

Jenny Cassie

Barrister

Wellington, New Zealand

QUALIFICATIONS

BA, LL.M, Victoria University of Wellington

Admitted to the bar: 1992

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Jenny commenced practice as a barrister sole in 2001 following 9 years as a senior solicitor and solicitor at Chapman Tripp. She specialises in public law and in particular the development of legislation, and the governance and accountability of Crown entities.

Legislative work

Some of Jenny's most recent experience in relation to legislation includes work:

- in the Emissions Trading Group at the Treasury on the amendments to the Climate Change Response Act to introduce New Zealand's emissions trading scheme, together with the regulations for pre-1990 and post-1989 forest land, and liquid fossil fuels, that underpin the scheme;
- for the Ministry of Education on the tertiary legislation necessary to introduce new early childhood education standards;
- for the Ministry of Justice, on a variety of regulations under the Summary Proceedings Act and District Courts Act; and
- for Maritime New Zealand on various maritime rules.

In 2005 and 2006, Jenny acted as a consultant assisting the Ministry of Social Development with the rewriting of the Social Security Act 1964, which work included—

- advising the Ministry on a broad range of legal issues arising from the rewrite, from complex operational issues to constitutional issues, such as the appropriate split between the use of primary and delegated legislation;
- advising the Ministry in relation to aspects of its advice to its Minister and to the Cabinet Social Development Committee on the proposed legislation;

- preparation together with Richard Clarke of an academic paper on the use of primary and delegated legislation, which was submitted along with the Ministry's proposals to the Legislation Advisory Committee; and
- appearing with Ministry officials before the LAC to discuss the proposals;

In 2004, Jenny represented the Ministry of Education on a working party of sector specialists set up to discuss possible legislative and non-legislative changes to the governance and accountability regime for tertiary education institutions following on from the Crown entities reform. Her work included bringing together the various views of the working party members in advice to the Associate Minister of Education setting out proposals for change to the governance and accountability regime for tertiary education institutions set out in the Education Act 1989.

About the same time, Jenny advised the Ministry of Transport on the changes necessary to legislation, including Civil Aviation Rules, to implement various aviation security measures.

In 2003, she worked at the State Services Commission on the amendments necessary to the statutes governing Crown entities affected by the introduction of the generic governance and accountability regime in the Crown Entities Act 2004. This work included representing the State Services Commission in discussions and negotiations with government departments in relation to changes to the Acts for which they are responsible.

Other Acts and Bills where Jenny has been involved in drafting or providing drafting instructions to the Parliamentary Counsel Office include:

- the Social Security Amendment Bill 2006, for the Ministry of Social Development;
- the Crown Entities Act 2004, for the State Service Commission and the Parliamentary Counsel Office. (In addition to her work at the State Services Commission, she also worked at the Parliamentary Counsel Office on drafting the amendments necessary to over 60 statutes consequential on the introduction of the Crown Entities Act);
- the Maritime Security Act 2004 and the Railways Bill 2005, on behalf of the Ministry of Transport;
- the Local Government Act 2002 and Local Government (Auckland) Amendment Act 2004, on behalf of the Department of Internal Affairs;
- the Marine Reserves Bill 2002, on behalf of the Department of Conservation.

She was employed by the previous Legislation Advisory Committee to assist the committee with writing submissions on a number of Bills, and through this process appeared with LAC members before a number of select committees.

Opinion and advice work

In addition to her work on legislation, Jenny provides advice to a range of government departments and Crown entities on matters of statutory interpretation and other legal issues. In particular, she provides specialist advice to a number of departments and Crown entities, including Housing New Zealand Corporation and the Public Trust on matters arising from the Crown Entities Act 2004, delegations and conflicts of interest.

Other areas of practice

In addition to her public law practice, in recent years Jenny has conducted two internal reviews for a Crown entity in relation to complaints made under a statutory complaints procedure, including drafting comprehensive reports of findings and recommendations.

She has also worked for the Ministry of Justice preparing advice to the Minister of Justice on applications to the Governor-General for the exercise of the Royal prerogative of mercy. This work involves seeking information from applicants, the Police and other parties on the various grounds of application, considering the evidence in light of criminal law principles and precedents, and providing advice to the Minister on whether the Minister should recommend to the Governor-General that the applicant's criminal conviction be referred back to the courts.

While at Chapman Tripp Jenny practised primarily public and commercial law. Her public law work included drafting various Acts, regulations and statutory rules, while her commercial law work included advising on and drafting service level agreements, (including in relation to on-line facilities), joint venture agreements, sale and purchase agreements, and investment statements and prospectuses for the offer of securities under the Securities Act 1978.

Jenny spent several years in Chapman Tripp's litigation department before transferring within Chapman Tripp to concentrate on public and commercial law. As a litigator, she appeared in both the High Court and District Court, particularly on insurance law matters. She also advised and acted for the National Rural Fire Authority on claims under the Forest & Rural Fires Act 1977, and the Earthquake Commission on claims under the Earthquake Commission Act 1993.

Before becoming a lawyer in 1992, Jenny held a variety of positions in the public sector, including at Housing Corporation of New Zealand, the Residual Management Unit of the Ministry of Works and Development, and the Waitangi Tribunal.