

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

I TE KOTI MATUA O AOTEAROA
ŌTAUTAHI

CIV-2017-409-609

BETWEEN **CANTERBURY REGIONAL COUNCIL** a Local Authority
under the Local Government Act 2002 having its
registered office at 200 Tuam Street, Christchurch 8140

Applicant

AND **SAM MAHON** of North Canterbury, Artist and Activist

Respondent

WITHOUT NOTICE ORDER FOR INTERIM INJUNCTION
1 September 2017

WYNN WILLIAMS
LAWYERS
CHRISTCHURCH

Solicitor: Jared Vaughan Ormsby
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Before the Honourable Justice Dunningham

1 September 2017


After reading the without notice interlocutory application for an interim injunction dated 1 September 2017, the affidavit of Mr Miles McConway dated 1 September 2017, the affidavit of Ms Elizabeth Cunningham dated 1 September 2017, the affidavit of Mr Jeremy Barr dated 1 September 2017, the memorandum of counsel for the applicant dated 1 September 2017 and upon hearing from Jared Vaughan Ormsby, counsel for the applicant, this Court orders:

- 1 An injunction preventing Sam Mahon erecting or otherwise locating or situating a sculpture of the Hon Nick Smith, Minister for the Environment and Building and Housing, on the land outside 200 Tuam Street, Christchurch comprising Lot 1, DP 46492, CB25B/950, Canterbury Land Registry (**Land**) or on any other land owned, controlled, or administered by the CRC.
- 2 An injunction preventing any other person from erecting or otherwise locating or situating a sculpture of the Hon Nick Smith, Minister for the Environment and Building and Housing, on the Land or on any other land owned, controlled, or administered by the CRC.
- 3 That notice of these orders may be given to:
 - (a) Mr Mahon by email, facsimile, or other electronic means (including via facebook) in the first instance; and
 - (b) Mr Mahon and all others who may be affected by this order by public notice in the Press as soon as is practicably possible.
- 4 That unless the Applicant and the Respondent otherwise resolve matters, the Applicant shall commence declaratory proceedings within 20 working days (unless the position can otherwise be agreed with Mr Mahon) seeking declarations concerning:
 - (a) whether the Reserves Act 1977 prohibits the unauthorised erection or placement of sculptures on reserve land;
 - (b) whether the placement of Mr Mahon's sculpture would contravene s 124 of the Crimes Act 1961; and
 - (c) whether the placement of Mr Mahon's sculpture on the Land would contravene the Electoral Act 1993.



- 5 Costs and disbursements on the Application on a 2B basis.
- 6 That the applicant has undertaken to comply with any order of the court for the payment of damages to Mr Mahon for any damage sustained by the granting of the interim injunction.

Date: 1st September 2017

 D. McMillan



Deputy Registrar