Resource Management Law Association of New Zealand Inc.

Draft Environment Court Practice Note 2014

TO: Registrar of the Environment Court

Submission on behalf of the

Resource Management Law Association of New Zealand Inc

Introduction

1. This submission on the Draft Environment Court Practice Note 2014 (**Practice Note**) is made by the Resource Management Law Association of New Zealand Inc (**RMLA**).

2. The RMLA is concerned to promote within New Zealand:

   a. an understanding of Resource Management Law and its interpretation in a multi-disciplinary framework;

   b. excellence in resource management policy and practice; and

   c. resource management processes which are legally sound, effective and efficient and which produce high quality environmental outcomes.

3. The RMLA has a mixed membership. Members include lawyers, planners, judges, environmental consultants, environmental engineers, local authority officers and councillors, central government policy analysts, industry representatives and others. Currently the Association has some 1,100 plus members. Within such an organisation there is inevitably a divergent range of interests and views of members.

4. While the membership has been consulted in preparing this submission, it is not possible for the RMLA to form a single universally accepted view on the matters raised in the Discussion Document. It should also be noted that a number of members may be providing their own individual submissions and those submissions may represent quite different approaches to the views expressed here.

5. For these reasons, this submission does not seek to advance any particular policy position in relation to the Practice Note, but rather is kept at a reasonably high level and is made with a view to ensure that the proposed Environment Court Practice Note provisions:

   a. are consistent with the general framework of existing laws and policies of relevance, including the Resource Management Act 1991 (**RMA**);

   b. are practicable and workable; and

   c. will assist in promoting best practice.

Environment Court Practice Note

6. The Draft Environment Court Practice Note 2014 is currently open for comment. It is an update of the Environment Court Practice Note 2011, and was released by Principal Environment Judge Laurie Newhook for the purpose of consultation.

SUBMISSION

Paragraph 1 – Communication

Paragraph 1.2 – Communications and Co-operation Amongst Parties

7. Specific matter – Paragraph 1.2 proposes to record that "parties and counsel have a duty to the Court at all stages of the life of cases to work constructively together to find solutions and narrow issues (whether of process or substance)", and that this duty extends to treating each other respectfully and professionally.

8. Submission - The RMLA supports the recognition given to the duty to the Court to work constructively together to narrow issues and find solutions where possible, particularly in respect of procedural matters. For example, parties can be expected to identify matters of agreement and disagreement at an early stage, so that the matters in dispute can be clearly identified. There is no excuse in the modern approach to proceedings to be obstructive or to try to "game the system", for example by refusing to co-operate in identifying the matters at issue.

9. Some care, however, may need to be taken to ensure that parties are not inappropriately pressured to compromise on matters of substance or principle. It is questionable, for example, whether a party has a duty to engage on conditions where they oppose an activity for which consent is sought outright. It may of course be to their advantage to seek conditions should consent be granted – but they should not be required to do so. (Sometimes, it may be a matter of resourcing, as well as principle.) It is also questionable whether Counsel should be criticised for assisting a client to pursue such a position. Some proceedings are also likely to be more conducive to collaboration than others (for example plan change processes, as compared to enforcement orders).

10. Parties who do not conduct their proceedings responsibly can face consequences in respect of costs, while there is also recourse against Counsel whose conduct falls short of that

required under the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008.

11. Recommendation – The RMLA recommends that paragraph 1.2(a) be redrafted as follows, to reflect the above submissions:

> "Parties and counsel have a duty to the Court at all stages of the life of cases to work constructively together to find solutions and narrow issues with regard to matters of process (or the scope of substantive issues in dispute). This duty extends to treating each other respectfully and professionally. In addition, the Court encourages parties and counsel to work constructively together to find solutions on matters of substance throughout the life of any proceedings."

Section 3 - Direct referral

12. Introduction – The Practice Note proposes a new section on direct referral. The RMLA supports additional guidance being given to parties in respect of direct referral. It is an area of some uncertainty, and the RMLA considers that the Practice Note could go further.

