



Environment Judge LJ Newhook
Principal Environment Judge

1 December 2014

Judge David Kirkpatrick
Chair, Auckland Unitary Plan Independent Hearings Panel
Private Bag 92300
Victoria Street West
AUCKLAND 1141

Dear Judge

I write to follow up on how recent discussions about some concerns amongst the professions about scheduling conflicts between appearances their members are required to make in the Environment Court, and cases being processed before your panel.

Each of our respective hearing bodies is running a variety of hearings, alternative dispute resolution, and expert conferencing procedures.

Members of the legal, planning, and other professions, have been addressing us both about pressures they say they are experiencing in meeting their obligations to the Court and to your Hearings Panel.

Our discussions have encompassed the following, which we confirm by each signing this letter.

We have agreed that the work of professionals and self-represented parties before the Environment Court, should in general terms take precedence over their involvement with cases before your Hearings Panel. That agreement should provide the essence of a way forward, but we have agreed that there are other practical techniques for maintaining the efficiency of processes before both bodies, and fairness for participants, as follows.

The Court will maintain its practice of endeavouring to schedule hearings, ADR events, and facilitation of expert witnesses, with as much notice as possible. All participants are to be

encouraged to make use of such scheduling and maintain contact with schedulers in your organisation accordingly. We agree that it would be better to cast that onus on participants rather than endeavour to involve our respective support personnel with the logistics of trying to compare notes. This is primarily because they are unlikely to have an adequate picture at all times of precisely who, particularly from amongst the larger professional firms, is likely to appear on any given day.

It is my understanding that your scheduling staff will also endeavour to give as much advance notice to participants of events as is reasonably possible, but that the extent of this may vary from time to time and case to case.

We have agreed that we will use our best efforts to convey to participants the need for them to think laterally about the best means to assist both organisations to keep their processes moving efficiently, while assisting us both to meet the requirements of procedural fairness and good access to justice. Without attempting a comprehensive description of such techniques, they might include that legal representatives will endeavour to spread the workload amongst firms, or where necessary brief others to appear. That will not however be so easy for expert witnesses, especially where they have prepared evidence on complex technical issues, because that will often rest quite heavily on personal expert opinion and therefore needs to be conveyed by the person preparing the evidence.

Finally, you and I have agreed that in cases of significant scheduling conflict where a matter before your panel has a degree of urgency about progression, you and I can discuss matters and explore options together.

Parties may be assisted by knowing of these discussions and agreements, and we will arrange for this correspondence to be made available on our respective websites and through other appropriate professional channels.

Yours sincerely



Laurie Newhook
Principal Environment Judge

Agreed as an accurate record of our discussions and agreements.



Judge David Kirkpatrick
Chair, Auckland Unitary Plan Hearings