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Report of the

Registrar of the Environment Court

For the 12 months  
ended 30 June 2009

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## **INTRODUCTION**

### **The Honourable Minister for Courts**

Minister,

I have the honour to forward in terms of s.264 (1) of the Resource Management Act 1991, my report on the administration, workload and resources of the Environment Court, for the 12 months ended 30 June 2009.

Yours faithfully,

Harry Johnson,  
Registrar  
Environment Court.

## 1. Profile of the Court

### 1.1 Members of the Court

| Title  | Appointed   | Residence  |
|--|---|--|
| <b>Principal Judge</b><br>Environment Judge C J Thompson   | Sept 2001   | Wellington   |
| <b>Judges</b><br>Environment Judge J R Jackson<br>Environment Judge R G Whiting<br>Environment Judge J A Smith<br>Environment Judge L J Newhook<br>Environment Judge B P Dwyer<br>Environment Judge J Borthwick                                    | Sept 1996<br>June 1997<br>May 2000<br>Aug 2001<br>Sept 2006<br>Nov 2008 | Christchurch<br>Auckland<br>Auckland<br>Auckland<br>Wellington<br>Christchurch |
| <b>Alternate Judges</b><br>Alternate Environment Judge F W M McElrea<br>Alternate Environment Judge D F G Sheppard<br>Alternate Environment Judge S E Kenderdine<br>Alternate Environment Judge M Harland<br>Alternate Environment Judge C Doherty | Sept 2001<br>April 2007<br>Aug 2006<br>Nov 2007<br>Aug 2008             | Auckland<br>Auckland<br>Wellington<br>Hamilton<br>Christchurch                 |

| Title   | First appointed   | Re-appointed  | Residence  |
|---|---|---|--|
| <b>Environment Commissioners</b><br>Mr P A Catchpole<br>Mr J R Mills<br>Mr W R Howie<br>Mr C E Manning<br>Ms H A McConachy<br>Dr D H Menzies<br>Mr R Dunlop<br>Mr K Prime<br>Ms S A Watson<br>Ms M P Oliver<br>Dr I D Stewart<br>Ms K A Edmonds<br>Dr A J Sutherland<br>MS H Beaumont<br>Mr D Bunting | July 1980<br>July 1999<br>June 2001<br>June 2001<br>June 2001<br>June 2001<br>March 2003<br>March 2003<br>March 2003<br>April 2004<br>Nov 2004<br>Jan 2005<br>Jan 2005<br>June 2007<br>Aug 2007 | Sept 2004<br>Sept 2004<br>June 2006<br>June 2006<br>June 2006<br>June 2006<br>June 2008<br>June 2008<br>June 2008<br>March 2009 | New Plymouth<br>Wellington<br>Wellington<br>Christchurch<br>Auckland<br>Christchurch<br>Auckland<br>Bay of Islands<br>Christchurch<br>Auckland<br>Wellington<br>Christchurch<br>Wellington<br>Wellington |
| <b>Deputy Environment Commissioners</b><br>Ms R Grigg<br>Mr O A Borlase<br>Dr B Gollop<br>Dr T W Fookes<br>Mr D Kernohan<br>Mr K Fletcher   | Aug 1991<br>March 2003<br>March 2003<br>Nov 2004<br>Aug 2007<br>Aug 2007  | Sept 2004<br>June 2008<br>June 2008   | Christchurch<br>Dunedin<br>Whangarei<br>Auckland<br>Wellington<br>Christchurch   |

### 1.2 Obituary

It is with sadness that I record the death on 28 April 2009 of Principal Environment Judge R J Bollard.

Judge Bollard was appointed a Judge of the Planning Tribunal on 11 April 1988 and Principal Judge of the Environment Court on 3 May 2003. Under Judge Bollard's leadership, the court introduced a number of initiatives designed to support the efficient and effective management and disposal of court business. Judge Bollard was highly regarded in both a personal and professional capacity. His dedicated service to New Zealand as a member of the Judiciary for over 20 years is valued and appreciated.