13. In particular, the RMLA suggests that the Court considers including additional guidelines or clarification in relation to the following areas of direct referral:

    a. the ability for parties to reach a settlement prior to a directly referred hearing, and the process that should be followed if there are no outstanding issues between the parties at a directly referred hearing (for example, can consent orders be made on a directly referred application?);

    b. the requirements for evidence in a direct referral, in particular when matters are substantially narrowed or settled prior to the Environment Court hearing;

    c. the costs awards that can be expected to be made following a direct referral decision, in particular costs awarded to the Crown, the Council, unsuccessful section 274 parties and the Court-appointed Process Advisors. While the Act now contains some "presumptions" in respect of when costs should be awarded, the amounts that can be awarded in practice remain unclear and appear to be variable.

Resolution of issues prior to hearing

14. Specific matter - The RMLA considers there is uncertainty with regard to the process to be undertaken where parties reach agreement on any issues prior to the hearing (through Court-assisted mediation or other processes) in the case of a direct referral.

15. Submission - Although the Practice Note encourages discussion and resolution of issues between parties, for instance through mediation, expert caucusing and other alternative dispute resolution mechanisms, it offers no guidance on the evidence and procedural requirements to be followed where some or all of the issues are settled prior to a direct referral hearing. The RMLA is aware of members being required, for example, to produce evidence for a direct referral hearing on matters that have been agreed (notwithstanding

that agreement) and where the issues had already been addressed in the application's Assessment of Environmental Effects (and supporting reports).

16. Recommendation - The RMLA considers it would be helpful for the Court to provide guidance on its expectations in these circumstances, including:

    a. the extent to which the applicant and the consent authority can rely on the Assessment of Environment Effects and the section 87F report to address the relevant matters in sections 104 to 112 and therefore dispense with evidence on those matters, or if, for example, only a summary statement is required;

    b. whether the proceedings (or aspects of a proceeding) can be resolved through a consent order, or, where the parties have agreed a consent order, what the expectations are in respect of a hearing and production of evidence; or

    c. whether the parties could present a joint case.

Evidence requirements in direct referral proceedings

17. Specific matter - Leaving aside cases where issues have been resolved in whole or in part between the parties, there is limited guidance (of a more general application) in the Practice Note regarding the evidence requirements in a direct referral proceeding.

18. Submission - In determining a direct referred application for resource consent the Court is the first instance decision maker, and must apply sections 104 to 112 and 138A of the RMA "as if it were a consent authority".[1]

19. The Court has a discretion to receive anything in evidence it considers appropriate, and to call for any evidence is considers will assist it in making a decision, under Part 11 of the RMA (section 276). The material required to be provided to the Court (by the consent authority) includes the consent authority's report prepared under section 87F and a copy of the application, including all information and reports on the application.

20. Recommendation - The RMLA suggests that additional guidance in the Practice Note would be particularly helpful to assist the parties in preparing evidence in a direct referral context more generally. Where matters are not in dispute, for example, it would assist to understand the extent to which evidence beyond the Assessment of Environmental Effects and section 87F report would be required, or whether a summary statement is sufficient. The RMLA seeks an efficient process that avoids unnecessary repetition or regurgitation of existing material, and assumes that to be the Court's preference as well.

Costs awards following a direct referral

21. Specific matter - The Practice Note is silent on the issue of costs likely to be payable by the applicant to the Court, the consent authority or section 274 parties following a direct referral.

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[1] Section 87G(6) RMA.

22. Submission - Different approaches have been taken to these matters in recent years, and the RMLA considers it would be appropriate for guidance to be provided through the Practice Note.

Court costs

23. The RMLA understands that members have faced uncertainty in what costs may be sought by the Crown following applications for direct referral. From the reported decisions, it appears as if the costs sought by the Crown seem to be increasing. Applicants (against whom costs are awarded) generally support greater certainty in their exposure to costs. One way that could be achieved is for the Court to adopt a schedule of costs for the key steps in a direct referral proceeding, so that an applicant at least has some guideline as to the likely costs.

24. Not every direct referred proceeding will involve a major project (bearing in mind the threshold requisitions currently in train). However, it may be inevitable that the matter would be appealed (if lodged in the first instance with the Council), and uncertainty around costs could act as a disincentive to seeking direct referral for such cases in particular. That would potentially be inefficient, as it could mean that all parties (including the Council and submitters) would be forced into a first instance hearing as well as appeals, simply because the applicant wishes to avoid the costs of a direct referral.

25. For the avoidance of doubt, the RMLA records that consideration of a scale/schedule of costs for key steps in proceedings should be limited to direct referral processes - the more general discretion in respect of costs awards should remain with expectations guided by the various costs decisions to date.

