

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  
**Applicant**

AND                Electoral Commission  
**First Respondent**

Attorney-General  
**Second Respondent**

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INTERLOCUTORY APPLICATION ON NOTICE

5 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

## INTERLOCUTORY APPLICATION ON NOTICE

To the Registrar of the High Court at Wellington

And

To the Respondents

### **This document notifies you that –**

1. The Applicant will seek the following interim orders:
  - 1.1 An interim order declaring that the Electoral Commission ought not to refuse to accept party list information of electoral list candidates of New Zealand Loyal.
  - 1.2 An interim order declaring that the Electoral Commission ought not to refuse to publish updated election information containing party list information of electoral list candidates of New Zealand Loyal.
  - 1.3 An interim order declaring that the Electoral Commission ought not to refuse to assign party list positions to electoral list candidates of New Zealand Loyal.
2. This interlocutory application is made on a *Pickwick* basis. A hearing by way of teleconference to determine this interlocutory application will be sought on an urgent basis.
3. The grounds on which the orders are sought are as follows.

### **Basis For Orders**

4. The applicants rely on section 15 of the Judicial Review Procedure Act 2016 and the following judicial authorities:
  - 4.1 *Carlton & United Breweries Ltd v Minister of Customs* [1986] 1 NZLR 423 (CA),
  - 4.2 *ENZA Ltd v Apple & Pear Export Permits Committee* HC Wellington CP266/00, 18 December 2000,
  - 4.3 *Woodhouse v Auckland City Council* (1984) 1 PRNZ 6 (HC),
  - 4.4 *Esekielu v Attorney-General* (1993) 6 PRNZ 309 (HC),

4.5 *Beecham Group Ltd v Bristol Laboratories Pty Ltd* (1968) 118 CLR 618, and

4.6 *Te Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission* HC Auckland CP395/93, 31 March 1999.

5. The principal submissions on behalf of the Applicant are:

5.1 The Applicant has a position to preserve, namely its proper participation in the 2023 General Election,

5.2 The Applicant's case is reasonably arguable,

5.3 The public and private repercussions favour granting relief, and

5.4 The balance of convenience and overall justice of the case favours granting relief.

5.5 Full submissions are in the memorandum filed in support of this application.

Signature:  .....

(counsel for the applicant)

Date: 5 October 2023