Judge Bollard presided over many notable cases of which some are noted below:

- *Augustowicz v Machinery Movers Ltd* (1992) 2 NZRMA 209 (Machinery Movers Prosecution).
- *Auckland City Council v Michael John Smith*, 16 June 1995, CRN 4004060456 and 459 (One Tree Hill Prosecution).
- *Brierley Properties Limited v Auckland Council*, 30 June 1992, Decision A 63/92 (Sky Tower Site in Grafton)
- *Eden Park Trust Board & The Eden Park Neighbours Association v Auckland City Council*, 31 October 1997, Decision A 130/97 (Eden Park Lights).
- *Unison Networks Limited v Hastings District Council*, 23 February 2009 Decision W 11/09, (First Call-In, Wind Farm)
- *Whangamata Māori Committee & Ors v Waikato Regional Council*, 26 October 2005, Decision A 173/05, (Whangamata Marina)
- *Hinstridge & Ors v Minister of Energy & Ors* (1999) 5 ELRNZ 169 (Extension of Martha Mine, Waihi)
- *Mason & Ors v Bay of Plenty Regional Council*, 30 November 2007, Decision A 98/07, (Waihi Beach Seawall).
- *The Ohope Beach Development Society Inc v Whakatane District Council*, 27 September 2002, Decision A 190/02 (final decision) and 26 June 2002, Decision A 136/02 (interim decision) (Apartment block, Ohope)

His family can be proud of the legacy that he leaves behind.

In recognition of his considerable contribution to this country's body of planning law and practice over many decades, a memorial sitting was held in Auckland on 17 June 2009.

### 1.3 Judicial Appointments

#### Environment Judge Appointments

In response to the current and possible future call-in of matters of national significance that, if called-in, would impact on the court's judicial resources, Jane Borthwick, Barrister, of Christchurch, has been appointed as a District Court and Environment Judge. At the time of that appointment, the cap (eight) on permanent Environment Judge appointments had been reached. It is noted that the Resource Management (Simplify and Streamlining) Amendment bill proposes lifting the cap to ten.

Over the last 10 years, the volume of prosecutions undertaken by Environment Judges in the District Court has increased considerably. In order to keep abreast of the prosecution work, Judge Colin Doherty was appointed an Alternate Environment Judge on 25 August 2008 to assist with the prosecution work in the South Island.

### **Environment Commissioner Appointment**

In March 2009, Environment Commissioner Marlene Oliver was re-appointed as a Commissioner for a further term of 5 years.

### **1.4 The Registry**

The court registrar (and National Manager), Mr Harry Johnson, has overall administrative responsibility for the court.

The court maintains registries in Wellington, Auckland and Christchurch. Each registry is led by a Regional Manager (each of whom has all the powers, functions and duties of the Registrar). Each registry provides administrative support through case and hearing managers to resident Judges and Commissioners to assist them in hearing and determining cases.

The court's Judicial Resources Manager co-ordinates the court's sitting programme. This follows directions from the Principal Environment Judge whom is responsible for ensuring the orderly and expeditious discharge of the business of the Court.

The Environment Court Unit falls within the Special Jurisdictions Group of the Ministry of Justice. The Registrar, as National Manager, has reporting and budgetary responsibilities to Stuart White the General Manager of Special Jurisdictions.

#### *Regional Managers (and Deputy Registrars)*

|                  |              |
|------------------|--------------|
| Sandy Butler     | Auckland     |
| Rachell Staunton | Wellington   |
| Michael Tinkler  | Christchurch |

#### *Judicial Resources Manager*

|                |            |
|----------------|------------|
| Tracey Chapman | Wellington |
|----------------|------------|

### **1.5 The Court's Jurisdiction**

The Environment Court is established by section 247 of the Resource Management Act 1991 (the Act), as a Court of Record. It is a specialist court that has jurisdiction over environmental and resource management matters. It can be characterised as follows:

- a Judge usually presides at sittings to hear and determine proceedings
- it is required by law to act judicially
- it hears contesting parties to the proceedings before it and gives a determination which is binding upon them

The court currently comprises 12 (inc. 5 alternate) Judges and 21 Commissioners (inc. 6 deputies). Commissioners are appointed for a term of up to 5 years on either a full or 75% time basis. Deputy Commissioners sit as required usually on the basis of their expertise.