Costs to the Council and section 274 parties on direct referral

26. Section 285 of the RMA allows the Environment Court to order the applicant to pay "reasonable costs" to a consent authority for its costs incurred in assisting the Court in relation to a report prepared under section 87F (with a presumption under s 285(8) that such costs will be ordered against the applicant). Those costs awards have been variable, and, like costs to the Crown, appear to be increasing.

27. By way of example, in the recent case of *Re Canterbury Cricket Association Incorporated* [2014] NZEnvC 107, regarding resource consent for the development of Hagley Oval for the Word Cup cricket event, Canterbury Cricket Association Incorporated was ordered to pay $224,146.25 to the Christchurch City Council.

28. RMLA understands and supports the expectation that a Council should participate in a direct referral to assist the Court, and that it should usually recover some of its costs. However, a Council can take a wide range of approaches to that task. It could produce full evidence, or simply assist the Court with the planning context. A Council could also adopt a particular position in support of, or in opposition to, an application - or it could be neutral. (There are also examples of a Council participating in its regulatory and commercial capacities.)

29. The RMLA suggests that the Practice Note could indicate the type of assistance it would generally expect from a Council, together with some indication of the likely recovery rate where the desired approach is adopted by a Council.

Costs to section 274 parties on direct referral

30. In *Re Canterbury Cricket Association Incorporated* [2014] NZEnvC 106, the Court ordered costs of $17,928 against CACI in favour of Hands off Hagley (**HOH**), even though HOH was unsuccessful. The Court considered that HOH did not conduct its case in a manner that would "disentitle" it to an order, setting a very low threshold for costs to be awarded in favour of unsuccessful section 274 parties. This has the potential to put a submitter in a better position than they might have been in a traditional two-step process.

31. Recommendation - The RMLA suggests that the Environment Court develop a schedule of costs for direct referral applications, at least in respect of the likely costs to the Crown. RMLA would suggest looking to the High Court costs scale or some equivalent as a possible approach to take. The Practice Note could also give greater guidance as to its expectations of Council involvement, and how it is likely to approach costs to submitters (as section 274 parties).

Costs of Process Advisors

32. Specific matter - The Practice Note (paragraph 3.2) includes a provision allowing a case-managing Judge to appoint a Process Advisor, who can advise parties “free of charge” about the hearing processes. However, it does not specify who would pay the costs of this Advisor. Potentially, this would be a cost to the applicant.

33. Submission - The RMLA supports the concept of a Process Advisor. Its members have had experience with "Friend of the Submitter" in Board of Inquiry proceedings. They can assist unrepresented parties in their understanding of process, and result in a more efficient hearing of proceedings. However, for large applications involving numerous submitters, the costs of a Process Advisor are likely to be substantial. It may be appropriate to require consultation with the applicant prior to the appointment of a Process Advisor if it is the applicant that will bear the cost of the Process Advisor. Some applicants can responsibly and efficiently inform submitters/parties about process; and the Court can hold pre-hearing meetings or teleconferences to ensure everyone understands what is required of them. If an applicant requests not to have a Process Advisor appointed, the primary risk associated with this option (for instance extended hearing time and associated costs) would be borne by the applicant. The RMLA would also recommend the Court considering a cost per day approach for this role to aid certainty.

34. Recommendation - The RMLA considers that the Practice Note should clarify who would pay the costs of a Process Advisor. If it is intended that an applicant is to pay these costs, the RMLA also considers that it would be appropriate to provide that an applicant can advise the Court whether or not they wish a Process Advisor to be appointed, or at least consulted regarding the appointment, and suggests consideration by the Court of a daily cost rate that would generally be applied for the Process Advisor.

Paragraph 4 – Case Management

Setting down for hearing - paragraph 4.9

35. Specific matter - Deferral of hearing against grant of resource consent.

36. Submission - The Practice Note provides that "the Court will not usually defer the hearing of an appeal against the grant of a resource consent if the successful applicant for that consent opposes the deferment" (emphasis added). Provided this is not applied as a strict rule, (i.e. discretion is retained to defer despite opposition from the successful applicant) the RMLA is comfortable with this position. It tends to reflect the Court's statutory duty to hear and determine appeals "as soon as practicable", which does not apply where "in the circumstances of a particular case, it is not considered appropriate to do so."[2]

37. Recommendation – Clarify, if considered necessary, that the Court retains its statutory discretion to defer hearing of an appeal in such circumstances as the Court may consider appropriate. The overall interests of justice and the efficient and effective administration of justice should be paramount.

