

IN THE HIGH COURT OF NEW ZEALAND
NEW PLYMOUTH REGISTRY

CIV 2013-443-107

BETWEEN NEW HEALTH NEW ZEALAND INC

Plaintiff

AND SOUTH TARANAKI DISTRICT COUNCIL

Defendant

Hearing: (on the papers)

Counsel: L Hansen for Plaintiff
D Laing and H Harwood for Defendant
A M Powell for Attorney-General

Minute: 22 July 2013

MINUTE (NO. 3) OF HEATH J

Solicitors:
Wynn Williams, PO Box 4341, Shirley, Christchurch
Simpson Grierson, PO Box 2402, Wellington
Crown Law, PO Box 2858, Wellington

Counsel:
L Hansen, PO Box 8045, Wellington

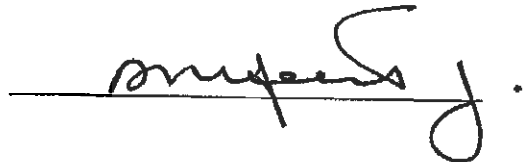
[1] On 3 July 2013, I gave provisional directions on the Attorney-General's application to intervene. The order has not been perfected as memoranda have been filed.

[2] The plaintiff consents to intervention on the two points for argument set out in para [3] of my Minute (No. 2) of 3 July 2013. However, two further conditions are proposed; namely, that the Attorney file and serve submissions first and second that if the hearing extends beyond the estimated two days the Intervenor will pay any additional hearing fee. Counsel for the defendant has indicated that it is prepared to consent to intervention on the basis that I indicated provisionally.

[3] Mr Powell, for the Attorney-General, agrees to file and serve submissions first but opposes any requirement for an additional hearing fee to be paid by the Attorney. I agree with his submission, in that regard. If the hearing does overrun, the Judge hearing the application can determine the party who has responsibility for meeting any additional hearing fee, having regard to the reason why the hearing has taken longer than expected.

[4] It follows that intervention is confirmed on the basis that the two points on which the Attorney will be heard are those set out in para [3] of my Minute of 3 July 2013, the Attorney shall meet his own costs in any event and shall file and serve submissions no less than 14 working days before the hearing.

[5] Costs reserved.


P R Heath J