The court's functions are primarily to determine, appeals in respect of resource consents, designations and abatement notices, plan appeals in respect of the content of regional and district planning instruments, applications for enforcement orders, and inquiries in respect of water conservation orders. The court may also make declarations about the application and interpretation of resource management law. Judges of this Court also hold warrants as District Court Judges, and from time to time sit in the District Court to hear prosecutions laid under the Resource Management Act.

For matters heard in the Environment Court, a quorum for the court is one Environment Judge and one Commissioner, but the court is most often constituted with one Environment Judge and two Commissioners. The Act also provides for Judge or Commissioner alone sittings. As required under the Act, hearings are conducted at a place as near to the locality of the subject matter to which the proceedings relate, as the Court considers convenient.

## 2.0 Highlights for 2008/09

### 2.1 Boards of Inquiry and direct referral

The 2005 amendment to the Resource Management Act increased the choice of intervention options available to the Minister for the Environment for proposals of national significance. After receiving a request to intervene and after considering any submissions in relation thereto, the Minister has a range of options including call in.

The Minister can call in a matter by making a direction that either:

- a. the matter is referred to a *board of inquiry* the chairperson of which must be a current, former or retired Environment Judge or
- b. the matter is referred to the Environment Court to make the decision.

Over the 2008/09 year:

- Judge Gordon Whiting chaired the board set up to inquire into Contact Energy's proposal for a geothermal power station at 'Te Mihi'. The Board of Inquiry hearing was held in Taupo on 21 July 2008 and 28 to 30 July 2008. The Board then released its draft decision for comment on 5 August 2008 and allowed 20 working days for comment. The final report, dated 3 September 2008 was released by the Board.
- Following direct referral to the court, Judge John Bollard's court determined the proposal by Unison Network for resource consents for a 34-turbine wind farm at 'Te Waka'. This matter was first referred to the Court in March 2008. Hearings were held in Napier between 8-12 and 15-19 December 2008 and the decision issued in February 2009.
- In August 2008, Judge Jeff Smith was appointed to chair the board of inquiry relating to a proposal by Contact Energy to construct and operate a wind farm at Hauāuru mā raki (Waikato Wind Farm). Environment Commissioner Diane Menzies was also appointed as a member of that board. Hearings were held over April and May 2009 but the inquiry was adjourned to allow Contact Energy to undertake further investigation into the proposal.
- In December 2008, Judge Craig Thompson was appointed to chair the board of inquiry relating to an application by Mighty River Power Ltd to build a wind farm in the Turitea Reserve near Palmerston North. Following Judge Thompson's appointment as Principal Environment Judge in April 2009, Alternate Judge Shonagh Kenderdine was appointed to chair the board. Environment Commissioner David Bunting is also a member of that board and that inquiry is presently underway.

## 2.2. Recent developments

### *Electronic Operating Model*

The court is continuously looking to explore technology solutions to improve the court process, facilitate the disposal of cases and enhance access to justice. A number of initiatives have been taken to improve the operations of the Environment Court. Following introduction of case tracking, in April 2006 the Court was added to the list of jurisdictions that are supported by the Ministry's Case Management System (CMS database), allowing the court to monitor and report on its caseload. The Court now wishes to build on this case management platform and explore other technology enhancements that the Court and court users could utilise to improve court processes. Electronic court processes should deliver long-term service efficiencies, improve access to justice and the opportunity to develop more environmentally sustainable processes. The judiciary have identified moving to electronic filing and electronic court records as a high priority.

In 2007, following a scoping study to assess the opportunity presented by electronic filing, the Ministry and the judiciary identified the Environment Court as a pilot court for further evaluation. The desire to move to greater use of electronic information aligns with Government objectives to improve access to services for New Zealanders (Broadband Initiative, E-Government Strategy, SSC Development Goals), Justice Sector Outcomes (Trusted justice system, Accessible justice system) and also a number of justice sector work programmes e.g. the Auckland Service Delivery Programme.

