investigation brought by the Department of Internal Affairs seeking a pecuniary penalty, with advice later quoted favourably by Powell J in *DIA v Qian DuoDuo Ltd* [2018] NZHC 1887.
 - Acting for parties in statutory or public Inquiries – e.g. State Services Commission inquiry into government use of private security consultants.
 - Representing private insurers in a portfolio of claims against the EQC involving interpretation of its statutory earthquake insurance obligations.
 - Successfully resolving a FMA investigation for a fin-tech platform entity.
 - Advising Uber BV in Land Transport Act policy reform, and public law or regulatory cases with NZ Transport Agency or taxi industry incumbents.
 - Advising lawyers and other phase 2 reporting entities on complex matters of coverage, reporting and related legal privilege and ethical obligations.
 - Successfully resolving a FMA investigation for a fin-tech platform entity.
 - Advising on NZ financial crime and foreign trusts/data protection issues in wake of US Department of Justice investigations into Mossack Fonseca (Panama Papers) and separately the 1MDB Malaysian case.
 - Representing a firm dealing with investigations/overlaps between Commerce Commission (Credit Contracts & Consumer Finance, Unfair Contract Terms) regulation, AML/CFT, and Privacy Act obligations.
 - Acting in injunction cases over bank account termination (de-risking), and supporting involvement in *e-Trans v Kiwibank* [2016] NZHC 1031.
 - Representing a mobile trader (not prosecuted) in the Commerce Commission's sector inquiry, and subsequent disclosure investigations.
 - Representing small electricity company facing exclusionary tactics by SOE firms including Electricity Authority dealings, input to Pricing Review.
 - Acting for a director in the FMA investigation into alleged securities market non-disclosure involving listed company Abano/Archer.
 - Advising infrastructure/recycling company Waste Management on merger and joint venture competition law issues, access to essential facilities terms, pricing, contractual and sales channel initiatives.
 - Representing a finance sector firm in private litigation over wrongful contract termination and Commerce Act s27/36 breaches by its banker.
 - Representing a motorsports event promoter in dispute of anti-competitive behaviour and regulatory reform by the governance body Motorsport NZ.
 - Acting for the FMA in an AML/CFT investigation, leading to settlement by way of an enforceable undertaking and public warning.
 - Representing two managers investigated in a Commerce Commission Fair Trading Act case into retail industry sales techniques (Bike Barn).
 - Acting as Supervising Solicitor appointed by Court for execution of Anton Piller (seizure) orders in a breach of confidence/fraud case.
-

PRO BONO AND PROFESSIONAL ROLES/BRIEFS INCLUDE:

- Co-chair (with the NZ Police Financial Intelligence Unit) for the last 6 years of NZ's largest cross-agency AML/CFT conference held annually at Te Papa - in 2019, attracting 450 people attending a 3-day conference.
- Author of the online textbook *AML/CFT Workflows - Guidance for Lawyers* (2018) available on the Thomson Reuters Westlaw platform.
- Assisting government agencies at training/outreach events as expert speaker, including to AUSTRAC via DIA, to the FMA, OIO, and the IRD.
- Author of NZ Chapter for international textbook *Anti-Corruption Laws and Regulations* (2018) published by Globe Law & Business Ltd.
- Delegated expert to the DIA industry advisory AML working group (2019)
- Board Member (2004-15) and subsequently elected honorary Life Member of the Law and Economics Association of New Zealand (LEANZ)
- International Bar Association anti-corruption division, NZ Country Officer
- Board Member of ACAMS Australasia chapter since 2011 (Association of Certified Anti-Money Laundering Specialists).
- NZ Law Society delegate (2017) to Ministry of Justice AML/CFT Phase 2 law reform expert working group, and member of ADLS sub-committee on regulation for lawyers.
- Appointed by TRACE International Inc. as its local New Zealand expert anti-corruption partner (2018)
- Part of International Bar Association author committee for submissions to Australian Parliamentary Senate Committees on Review of Whistleblower law reforms, and review of Foreign Bribery laws (2017-18).
- Appointed to panel of independent referees/arbitrators, Centre for Online Dispute Resolution (CODR) established by Mike Heron QC (2016)
- NZ Law Society delegate (2013) to the OECD Phase III review of New Zealand's compliance with Foreign Anti-Bribery Convention.

While in London (1998-2002), key work included professional indemnity or financial insurance claims, fraud prosecution or judicial review cases, e.g:

- Prosecuting financial derivatives fraud and market manipulation cases for the London Metals Exchange due to rogue trading copper market scandal
- Handling a complex liability/costs allocation dispute between insurers and reinsurers, succeeding in a US\$125m jury award in a New York court.
- Judicial review of the Lloyd's of London insurance market regulator.

Qualifications/Awards

BCom (Economics), LLB (with Honours), 1990-1995 University of Auckland
Awarded Senior Prize in Law (top 5% student), 1994, and also Senior Prize in Commerce/Economics (top 5% student), 1992

Awarded AG Davis scholarship; and Freemason Bursary (1994)

NZI Insurance award - top student in Insurance Institute Associateship, 1997
