

IN THE HIGH COURT OF NEW ZEALAND

DUNEDIN REGISTRY

CIV-2021-412-89

IN THE MATTER of application under the Declaratory Judgements
Act 1908

BETWEEN **OTAGO REGIONAL COUNCIL**
Plaintiff

AND **ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INCORPORATED**
Defendant

**MEMORANDUM OF COUNSEL FOR ROYAL
FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

5 November 2021

Next event date

Judicial Officer

Royal Forest and Bird Protection Society of New Zealand Inc.
Solicitor acting: Peter Anderson
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Christchurch 8140
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MAY IT PLEASE THE COURT

1. This memorandum responds to paragraph 17 of the minute of 29 October which provided:

[17] In the course of considering the above matters, I have had occasion to look at the matters raised by the defendants. Although Forest & Bird refers to its pleading as a “statement of defence” it appears to in fact contain a counterclaim through which Forest & Bird seeks different declarations. That helpfully identifies the position which I anticipate Forest & Bird will support through its submissions.

2. Forest & Bird accepts paragraph 17 and has accordingly filed an amended statement of defence, which removes the alternative declaration sought.
3. Forest & Bird position will be that the declarations sought by the plaintiff should not be made.

Dated: 5 November 2021

A handwritten signature in black ink, appearing to read 'P D Anderson', is written over a light blue rectangular background.

P D Anderson

Counsel for Royal Forest and Bird Protection Society of New Zealand
Incorporated