Witness summons - paragraph 4.13

38. Specific matter - procedure for summoning of witnesses.

39. Submission - in addition to the requirements set out in paragraph 4.13, the RMLA considers that it would be appropriate for the party summonsing the witness to provide the witness with copies of the proceedings and relevant evidence. Without that it is difficult for the witness to prepare a meaningful statement and make a proper contribution to the hearing. In addition, it may be appropriate for the party summonsing a witness to meet that witness's costs.

40. Paragraph 4.13(b) states that a person served with a witness summons is "expected" to prepare a written statement of evidence. The RMLA understands that the Court's power to require summonsed witness to prepare evidence may, technically, be limited to the production of pre-existing documents. This appears to be acknowledged by the phrase "if only to produce a previously prepared report or similar document".

41. Recommendation - that consideration be given to amending paragraph 4.13 to better clarify the Court's expectations around the summoning of witnesses (particularly as to the production of any evidence), particularly if the preference of the Court extends beyond the Court's power to make orders in respect of evidence production.

Identification of key issues - paragraph 4.14

42. Specific matter - Cooperation in the preparation of evidence.

43. Submission - The RMLA considers it is worthwhile to emphasise the expectation that parties provide a statement of agreed facts and issues before the hearing, as stated at paragraph

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[2] Section 272(1) RMA.

4.14 of the Practice Note. This represents best practice and promotes the more efficient conduct of proceedings. Depending on the timing of production of the statement of agreed facts and issues, it may also assist with the narrowing of evidence required.

44. Recommendation - The RMLA recommends that this paragraph be retained.

Statements of evidence - paragraph 4.15

45. Specific matter - Statements of evidence.

46. Submission - the RMLA considers it would be appropriate to add the words "or since the circulation of evidence" to the end of subparagraph (a), to recognise the fact that sometimes matters can emerge after evidence exchange and before the start of a hearing.

47. Recommendation - that subparagraph (a) of 4.15 be amended as set out above.

Simultaneous or sequential evidence exchange

48. Specific matter - the Practice Note is silent as to whether there is an expectation of sequential or simultaneous evidence exchange. The Practice Note simply provides at 4.7(b) that the Court may provide a timetable for the exchange of evidence as part of a pre-hearing conference (refer also to 4.15(b)).

49. Submission – Simultaneous and sequential evidence exchange each have their own advantages and disadvantages. What is most appropriate may depend on the nature of the proceedings or issues. For example, it is usual in plan change processes for the Council to produce its evidence first, as the plan is often considered "the Council's plan". In a similar way, the applicant for a resource consent will usually produce its evidence first, so others have something to respond to.

50. That said, it can sometimes be the case that an applicant (for example) produces comprehensive evidence at the Council level, and so its position is well known. Sometimes, a submitter will not have produced evidence at that stage and so their position (and any evidence in support) will be less clear. In those circumstances, it could be appropriate for that submitter to produce their evidence first. Where evidence is exchanged sequentially, it would usually be expected for any parties exchanging later in time to also rebut the evidence of those parties who have exchanged before them. Otherwise there is a risk that the parties later in time effectively get several "bites" at producing evidence.

51. Recommendation - However the RMLA considers that it would be appropriate for the Practice Note to record what the Court would usually anticipate in terms of simultaneous or sequential evidence exchange.

Timetabling directions

52. Specific matter - The Practice Note does not contain any procedural expectations that parties will propose or agree to timetabling directions, except in the context of a pre-hearing conference.

53. Submission - It is the RMLA's experience that often parties can agree timetabling between themselves without the need for a pre-hearing conference, which can then be formalised in a joint memorandum to the Court. The Court is often able to make appropriate orders on the papers, therefore avoiding the need for a pre-hearing conference.

54. Recommendation - That the Practice Note provides that parties can agree to timetabling issues between themselves if preferred, without having to do so in a pre-hearing conference.

Rebuttal evidence - paragraph 4.16

55. Specific matter - This paragraph seeks to limit rebuttal evidence to a response to matters raised by a witness called by another party, "which could not reasonably have been foreseen", and which is on "topics not addressed" in the evidence of the party seeking to call the rebuttal evidence.