Following its selection as a 'pilot' court for e-filing, the Special Jurisdictions Business Unit cross agency reference group was formed to determine what was required as a first step toward electronic filing. The reference group comprised members of the judiciary, Ministry officials and a representative of the Resource Management Law Association. To assist formulating a business strategy, the reference group developed an on-line electronic survey. The survey invited comment on issues such as e-filing capabilities, payment options, development of a web-based portal that could handle personalised content, on line access to case information and long-term permanent document storage.

Information on the on-line survey was communicated to the 70+ local government authorities, 17 other identified court user groups and 146 lwi. Details of the survey were published in the Law News and the Law Society Bulletin covering nearly 7000 practitioners.

In summary, the survey found that there was a general acceptance and desire for e-services in the Environment Court. 56% of respondents answered the survey as individuals, while the remaining 44% answered as members of an organisation. Those answering on behalf of organisations came mainly from regional, district and local councils and law firms. Respondents filling out the survey as an individual comprised mostly lawyers, planners and other professionals working within the RMA. This reflects the nature of the customer base of the Environment Court.

69% of respondents view filing documents online as important or very important, with a further 20% being neutral on the subject. Identified benefits included a reduction in transaction costs, increases in reliability, speed, efficiency and convenience in meeting case document requirements (particularly where there are significant numbers of documents, photos, graphs or other technical data).

In addition to the above comments it was noted that in many cases files are sent to the registrars via email anyway. This indicates that paper files are not necessary in all situations.



41% of respondents believed that being able to pay court fees over the web is an important e-service.

94% of respondents rated the availability of real time online access to documents as either desirable or highly desirable. In addition to this, 83 % would like to have real time access to these documents within the court hearing itself.

Respondents who wanted availability of e-documents during hearings expressed a desire for paper to be available when technology fails. The high level of desire for this functionality indicates there would be significant uptake of e-services if well designed.

A business case is being progressed. This business case will include indicative costings and identify options for funding to establish high level requirements for development of an online application and payment system; and other e-services to be delivered via an online portal.

#### *Court fees*

In May 2009, the court's filing fees for appeals increased from \$55.00 to \$500.00. This is the only court fee payable by the parties. There is no hearing or mediation fee. This was the first increase since 1988. The Registrar has the power to waive, reduce or postpone the payment of a filing fee if the person is unable to pay the fee in whole or in part or where the proceeding concerns a matter of public interest. Whilst the increase was substantial, the new fee, based on current case volumes, recovers less than 7% of the total cost to administer and support the court's operations. It is however also important to note that court fees are only part of the costs faced by litigants. Legal fees and experts fees are significant costs of litigation.

#### *Property Improvements*

Through 2008/09, the Environment Court's registry in Wellington benefited from refurbishment of its facilities within the Wellington District Court building. Enhancements included improvements to Environment Commissioner accommodation, courtroom and mediation facility upgrades, and audio visual/video conference improvements. The new facilities were fully commissioned on 25 May 2009. The Employment Court is now co-located with the Coroners Court and the Environment Court creating a specialist courts facility.

As part of the wider Auckland service delivery programme, work is underway to relocate the Auckland Environment Court Registry from its current site within the Auckland District Court building to an adjoining facility creating a court's precinct. The Employment Court will be co-located with the Environment Court in this new facility by mid 2010.

### **2.3 Court Conference and Seminar**

The court held its annual judicial conference in Hanmer Springs in August 2008. Included on the conference programme was an address by Professor C Triggs on probability issues and analysis of statistical evidence and Dr Royden Somerville on Environmental Risk Assessment.

In April 2009, in conjunction with the Resource Management Law Association, New Zealand Law Society and a representative of Community Organisations, the court ran a seminar with a focus on improving the efficiency and reducing the cost of dispute resolution within the Environment Court. Perspectives were offered on initiatives designed to minimise cost to parties and the court including early identification of issues, pre reading of evidence, the assessment of expert witness evidence and benefits of pre hearing expert evidence caucusing.

