



Report of the

REGISTRAR OF THE ENVIRONMENT COURT

For the 12 months
ended 30 June 2003

*Presented to the House of Representatives pursuant to section
264(1) of the Resource Management Act 1991*

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3.2. Court Expenditure and Revenue

Expenditure and revenue of the Court during the 2002/2003 financial year and in the previous year was:

Expenditure	2001/2002	2002/2003
	\$	\$
Judges' salaries and allowances	1,555,737	1,586,933
Commissioners' fees and salaries ⁴	1,260,809	1,110,762
Staff salaries and wages ⁵	1,167,693	1,761,791
Judges' and Commissioners' travel costs	613,314	612,001
Staff travel costs	93,449	115,887
Staff and Commissioner training ⁶	21,878	118,726
Hireage of venues for sittings and mediations	59,528	46,117
Telephone, postage and courier costs	109,151	95,231
Stores and stationery	55,607	106,837
Textbooks and periodicals	59,050	43,053
Maintenance of buildings, furniture and equipment ⁷	116,044	163,146
Utilities (power and rates)	79,065	86,191
Miscellaneous overheads	54,116	6,611
Revenue		
	\$	\$
Sale of copies of Court decisions	22,092	7,932
Appeal and application lodgement fees	64,659	53,777

⁴ New Commissioners appointed March 2003.

⁵ Appointments to new roles within the Registry.

⁶ Training and Development programmes tailored for staff for improvement within the Registry's new structure.

⁷ Reflects direct billing costs to the Environment Court Unit following split from Tribunals Division.

- Digital Evidence Recording and Transcription

A series of trials of the hardware and software necessary for portable digital recording and transcription of evidence given before the Court, have been carried out with very encouraging results. A digital evidence recording and transcription capability is expected to reduce the time needed to complete hearings and prepare judgments, thus reducing overall compliance costs for parties.

- Training and Development

Appointments to new roles within the Registry, designed to support the Judiciary more effectively, have undergone targeted induction training.

Training and development programmes have been individually tailored for staff and have created greater opportunities for staff across the country to network and strengthen relationships between and within each office. These programmes are contributing towards an overall climate of continuous improvement within the registries.

- Business Planning

The Environment Court Unit's Senior Management are working on developing robust and forward-thinking business processes for the Unit.

Future developments include:

- Decisions On-Line;
- Electronic Filing and Searching;
- Website Development for the Court.

These initiatives, in conjunction with a more vigorous case management regime and more proficient rostering of Court resources, will allow for increasingly greater efficiencies to be realised. The initiatives are also expected to lead to an increased level of confidence in the Court's administration.

INTRODUCTION

The Honourable the Minister for Courts

Minister,

I have the honour to forward in terms of section 264(1) of the Resource Management Act 1991, my report on the administration, workload and resources of the Environment Court for the twelve months ended 30 June 2003.

Yours faithfully,

JA Grant, Acting Registrar, Environment Court

ENVIRONMENT COURT*Principal Environment Judge*

RJ Bollard (appointed 3 May 2003)
 JES Allin (retired 2 May 2003)

Environment Judges

JR Jackson
 SE Kenderdine
 LJ Newhook
 JA Smith
 RG Whiting

Alternate Environment Judges

FWM McElrea
 DFG Sheppard
 CJ Thompson
 WJM Treadwell
 JES Allin (with effect from 3 May 2003)

Environment Commissioners

NA Burley (Retired 28 February 2003)
 PA Catchpole
 RM Dunlop (Appointed 3 March 2003)
 RF Gapes (Retired 28 February 2003)
 Dr AH Hackett
 WR Howie
 IGC Kerr
 CE Manning
 HA McConachy
 IG McIntyre
 Dr DH Menzies
 JR Mills
 RM Priest (Appointed 3 March 2003)
 SK Prime (Appointed 3 March 2003)
 JD Rowan
 RS Tasker (Retired 28 February 2003)
 SA Watson (Appointed 3 March 2003)