56. Submission - The RMLA agrees with the rationale for limiting the matters to be addressed in rebuttal evidence, as this encourages parties to cover all aspects of their case in their primary evidence (rather than "keeping their powder dry"). However, the RMLA is concerned that the phrase "topics not addressed" may be too broad particularly when coupled with a requirement that it "could not be anticipated". For example, if topics are conceptualised broadly then something like "traffic safety" could be considered a topic. If traffic safety had already been addressed in a witness' evidence in chief, then that witness could potentially not then respond to a "new matter" on that topic raised by a witness called by another party. It is also potentially difficult for a party to foresee every matter, and it may result in voluminous evidence being produced to prevent missing out on an opportunity to address some matter.

57. Recommendation - The RMLA considers it would be appropriate to remove the reference to "topics" in this sentence, while also recording what rebuttal evidence is not. With those changes, the paragraph would be worded as follows:

> "Rebuttal evidence <u>is not an opportunity for a party or witness to address matters that should have been raised in their primary evidence but were omitted. It</u> should be confined to a response to matters raised by a witness called by another party~~, on topics not addressed in the evidence of the party seeking to call the rebuttal evidence, and~~ which could not reasonably have been foreseen (having regard to the pleadings or the history of the case) before the other party called that witness or produced his or her statement of evidence."

Citation of Court decisions - paragraph 4.19(b)

58. Specific matter - Provision of hard copies.

59. Submission - the RMLA suggests that it may not be necessary or appropriate to provide hard copies in all instances. It could be noted here that directions as to electronic documentation (contemplated in Appendix 1 at (a)) could also extend to case bundles.

60. Recommendation - amend paragraph 4.19(b) to provide for directions as to electronic documentation for case bundles.

Paragraph 5 – Alternative Dispute Resolution

Paragraph 5.1(g)

61. Specific matter - Requirement for ADR attendees to have authority to settle.

62. Submission - The RMLA supports the general requirement for all parties to be represented by someone with authority to settle.

63. However, the requirement for not less than seven days' notice may result in notice being given in circumstances where the other parties have already made travel arrangements. It would be more appropriate for confirmation that the party will have authority to settle to be made up front so that all parities can decide whether to attend or not on that basis.

64. The RMLA is also conscious that in some instances involving Council, the person attending the mediation is only delegated authority within certain parameters, and/or is required to take settlements back to the Council committee (or even the full Council) before being able to agree. That can be frustrating for the other parties, but it may not, in practical terms, be possible for a Council to give full delegation to settle to an individual or individuals. The Court may wish to consider indicating its expectations of Councils in particular. For example, it could be indicated that any Council meeting required to validate a solution put forward through mediation be convened as soon as possible after the mediation date.

65. Recommendation - The RMLA considers that it would be appropriate for each party to confirm in writing to the Court that it will be represented by a person with full authority to settle, prior to the mediation notice being issued, or (say) with 10 working days thereafter. If such a person is later no longer able to attend, then the other parties should be notified as soon as possible. If there are limits on any authority to settle, then the party should be required to explain those limits clearly, together with any mechanisms proposed to minimise the impact of those limits on the efficiency and effectiveness of the mediation process.

Position statements and agreed agendas

66. Specific matter - the requirement to prepare documents in advance of mediation or other ADR process.

67. Submission - The RMLA considers that ADR can be particularly productive when the parties are required to file documents such as a position statement, agreed issues and agenda ahead of time (which is the practice in the family court and employment authority contexts). To that end the RMLA supports the comments in paragraph (a) of Appendix 2 under "Documents to be exchanged prior to mediation meetings", that the mediator may request such documents from each party. However, it considers this could be strengthened, to establish an expectation that such documents will be sought in most cases. The Court could also go further and write to each party (some of whom may be lay participants) before

entering into a mediation or other ADR process setting out its expectations as to process. The RMLA is aware of other jurisdictions where this is common practice, and, indeed, the parties are required to execute a mediation agreement. We **attach** an examples such documents for the Court's consideration.

68. Recommendation - consider the amendment of Appendix 2 in order to give effect to the submission.

Paragraph 7 - Expert Witnesses

69. Specific matter - Paragraph 7.3(d) contains a requirement to notify parties where the witness changes opinions.

70. Submission and recommendation - the RMLA considers that sometimes a change in an expert's opinion can affect parties that have elected not to cross examine the witness (eg because they did not oppose the expert's previous view). Accordingly, it would be appropriate for paragraph (d) to require a change of opinion to be communicated to all of the parties, rather than just those who have signalled that they wish to cross examine the witness.