### 3.0 Court's Performance

#### 3.1 Overview of 2008/09 performance

The Court manages the flow of cases from inception to completion in a number of ways, and is continually looking to improve its processes and outcomes. In conjunction with the other Environment Judges, the Principal Environment Judge determines the day-to-day caseload management strategy of the Court. This strategy is reflected in the Court's Consolidated Practice Note issued in July 2006. The Ministry of Justice supports the Principal Environment Judge in the execution of that strategy through its registry and administrative support services.

The court maintains a case tracking system that on filing allocates matters to case management tracks. Cases that are not complex are assigned to a standard track, under which the court issues standard directions for the management of each case. Provided parties comply with the court's directions in the standard track, the Registry will list the case as ready for hearing, and will set a hearing date within six months of the appeal being filed.

Cases that require individual management such as statutory plan appeals involving multiple topics on a series of interrelated appeals, appeals concerning major development proposals and matters referred to the court by the Minister for the Environment, are assigned to a complex track. The essential feature of the complex track is that cases or sets of related cases and topics are managed on an individual programme as set by the managing Judge.

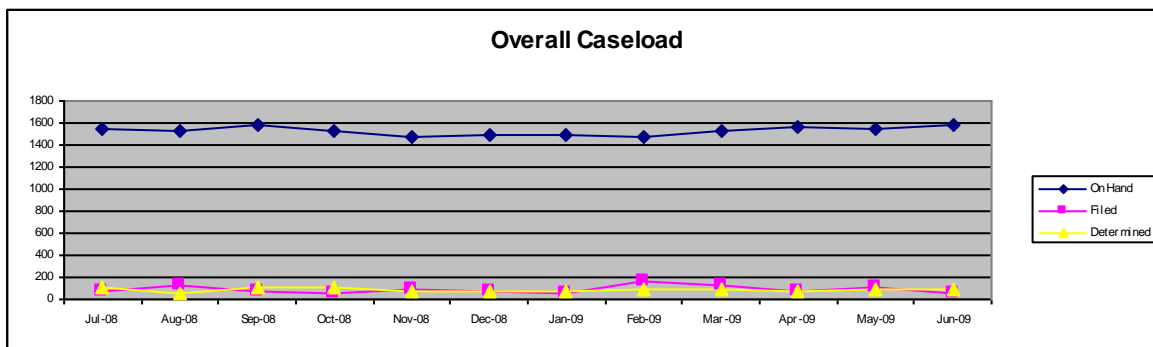
Subject to the court's agreement, cases in which the parties agree that case management may be deferred for a period, may be placed on a parties' on hold track. Case management is resumed (failing settlement or withdrawal of the proceedings) at the parties' request or at the expiry of the deferral period or otherwise at the court's direction.

#### 3.2 Cases filed, managed and disposed

The court's workload is largely driven by appeals on proposed policy statements or plans, appeals against decisions of consent authorities and other appeals (e.g. against requiring authorities) and miscellaneous applications and objections. At the end of the 2008/9-year, the overall number of matters outstanding was 1548. This compares to 1552 at end of 2007/8.

Overall the court received 1069 new registrations and disposed of 1073.

|            | Jul-08 | Aug-08 | Sep-08 | Oct-08 | Nov-08 | Dec-08 | Jan-09 | Feb-09 | Mar-09 | Apr-09 | May-09 | Jun-09 |
|------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| On Hand    | 1552   | 1521   | 1580   | 1532   | 1481   | 1490   | 1486   | 1466   | 1533   | 1564   | 1554   | 1576   |
| Filed      | 75     | 122    | 70     | 61     | 89     | 69     | 57     | 160    | 124    | 65     | 116    | 61     |
| Determined | 106    | 63     | 118    | 112    | 80     | 73     | 77     | 93     | 93     | 75     | 94     | 89     |
| Caseload   | 1521   | 1580   | 1532   | 1481   | 1490   | 1486   | 1466   | 1533   | 1564   | 1554   | 1576   | 1548   |

