

NOTICE OF DATE OF CASE MANAGEMENT CONFERENCE FOR APPEAL

DATE: 01 May 2024
REFERENCE NO: CIV-2024-412-000041
CASE NAME: Oceana Gold (New Zealand) Limited v Otago Regional Council

A. A Case Management Conference in respect of these proceedings will be convened as follows

VENUE: Via telephone conference before The Honourable Justice Osborne
DATE: Monday 17th day of June 2024 at
TIME: 2:00 PM
BEFORE: Osborne J

B. Please note the **list of standard directions** for appeals and the other information and requirements set out on the back of this notice.

C. You must give notice of the date and time of this conference to everyone who has been, or is to be, served with a copy of the notice of appeal or originating application.

D. You must, not later than 2 working days before the case management conference file and serve a joint memorandum or your own memorandum addressing the matters set out in Schedule 6 (see reverse for details).

E. The Court may cancel the case management conference if, after reading memoranda, the Court is satisfied that all orders sought can be made by consent, and the attendance of counsel is not required. You are required to attend unless notified by the Court that the conference is cancelled.

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Deputy Registrar

High Court

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CI0231_Notice_of_Date_of_Case_Management_Conference_for_Appeal (In Person)

CONFERENCE INFORMATION AND REQUIREMENTS

ATTENDANCE

The attendance of counsel instructed to appear in the case, or of the solicitor responsible for the case, is required. The parties may attend the conference but are not required to do so unless unrepresented by counsel.

In Courts other Auckland, Wellington and Christchurch, it may be necessary for the case management conference to be conducted by telephone. If this is the case, you will be advised. In such case, please ensure that you notify the Court of your appropriate contact details.

CONFERENCE MEMORANDUM – 7.14(4)

Unless excused by the Court, you must, not later than 2 working days before the case management conference file a joint memorandum or your own memorandum. Any memorandum must –

- (a) address the matters set out in Schedule 6
- (b) specify any directions in Schedule 6 that should be deleted or modified, and why
- (c) set out any additional directions sought, and why
- (d) set out the issues raised by the appeal if they are not fully set out, or are different from those set out, in the notice of appeal.

You may file this memorandum by facsimile or email

Schedule 6 Standard directions for appeals

- 1 The appeal will be heard at [time, date]/at a time and date to be allocated by the Registrar*.
*Select one.
- 2 The time for the hearing is estimated to be [half-days or days].
- 3 The appeal is categorised as a category [type] proceeding for the purposes of rule 14.3.
- 4 The appeal is to proceed as determined by rule 20.8(1) or by any direction given under rule 20.8(3) in the [specify] registry.
- 5 The appellant must pay security in the sum of \$[amount] not later than 10 working days after the conference.
- 6 Unless detailed and specific points on appeal have been included in the notice of appeal, the appellant must file and serve, not later than 10 working days after the conference, points on appeal that clearly state the issues on appeal.
- 7 If the appeal involves a significant issue under the New Zealand Bill of Rights Act 1990, or an issue affecting New Zealand's international obligations or the Crown's obligations under the Treaty of Waitangi, or an issue arising in the appeal is otherwise of significant public interest, the Judge may direct that the Solicitor-General be served with the notice of appeal and with documents subsequently filed in the appeal. In other cases, the parties must advise the Judge whether they consider that an amicus curiae should be appointed.
- 8 The appellant must file and serve, not later than 20 working days after the conference, a common bundle of paginated and indexed copies of all relevant documents, including, if applicable,—
 - (a) the reasons for the decision; and
 - (b) the sealed order or judgment appealed from; and
 - (c) the pleadings; and
 - (d) the statements of evidence or affidavits; and
 - (e) the exhibits; and
 - (f) the notes of evidence, to the extent that they are relevant to the issues on appeal; and
 - (g) any other documents, if possible in date sequence.
- 9 If a party insists on including a document in the common bundle even though another party objects to its inclusion on the ground that it is unnecessary or irrelevant, the objection must be recorded for the purpose of any award of costs relating to the inclusion of the document.
- 10 The appellant must file and serve, not later than 25 working days after the conference,—
 - (a) the appellant's submissions; and
 - (b) a chronology (if relevant).
- 11 The appellant's submissions must be not more than 30 pages in length, unless a Judge permits an extension, and use 1.5 line spacing, and must contain—
 - (a) references to any specific passages in the evidence that the appellant will refer to at the hearing; and
 - (b) a list of the names and correct citations of any authorities mentioned.
- 12 The respondent must file and serve, not later than 30 working days after the conference,—
 - (a) submissions that meet the requirements set out in clause 11; and
 - (b) if the respondent disagrees with the appellant's chronology, a separate chronology noting areas of disagreement.
- 13 The appellant must prepare a bundle of any authorities referred to in the submissions provided in accordance with clauses 10 and 11 that the appellant or the respondent considers ought to be produced to the court. The bundle may be produced at the hearing of the appeal or filed before the appeal is heard.
- 14 If the appeal is to be heard by a single Judge, 1 copy of each document must be filed.
- 15 If the appeal is to be heard by a full court, 2 copies of each document must be filed.