Deputy Environment Commissioners

OM Borlase (Appointed 3 March 2003)
 Dr BR Gollop (Appointed 3 March 2003)
 R Grigg
 J Kearney (Retired 28 February 2003)

Residence

Auckland
 Wellington

Christchurch
 Wellington
 Auckland
 Christchurch
 Auckland

Auckland
 Auckland
 Wellington
 Wanganui
 Wellington

Christchurch
 New Plymouth
 Auckland
 Auckland
 Mt Maunganui
 Wellington
 Christchurch
 Christchurch
 Auckland
 Auckland
 Christchurch
 Wellington
 Auckland
 Whangarei
 Wellington
 Ruapuna
 Christchurch

2.2 Additional Dispute Resolution³ (ADR)

This aspect of the Court's work forms an important component. The Court continues to promote this process and it has proved to be an increasingly acceptable alternative to a hearing for many parties.

3. RESOURCES**3.1 Initiatives/Special Projects**

The funding approved for the Court and being delivered over a period of four years is still contributing significantly to a reduction in the Court's caseload and enhancing the overall level of delivery.

Specific programmes designed to increase the efficiency of the support to the Court through the redevelopment of business practices include:

- Court database

There is ongoing work on the design and implementation of a new database. The new database will create an improved capability to report and manage the Court's caseload (including rostering and scheduling of Judges and Commissioners). Investigations as to whether the database design may also eventually interface with the Department's Case Management System (CMS) are also underway.

- Case Management

The Principal Judge has put out for the first round of consultation, proposed case management tracks. The proposals have been referred to representative bodies, including the Law Society, Planning Institute, Property Institute and the Resource Management Law Association. Officers of the Ministry for the Environment have also been consulted. Feedback is expected by the end of August 2003.

A more efficient approach to the management of the Court's workload is expected to help make the parties more disciplined in how they conduct litigation and create more certainty throughout the whole process, from lodgement to disposal.

³ More commonly referred to as Alternative Disputes Resolution.

- Judicial Resources Manager

The Judicial Resources Manager assists the Principal Environment Judge with preparing and maintaining the Court's Roster and is accountable for the management of the Court's Operational Budget.

- Hearing Managers

Hearing Managers (who are legally qualified) clerk and manage all hearings and judicial conferences. They also carry out research tasks, and draft consent orders and interlocutory decisions for approval by the Court.

- Case Managers

Case Managers assist the Court in the proactive management of cases through the Court system, providing seamless support to parties. Case Managers make important decisions on the level of activity that should be applied to individual cases and when judicial intervention is needed.

2. WORKLOAD OF THE ENVIRONMENT COURT

2.1 General

During the year, 1069 new cases were lodged. The number of disposals was 1711 and the number of cases pending resolution now stands at 1841. This is a continuation of the downward trend in the Court's caseload; a development that has become clearly evident over the last two years. Judges of the Court also continue to sit in the District Court jurisdiction to hear prosecutions under the RMA.

	Year Ended				
	30/6/99	30/6/00	30/6/01	30/6/02	30/6/03
Appeals/Applications Registered	2263	1270	1395	1356	1069
Heard/Disposed of (includes consent orders and withdrawals)	1380	1195	1295	1743	1711
Sitting days	521	447	521	649	560
Decisions issued	502	832	833	984	447 ¹
Awaiting Determination ²	2869	2940	3016	2523	1841

¹ Does not include large numbers of cases disposed of by way of consent orders which in the past have been assigned decision numbers.

² Does not include cases actually heard and awaiting the final judgment of the Court.

Administrative Staff

Acting Registrar

John Grant

Wellington

Deputy Registrars

Harry Johnson
Wayne Dougherty
Brendan Fitzgerald

Auckland
Wellington
Christchurch

Judicial Resources Manager

Tracey Chapman

Wellington

1. ADMINISTRATION OF THE ENVIRONMENT COURT

1.1 General

The Environment Court is established by section 247 of the Resource Management Act 1991. It is a Court of Record and can be characterised as follows:

- 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 the parties.
- A Judge usually presides at sittings to hear and determine proceedings.