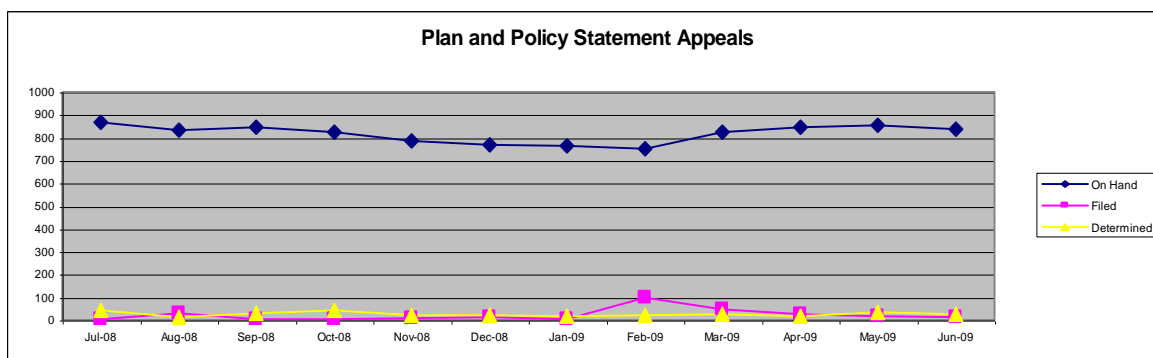


As described above, case management of matters by the court may on application by the parties be deferred for a period and the case placed on the parties' hold track. Of the matters outstanding as at 30 June 2009, 551 were on hold at the parties request.

*Plan & Policy Statement Appeals*

In 2008/9, the number of plan appeals filed was 269 with the Court determining 316 matters. For such appeals there was a slight decrease from year ending 2007/8 in matters outstanding.

|            | Jul-08 | Aug-08 | Sep-08 | Oct-08 | Nov-08 | Dec-08 | Jan-09 | Feb-09 | Mar-09 | Apr-09 | May-09 | Jun-09 |
|------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| On Hand    | 869    | 831    | 846    | 823    | 784    | 768    | 762    | 750    | 825    | 847    | 853    | 838    |
| Filed      | 6      | 30     | 6      | 6      | 7      | 14     | 4      | 97     | 46     | 24     | 18     | 11     |
| Determined | 44     | 15     | 29     | 45     | 23     | 20     | 16     | 22     | 24     | 18     | 33     | 27     |
| Caseload   | 831    | 846    | 823    | 784    | 692    | 762    | 750    | 825    | 847    | 853    | 838    | 822    |



*Overall Clearance Rate for Plan and Policy Appeals*

The clearance rate is an output indicator of efficiency. It shows whether the volume of cases determined match the number of cases filed over the same reporting period. It indicates whether the court's pending caseload (for particular case types) have increased or decreased over that period.

| Plan and Policy Statement Appeals | 2008/09 | 2007/08 | 2006/07 | 2005/06 |
|-----------------------------------|---------|---------|---------|---------|
| <b>Clearance Rate</b>             | 117%    | 90%     | 69%     | 175%    |

Over recent years filings for plan appeals have been generally sporadic. Filings for 1st generation plan and policy statement appeal filings peaked in mid - late 1990s. Currently district and regional plans have a ten-year life cycle. Plan and policy statements can be subject to review and change brought about by legislative requirements and through proposed plan changes or variations. The volume of submitters to proposed changes can

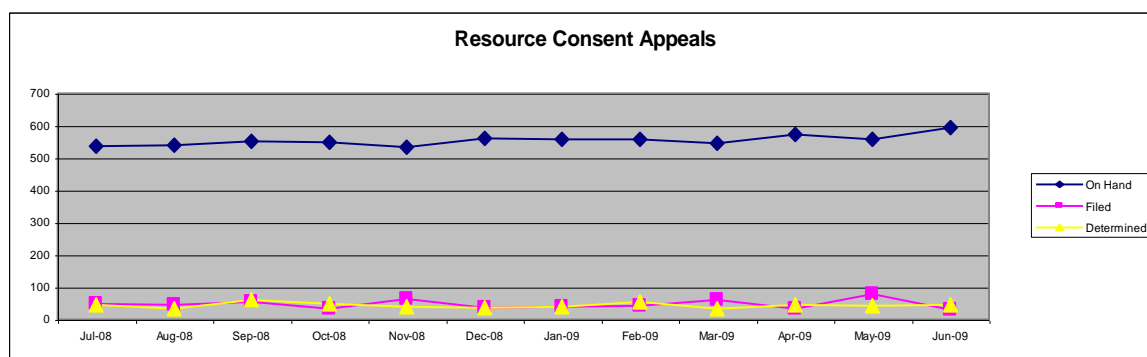
vary and making accurate forecasts of impact on the court's workload is difficult to foresee with any accuracy.

