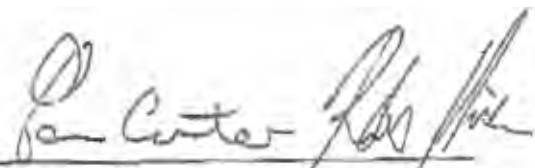


MAY IT PLEASE THE COURT:

1. In the event that leave to appeal is given, the Attorney General will appear as a senior counsel for the appellant.
2. Due to the nature of the office of Attorney General, the Attorney General's availability is limited. The preference would be to avoid weeks when Parliament is sitting and days when there are Cabinet meetings.
3. The leave applicant's estimated time required for hearing is 2 days. The hearing of the appeal in the Court of Appeal took little under 2 days.
4. The Attorney General's preferred dates in 2010 for the hearing of the appeal, in the event that leave is given, are 11-12 May or 9-11 June. Although there are dates during July when the Attorney General is available, junior counsel for the leave applicant is overseas from 30 June to 23 July inclusive. Dates beyond July are not proposed at this stage but can be if the court's calendar and counsel's availability cannot accommodate a 2-day fixture earlier than 30 June.

16 February 2010



I C Carter/R Kirkness
Counsel for the applicant for leave

TO: The Registrar of the Supreme Court of New Zealand.
AND TO: The respondents