

Protocol as to judgment delivery expectations

(Under section 288A Resource Management Act 1991)

1. Environment Court judgment delivery expectations

- 1.1 All divisions of the Environment Court aim to deliver decisions as promptly as possible as required by section 272(1) RMA.
- 1.2 A high percentage of cases filed in the Court are resolved through mediation or negotiation, especially the more straightforward ones. This means that it is mainly the more complex cases (often multi-issue and multi-party) that go to hearing, and that the decisions in most such cases will be reserved at the conclusion of the hearings. Many will also be the subject of one or more interim decisions resolving key points and requiring further input from the parties, for instance as to possible conditions of consent. Defining the starting-point for periods during which decisions are reserved can sometimes therefore be challenging, an issue compounded by shortcomings in the Court's existing database.
- 1.3 The Environment Court generally expects that 90% of decisions under Parts 6 (resource consents) and 12 (declarations and enforcement) of the Resource Management Act 1991 and under other statutes will be delivered within three (3) months of the last day of hearing or receipt of the last written submissions.
- 1.4 The court expects that 90% of decisions (or at least interim decisions) on plan changes, new plans and variations will be delivered within six (6) months of receipt of the last submissions where major instruments are under consideration, and shorter timeframes down to three (3) months for more minor instruments.
- 1.5 Where an interim decision is issued, the "clock" will start again when any resumed hearing is completed and either:
 - (a) judgment is again reserved; or
 - (b) the last further written submissions are received.
- 1.6 On occasion a judge may advise the parties at the hearing that the judgment will take longer to deliver than the limits given in 1.2 to 1.4 above due to the complexity and/or number of proceedings or issues, or other pressing matters of Court business.

1.7 The timelines in the previous paragraphs do not include court vacations.

2. Inquiry about delayed judgments

2.1 Where a litigant or a lawyer is concerned about a delay in delivering a reserved judgment in the Environment Court in a case in which they have an interest, an inquiry should be made to a court manager in the Registry of the Environment Court where the Judge is domiciled.

2.2 The Court requests the following details in such inquiries:

- (a) the name of the proceedings and the case number;
- (b) the inquirer's role in the proceedings (e.g. appellant/applicant; legal representative for the appellant, respondent or identified section 274 party);
- (c) the date on which the court reserved judgment.

2.3 The court manager will make an inquiry as to the likely delivery time and respond to the inquirer in writing. The court manager will ordinarily be able to advise the inquirer when the judge believes the reserved judgment should be released. The court manager will also advise other parties to the proceedings of these answers.

2.4 The inquirer's identity will not be revealed to the judge.

3. Recent performance: Environment Court judgment delivery statistics for the previous 12 months

By 31 May each year the Registrar will publish:

- (a) A table (in the form below) showing the percentage judgments delivered in the Court for the 12 months ending 31 December of the previous year.

Table

Percentage of judgments delivered in:

Type of proceeding	1 Month or less	3 Months or less	6 Months or less	Total Judgments delivered
Consent Appeals				
Plans				
Plan Changes				
Other				
Total				

- (b) A statement by the Principal Environment Judge of how many judgments were outstanding beyond a reasonable time for delivery (where reasonableness is assessed under 1 above and having regard to the complexity of the proceedings or issues in question).