Forecasts are based largely on aggregate historical filings and anticipated 2nd generation plan reviews and known substantial plan changes or variations. Second generation plan reviews are not expected to generate the same volume of appeals in future. It is noted that the current Resource Management Act 1991 (Simplifying and Streamlining) Amendment bill proposes that councils be relieved of the present duty to review plans every 10 years.

### *Resource Consent appeals*

The number of resource consent appeals filed was 566 with the Court determining 523 matters (92.4% clearance rate<sup>1</sup>). Accordingly, for such appeals there was a slight increase from year ending 2007/08 in matters outstanding.

|            | Jul-08 | Aug-08 | Sep-08 | Oct-08 | Nov-08 | Dec-08 | Jan-09 | Feb-09 | Mar-09 | Apr-09 | May-09 | Jun-09 |
|------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| On Hand    | 537    | 539    | 552    | 548    | 534    | 560    | 558    | 559    | 545    | 572    | 558    | 595    |
| Filed      | 48     | 45     | 56     | 33     | 64     | 35     | 40     | 42     | 60     | 32     | 80     | 31     |
| Determined | 46     | 32     | 60     | 47     | 38     | 37     | 39     | 56     | 33     | 46     | 43     | 46     |
| Caseload   | 539    | 552    | 548    | 534    | 560    | 558    | 559    | 545    | 572    | 558    | 595    | 580    |



Resource Consent appeal filings are demand driven and arise as a percentage of the volume of notified and limited notification applications processed by councils. The number of consent appeal filings is generally more consistent whereas the number of plan and policy statement appeal matters filed varies.

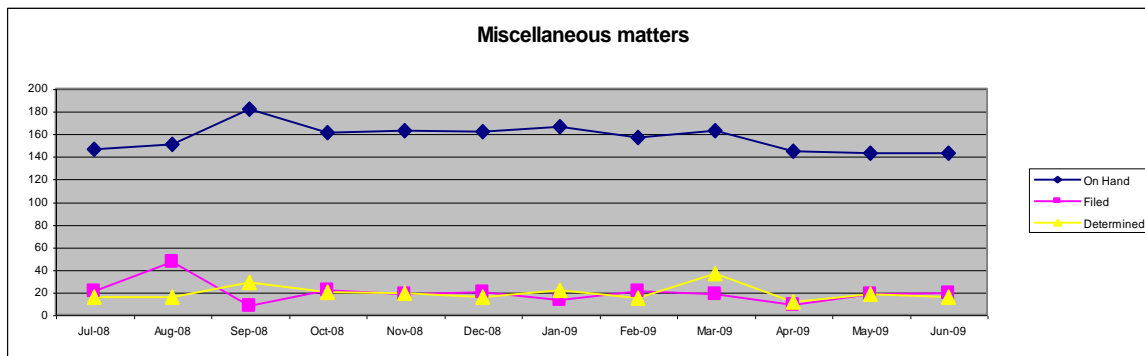
### *Miscellaneous Matters*

Matters such as appeals against requiring authorities, declaratory and enforcement applications, objections to stopping of roads and taking of land, are categorised as miscellaneous. Over 2008/09, 234 such matters were filed and 234 matters determined (100% clearance rate<sup>2</sup>).

|            | Jul-08 | Aug-08 | Sep-08 | Oct-08 | Nov-08 | Dec-08 | Jan-09 | Feb-09 | Mar-09 | Apr-09 | May-09 | Jun-09 |
|------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| On Hand    | 146    | 151    | 182    | 161    | 163    | 162    | 166    | 157    | 163    | 145    | 143    | 143    |
| Filed      | 21     | 47     | 8      | 22     | 18     | 20     | 13     | 21     | 18     | 9      | 18     | 19     |
| Determined | 16     | 16     | 29     | 20     | 19     | 16     | 22     | 15     | 36     | 11     | 18     | 16     |
| Caseload   | 151    | 182    | 161    | 163    | 162    | 166    | 157    | 163    | 145    | 143    | 143    | 146    |

