

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

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

CIV-2024-485-367

UNDER the Judicial Review Procedure Act 2016;
Part 30 of the High Court Rules; the
Declaratory Judgments Act 1908; and the
Common Law

IN THE MATTER OF an application for judicial review and/or
declaratory judgments

BETWEEN OTAGO ROCK LOBSTER INDUSTRY
ASSOCIATION INCORPORATED
Applicant

AND THE MINISTER OF CONSERVATION
First Respondent

THE MINISTER OF TRANSPORT
Second Respondent

THE MINISTER OF FISHERIES
Third Respondent

On the Papers

Counsel: M S Smith for the Applicant
N C Anderson for the Respondents

Minute: 22 July 2024

MINUTE OF GWYN J

Introduction

[1] The applicant is an incorporated society representing the interests of the commercial kōura/rock lobster fishing industry in the CRA7 (Otago) quota management area.¹

[2] The applicant has applied for judicial review and/or declaratory judgments regarding decisions by the Minister of Conservation under the Marine Reserves Act 1971 preceding the intended establishment of six marine reserves off the southeast coast of the South Island, together with the concurrence decisions of the Ministers of Transport and (Oceans and) Fisheries (the second and third respondents, respectively).

[3] The parties have filed a joint memorandum dated 22 July 2024, seeking directions by consent.

Timetable directions

[4] Having considered counsel's memorandum, I make the following orders:

- (a) the third respondent is to be renamed as the Minister for Oceans and Fisheries;
- (b) **within five working days of this minute:**
 - (i) the respondents are to informally serve Te Rūnanga o Ngāi Tahu (Kāi Tahu) with a copy of the statement of claim, counsel's joint memorandum and this minute;
 - (ii) the applicant is to informally serve by email the representative bodies listed in Appendix A of the joint memorandum dated 22 July 2024 with a copy of the statement of claim, counsel's joint memorandum and this minute; and

¹ As defined in Part 3 of the first schedule to the Fisheries Act 1996.

- (iii) the respondents are to publish on the Department of Conservation (DOC) website the statement of claim, counsel's joint memorandum and this minute.

- (c) any interested parties are to inform the Court of their intention to join, or intervene in, this proceeding by way of memorandum of counsel to be filed and served **by 23 August 2024**;

- (d) the proceeding is categorised as a Category 2 proceeding;

- (e) the parties are excused from attending the Judge's Chambers List on 29 July 2024; and

- (f) the matter will be set down for a case management conference after 6 September 2024.

Gwyn J