For matters heard in the Environment Court, a quorum for the Court is one Environment Judge and one Commissioner, but the Judge most often sits with two Commissioners. The Act also provides for Judge-alone and 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. Outside Auckland, Wellington and Christchurch (where the Department for Courts maintains offices for the Court) it makes use of other Departmental facilities, and such other suitable venues that are available.

This year's report differs to some extent from those of the past as it concentrates more on the administrative aspects of the work of the Registry. The Principal Environment Judge through the Annual Report of the Judiciary, will report on matters that are more specifically judicial in nature.

1.2 Judicial Appointments and Retirements

On 2 May 2003, Principal Environment Judge Joan Allin retired and has subsequently taken up the office of an Alternate Environment Judge. Her contribution as Principal Judge is acknowledged, over what was a period of great change for both the Court and its Registry.

Judge John Bollard of Auckland was appointed as Principal Judge in place of Judge Allin on 3 May 2003.

The contributions made by the following departing Commissioners are also acknowledged: Ngaire Burley, Robert Gapes, June Kearney and Roger Tasker.

Appointments were made to the office of Environment Commissioner and Deputy Environment Commissioner as well: Owen Borlase, Ross Dunlop, Dr Bruce Gollop, Robert Priest, Kevin Prime and Sheila Watson.

1.3 Resource Management Act Amendments

On 19 May 2003 the Resource Amendment Act 2003 was passed. A number of changes have been made that will have a direct impact on the Court and how the Registry carries out its business. This Act will have come into full force by the time of the publishing of this report (from 1 August 2003). Changes include:

- Providing flexibility regarding the application of the permitted baseline in assessing the effects of activities for resource consents.
- Need for consideration whether a person (not otherwise qualified to become a party to proceedings before the Court) has a greater interest than that of the public generally.
- Alteration of the definition of "working day" so that the Christmas break is reduced by 5 working days (to 20 December - 10 January).
- Requirement for would-be parties to provide notice to the Court of their intention to appear within 30 working days of receiving a notice of appeal.
- Clarification that all persons in an appeal become parties to the proceedings and are subject to the awarding of costs provisions.
- Removal of the requirement for all parties to consent to the Principal Environment Judge's referral of a case for hearing by an Environment Commissioner or Commissioners without an Environment Judge presiding.
- The repeal of the Court's ability to order security for costs.

Complementary regulations will come into effect on 1 August 2003 that will allow for proceedings to be lodged not only in Wellington, but in both Auckland and Christchurch as well.

The Ministry for the Environment, in conjunction with the Department for Courts, is also considering a number of other possible changes to the Act that will directly affect the Court and provide opportunities to create more efficiency.

Changes include:

- Allowing for the Principal Environment Judge to delegate specific judicial powers to the Registrar and Deputy Registrar to exercise.
- Establishing the position of Registrar in each of the three Registries, with each to report to a new position of Chief Registrar of the Environment Court.

1.4 The Structure of the Environment Court Unit

The Environment Court Unit of the Special Jurisdictions Group of the Department for Courts has now assumed the responsibility for the maintenance of the Environment Court's registry in Wellington and offices in Auckland and Christchurch. This was previously a responsibility exercised by the Tribunals Division (now the Tribunals Unit).

Staff of the Environment Court Unit, supported by the Special Jurisdiction National Office group, provide case management, administrative, word processing, records services and legal research support to the Court.

The Environment Court Unit has undertaken and now completed an extensive recruitment and induction programme.

New roles designed to more directly and effectively support the Judiciary have been established, recruited for and new staff inducted. The Unit is also establishing ongoing training and development programmes for its entire staff.

The Judges of the Court continue to receive support services from three legally qualified staff, who work directly with the Judges undertaking research and analysis.

The following new roles also provide the Court with an enhanced level of support:

- Deputy Registrars

This is a new management role within the Business Structure. Deputy Registrars each manage operations in the three offices and report directly to the Registrar. This role focuses strongly on maintaining key relationships with the Judiciary and external stakeholders.