

**IN THE HIGH COURT OF NEW ZEALAND  
AT WELLINGTON**

**I TE KŌTI MATUA O AOTEAROA  
TE WHANGANUI-A-TARA ROHE**

**CIV-2023-**

**Under the Judicial Review Procedure Act 2016, the Declaratory  
Judgments Act 1908, and Part 30 of the High Court Rules 2016**

**In the Matter of an Application for Judicial Review**

**BETWEEN** New Zealand Loyal, an unincorporated body and  
registered political party having its address at 155 Winara  
Avenue Waikanae

**Applicant**

**AND** Electoral Commission, an independent Crown entity having  
its address at 34/42 Manners Street, Wellington

**First Respondent**

Attorney-General, of Wellington

**Second Respondent**

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**NOTICE OF PROCEEDINGS**

**3 October 2023**

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**FRONTLINE LAW**

Filed by Matthew Hague, counsel for the applicant

Address for service:

Level 2, 90 Dixon Street, Te Aro, Wellington 6011

**NOTICE OF PROCEEDINGS**

**To the Respondents and any other person directed to be served.**

This document notifies you that you must file in this registry of the court a statement of defence to the Applicant's claim (a copy of which is served with this notice). You must do this within 25 working days after the date on which you have been served with this notice. If you do not, the Applicant may at once proceed to judgment on the Applicant's claim, and judgment may be given in your absence.

If a trial of the proceeding is necessary, it will be held in this court at Wellington at a time to be fixed by the court.

Signature:.....

(counsel for the applicant)

Date: 3 October 2023

If you file a statement of defence in the court, you must also provide the plaintiff with initial disclosure of documents in accordance with rule 8.4.

If you file a statement of defence in the court, you will be notified of the date and time of the first case management conference.

The purpose of the conference is to assist the parties in the just, speedy, and inexpensive determination of the proceeding, to make directions as to the conduct of the proceeding, and, where practicable, to make interlocutory orders. The parties will also be assisted to identify, define, and refine the issues in dispute.

You must prepare for and attend the first case management conference. You will be expected to have discussed with the plaintiff the matters set out in Schedule 5 of the High Court Rules. You or your solicitor must file a memorandum relating to the procedural matters set out in rule 7.3 of the High Court Rules.

Date:

(Registrar/Deputy Registrar\*)

**Note:** Please carefully read the memorandum attached to this notice

## MEMORANDUM (G3/G4)

### Advice

1. Although you do not have to employ a solicitor for the purpose of this proceeding, it is recommended that you consult a solicitor about this matter immediately. However, a company or other corporation that wants to defend this proceeding or appear at any hearing must consult a solicitor immediately because—
  - 1.1 it can only carry on a proceeding in the court by a solicitor; and
  - 1.2 it cannot appear to conduct a proceeding except by counsel (unless there are exceptional circumstances).

### Legal aid

2. If you cannot afford to meet the cost of the proceeding, you may be entitled to assistance under the Legal Services Act 2011 and regulations made under that Act.
3. The plaintiff is not in receipt of legal aid for the purpose of this proceeding.

### Statement of defence

4. If the last day for filing your statement of defence falls on a day on which the registry of the court is closed, you may file your statement of defence on the next day on which that registry is open.
5. If you file a statement of defence, you must serve a copy of it on the plaintiff and on any other defendant who has given an address for service. This must be done within the same period of time you have for filing the statement of defence.

### Counterclaim

6. If you have a counterclaim against the plaintiff, you must file a statement of that counterclaim in the registry of the court, and serve it on the plaintiff and on any other person against whom the same claim is made. This must be done within the same period of time you have for filing a statement of defence.

### **Witnesses**

7. Summonses for the attendance of witnesses will be issued on application at the registry of the court.

### **Appearance objecting to jurisdiction of court**

8. If you object to the jurisdiction of the court to hear and determine this proceeding, you may file in the registry of the court an appearance stating your objection and the grounds for it instead of a statement of defence, and serve a copy of the appearance on the plaintiff and on any other defendant who has given an address for service. This must be done within the same period of time you have for filing a statement of defence.
9. An appearance is not treated as a submission to the jurisdiction of the court.

### **Appearance for ancillary purposes**

10. If you do not oppose the plaintiff's claim but want to be heard on an ancillary matter (including costs), you may, without filing a statement of defence,—
  - 10.1 file an appearance stating the matters on which you want to be heard; and
  - 10.2 serve a copy of it on the plaintiff and on any other defendant who has given an address for service.
11. Those matters will not subsequently be determined except on notice to you.

### **Appearance reserving rights**

12. If you do not oppose the plaintiff's claim but want to reserve your rights in the event that another person becomes a party to the proceeding or that a party takes a step in the proceeding that is against your interests, you may, without filing a statement of defence,—
  - 12.1 file an appearance reserving those rights in the registry of the court; and
  - 12.2 serve a copy of it on the plaintiff and on any other defendant who has given an address for service.
13. Subsequently—

- 13.1 you will be entitled to be served with all documents relevant to the reserved rights that may be filed in the proceeding by a person who is, or may become, a party; and
- 13.2 with the leave of the court, you may file and serve a statement of defence and any other document within the time and on the terms and conditions prescribed by the court.

**Registry hours**

14. The registry hours of the court are from 9 am to 5 pm, except on court holidays.

Date:

Signature:

(Registrar/Deputy Registrar\*).