<sup>1</sup> Due to a change in the classification of case type data within the case management system at the beginning of the 2008/09 year the historical clearance rates for resource consent appeals cannot be accurately assessed at this stage

<sup>2</sup> Due to a change in the classification of case type data within the case management system at the beginning of the 2008/09 year the historical clearance rates for miscellaneous appeals and applications cannot be accurately assessed at this stage.



### 3.3 Alternative Dispute Resolution

Section 268 of the Resource Management Act 1991 empowers the Environment Court to arrange mediation and other forms of alternative dispute resolution. For the purpose of encouraging settlements of cases it can authorise its members (Judges or Commissioners) or other persons to conduct those procedures. Where court Commissioners conduct the mediation there is no cost to the parties for their services.

Mediation has enabled settlements in circumstances where informal negotiations have not been successful. It also allows issues to be narrowed which can in turn shorten hearings, even if settlement cannot be reached.

An ability to mediate on or near the subject site and outside office hours is often necessary.

#### *Internal court assisted mediation volumes and outcomes*

| <b>Outcomes*</b>                 | <b>2008/09</b> | <b>2007/08</b> | <b>2006/07</b> |
|----------------------------------|----------------|----------------|----------------|
| Total number of mediation events | 525            | 468            | 449            |
| Agreement reached in full        | 236            | 155            | 199            |
| Agreement reached in part        | 93             | 142            | 84             |
| Agreement not reached            | 52             | 104            | 100            |
| Mediation vacated                | 42             | 55             | 58             |

\*Some mediation topics/events have yet to record a final outcome

\*A single mediated topic may form part of a greater number of topics within a single lodgement or appeal

### 4.0 Future Work Load issues

Presently the Principal Environment Judge considers that the court has sufficient judicial and administrative resources to manage the current caseload. Adjustments to the court's resources, systems and processes have been made over the last years to respond to changes in the court's jurisdiction and workload. Proposed reform underway to the Resource Management Act 1991 has potential to impact further the volume, size and shape of matters coming before the court. Impacts may evolve through the potential narrowing of appeal rights; the opening of direct referral to the court of matters that may not qualify as nationally significant and potential use of an enhanced call-in procedure for proposals of national significance.

## 5.0 Court Expenditure and Revenue

Expenditure and revenue of the court during the 2008/09 financial year and in the year previous was:

|   | <u>2008/09</u>   | <u>2007/08</u>   |
|---|------------------|------------------|
| <b>Expenditure</b>                                  |                  |                  |
| Judges' Remuneration and Allowances                 | 2,118,129        | 2,267,252        |
| Commissioners' Remuneration and Sitting Fees        | 1,759,156        | 1,819,769        |
| Staff Remuneration and other Personnel Costs        | 2,025,589        | 1,861,676        |
| Judges' and Commissioners' travel costs             | 574,924          | 562,749          |
| Digital Audio Recording and Transcription           | 474,880          | 480,279          |
| Staff travel costs                                  | 133,679          | 190,180          |
| Staff and Commissioner training                     | 56,795           | 71,448           |
| Hire of venues for sittings and mediations          | 62,031           | 76,979           |
| Telephone, postage and courier costs                | 108,481          | 113,331          |
| Stores and stationery                               | 48,348           | 53,504           |
| Library and Information Services                    | 8,705            | 8,416            |
| Occupancy Costs, Utilities, Furniture and Equipment | 255,101          | 291,485          |
| Miscellaneous overheads                             | <u>2,838</u>     | <u>3,434</u>     |
|   | <b>7,628,656</b> | <b>7,800,502</b> |
| <b>Revenue</b>                                      |                  |                  |
| Sale of copies of Court decisions                   | 6,662            | 10,282           |
| Appeal and Application Lodgement Fees               | <u>75,399</u>    | <u>55,554</u>    |
|   | <b>82,061</b>    | <b>65,836</b>    |