

Paul David KC

BARRISTER | ELDON CHAMBERS



Background

Born 1956.
1981: Barrister Inner Temple.
1990: Barrister and Solicitor of the High Court of New Zealand.
2014: Queen's Counsel.
2024: President of NZ Bar Association

Education

1984	University of Cambridge Masters of Law
1979	University of Cambridge Bachelor of Arts (Honours) Modern and Medieval Languages.

Professional career

2014	Appointed Queen's Counsel
2006 – present	Barrister Sole Eldon Chambers, Auckland
2002 – 2005	Wilson Harle Founding Partner
1993 – 2002	Russell McVeagh Partner
1982 – 1990	Bar of England and Wales General common law work (civil and criminal), with some maritime litigation and arbitration.

Recent cases

I have advised and represented clients in most areas of New Zealand law during my career. I have appeared as senior counsel in a wide range of cases before the courts and in arbitration. This includes most of the significant maritime cases decided by the New Zealand courts over the past 40 years.

I have appeared as senior counsel before the International Tribunal for the Law of the Sea.

A full list of cases can be supplied on request. A selection of some recent work follows.

Harmon v OFC [2021] NZHC 1210, 27 May 2021

Application to enforce award by Court of Arbitration for Sport under Arbitration Act 1996.

Kiwirail Ltd v Mobbs [2020] NZ EmpC

Interpretation of collective agreement and payment of gratuity.

Rose Shipping Ltd v The Ship Lyubov and Cameo Associates OA No 3/2021, Williams CJ, 9 November 2021

Rescinding *ex parte* jurisdiction and related orders preventing dealing with entry of ship on Cook Islands Ship Register.

DSV Limited v Tongan Cable Limited [2020] Tongan Supreme Court 12, Whitten CJ

Grant of limitation decree by Tongan Supreme Court.

Ezinet Ltd v DSV [2021] TOSC CV 21/2021

Admissibility of claim for economic loss against limitation fund and consideration of relevant principles in tort.

WorkSafe New Zealand Ltd v WML and others CRI [2020] 004009514, Auckland District Court, July – September 2023

Health and safety prosecution arising from Whakaari White Island eruption – defence of tourism operator.

PDL v Cruz Holding Limited Supreme Court of Fiji — 30 August 2024

Appeal allowing claimant to limit by relying on limitation fund.

Areas of Specialisation

- Commercial litigation and arbitration
 - Maritime law and international trade, litigation and arbitration
 - Insurance litigation
 - Sports law
 - Statutory investigations, inquiries, and criminal prosecutions by various statutory bodies such as Maritime New Zealand, regional councils (Resource Management Act).
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Experience

I have appeared in a wide range of cases before the New Zealand courts from 1990, including many significant commercial and contract disputes, and many of the leading admiralty cases over the period. Although I undertake criminal work less frequently, I have from time to time appeared as defence counsel and on criminal appeals.

In addition to my work in the New Zealand courts I have been instructed to appear in the Australian courts, in the courts of the Cook Islands in commercial, judicial review, and electoral proceedings, and more recently in the Supreme Court of Tonga and the Fiji Court of Appeal, in limitation proceedings in the respective admiralty jurisdictions in those courts.

In 2023 I was appointed as counsel assisting the Tribunal established under the Constitution of Fiji to inquire into allegations of judicial misbehaviour by the Chief Justice.

I have also appeared before the International Tribunal of the Law of the Sea in proceedings concerning the detention of a vessel in breach of UNCLOS.

Sports Law

I have developed a leading specialist practice in sports law, Since the establishment of the New Zealand Sports Tribunal in 2003 I have appeared in most of the selection appeals before major sporting events such as the Olympic Games and World Championships heard by the Tribunal. Between 2003 – 2018 I represented Drug Free Sport New Zealand (now the Sports Integrity Commission) before the Tribunal and other sporting tribunals in many cases alleging breaches of the Sports Anti-Doping Rules.

Criminal

Defence counsel in various prosecutions under general criminal law and in specialist areas including prosecutions by Maritime New Zealand and regional councils relating to ship operator and marine pollution, and health and safety prosecutions.

Most recently acted as defence counsel in Whakaari White Island Trial.

Arbitration

Counsel in a range of commercial and sporting arbitrations and mediations, including international arbitration in maritime and international trade. I have advised and acted as senior counsel in an arbitration under a trade waste agreement, in other commercial and property disputes, in LMAA arbitration and various sporting disputes.

I have been appointed as sole arbitrator and given various awards in civil and commercial disputes.

I have been an arbitrator with the Court of Arbitration for Sport for 16 years. I am a judge of the Court of Arbitration for Sport Anti-Doping Division, available to be appointed as Panel President. Some examples of published arbitration awards include:

Unit Owners v Body Corporate [2023] NZHC 1479

Sole arbitrator in a large body corporate dispute over building repair from 2021 – 2023. The above judgment is from the High Court dismissing the appeal against the arbitrator’s ruling on discovery and jurisdiction.

CAS 2024/ADD/115 UWW v Ologonova

CAS 2021/ADD/31 IWF v Ahmed Al-Hussain & Ors

Sole arbitrator for anti-doping allegations against three international athletes.

CAS 2016/A/4470 Goncharova v International Paralympic Committee

Challenge by Russian para-athletes to IPC decision on participation at the Rio Olympic Games.

CAS 2014/A/3591 Al Nahyan v Federation Equestre Internationale

Application and interpretation of FEI anti-doping rules.

Legal Texts

2018 ***Maritime Law: Shipping and Navigation (2018). Maritime Law: Admiralty for Halsbury’s Laws of New Zealand (2003), Admiralty Law Reissue 1 (2017).***

2015 ***Chapter on Marine Pollution in the 4th edition of Resource Management and Environmental Law (2015), also in editions 1997, 2005, 2011, 2015, and 2017).***

2017 ***The Fight for the Spirit of the Sport: A Guide to the World Anti-Doping Code for Cambridge University Press, 3rd edition (2017), 2nd edition 2013.***

Many other papers and articles on maritime and contract law. NZLS regular seminars for the profession on Contract Law with published materials – every two years.

Lecturing and Teaching

2015	University of Otago , New Zealand Contract law course
2011 – 2015	University of Auckland , New Zealand Public short course on contract law
2006 – 2010	University of Auckland , New Zealand University of Queensland , Australia Intensive LLM courses on legal issues affecting sport
1998 – 2005	University of Auckland , New Zealand Annual criminal procedure lectures (nine lectures each year)
1986	Magdalene College, University of Cambridge , England Part-time tutor land law
1987 – 1988	Middlesex Polytechnic , England Part-time senior lecturer in commercial law
1986	City University , England Part-time lecturer in EC law

Outside Work

Lifelong passion for literature and language, particularly poetry, sport and music. I speak and read French very well. I can speak and read German fairly well. Limited Welsh and te reo.