Appendix 1 - Lodgement and Use of Electronic Versions of Documents

71. Specific matter - Use of electronic documentation.

72. Submission - In broad terms, the RMLA supports the greater use of electronic documentation, because of its efficiency and cost savings. However, it is also important that requirements or expectations around the use of electronic documentation do not become a barrier to parties accessing the Court, or engaging in proceedings. The use of electronic documents can potentially add to some parties' costs with regard to accessing particular soft or hardware. Many lay parties (for instance community groups, iwi, and other parties) and some smaller legal practices may currently have limited information technology support.

73. Recommendation - the RMLA recommends that some caution should be utilised in making any use of electronic documents in Environment Court proceedings a mandatory requirement. In this regard it may be appropriate to include under "Cooperation" a duty, if requested, to make available hard copies of documents to a party that lacks the requisite equipment to access an electronic copy.

Appendix 2 – Protocol for Court Assisted Mediation or other ADR

74. Specific matter - The Practice Note currently states at (c), under the heading Confidentiality, that what is discussed or disclosed in a mediation shall not be referred to in any other proceedings in the Court, in particular as evidence in any proceedings, without the written consent of all the parties.

75. Submission - The RMLA understands that this protection is in place to protect the party who provided the document to the mediation. If that party wishes to use, or allow that

information to be used, then they should be free to waive the protection otherwise normally provided by the confidentiality of the mediation.

76. As a related matter, the reference in this paragraph to documents prepared expressly for the mediation may be too narrow. If a confidential document (prepared for a different purpose) is disclosed at mediation on a confidential basis in order to advance discussions, such a document should also not be able to be introduced into any proceedings without the written consent of the party producing it.

77. Recommendation - The RMLA recommends revising this paragraph to reflect the submission above.

Priority and Standard Track

78. Specific matter - All reference appeals are now allocated to the standard track, rather than being allocated to the previous more complex track.

79. Submission - The RMLA questions whether the "one size fits all approach" is appropriate, considering the tailored case management likely needed for a full plan review, for instance, and reflecting the active 'top down' approach the Court has taken facilitating more efficient resolution of full plan review appeals in recent years. It is the RMLA's experience that in these circumstances typically the Court will facilitate discussions between the parties at an early stage to determine the issues, and their relative priority for case management and ADR.

80. Recommendation - The Court might consider whether some reference appeals might be allocated to a more complex track.

Other minor matters

81. We offer the following minor matters for the Court's consideration:

    a. There is a bracket missing at the end of paragraph 8.1(b).

    b. The RMLA would suggest that the reference to 'discovered' documents (first bullet point under heading Co-operation in Appendix 1) might not apply for Environment Court cases where there is no formal discovery. The RMLA would recommend this is made clear in the Practice Note.

    c. In Appendix 2 under the heading Settlement, subparagraph (f) is a repetition of subparagraph (b).

    d. In Appendix 3, the issue first noted at point (g) is stated again under Process for Expert conference, at (e).

    e. The RMLA would suggest adding "direct referrals" to the end of 4.3, to be included in those types of cases which would apply the priority track. This is in light of paragraph 4.5(b) which states that where there is a "likely large number of submitters, and the absence of a prior hearing, [this] indicate[s] that intense case management should be required".

f. The RMLA would suggest that paragraph 4.4(a) should be split into two paragraphs. The next paragraph should begin at "Should a party's failure to comply with the Court's directions...". This is because the RMLA considers that failing to co-operate during preparation of a report is quite a different matter from failing to comply with the Court's directions.

g. In Appendix 3, under Process for Expert Conferencing, the RMLA has concern that subparagraph (b) makes an independent facilitator mandatory in all cases. In the RMLA's experience this may not always be necessary, particularly in relatively simple cases or issues involving few parties and/or experienced experts, and should be left to the discretion of the parties and experts.

Concluding comments

82. The RMLA appreciates the opportunity to comment on the Draft Environment Court Practice Note 2014, and we hope that the feedback above is of some assistance to the Environment Court in the preparation of the Practice Note.

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Signature of Martin Williams, President
on behalf of the Resource Management Law Association

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