Everyday guide to the Resource Management Act

Ministry for the Environment
Manatū Mō Te Taiao

You, mediation and the Environment Court

4.2

New Zealand Government

Disclaimer

Although every effort has been made to ensure that this guide is as accurate as possible, the Ministry for the Environment will not be held responsible for any action arising out of its use. If the reader is uncertain about issues raised in this guide then direct reference should be made to the Resource Management Act and further expert advice sought if necessary.

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Introduction

The Resource Management Act 1991 (RMA) sets out the framework for regional and local councils to manage activities and effects on the environment. The overall purpose is to promote sustainable management of resources. This involves considering how our activities affect the environment now and in the future.

The RMA also enables councils to regulate land use and the provision of infrastructure, which are essential parts of New Zealand's planning system.

The RMA means that regional and local councils set rules and requirements to manage activities ranging from building houses, clearing vegetation, moving earth, taking water from a stream, or burning rubbish. The purpose of the rules are to ensure activities won't harm our neighbours or communities, or damage the air, water, soil, and ecosystems that we and future generations need to survive.

The RMA allows you to participate in certain decisions by your local council about the environment, and in some instances allows you to appeal these decisions to the Environment Court.

Mediation is a form of alternative dispute resolution, designed to help people resolve a matter, without needing to go to court.

Mediation can help you to clarify issues, resolve conflicts and reach agreement.

About this guide

This guide is the 12th in a series of 13 guides called An Everyday Guide to the RMA (see more details about the series below).

This guide is a practical summary of the mediation process, to help you participate in and prepare for mediation in the Environment Court. It is intended for anyone who is a party to an appeal in the court, and explains:

- how mediation sits in the framework of the Resource Management Act
- how you may be required to participate in mediation
- how to decide whether mediation is right for you.

It also covers:

- how to prepare for mediation
- what you can expect at mediated meetings

- the appropriate behaviour for all parties
- what happens after the mediation process ends
- where you can go for further information.

The guide has a glossary of RMA terms at the end. Words defined in the glossary are coloured brown.

About the everyday guides

This guide is one in a series of 13 called An Everyday Guide to the RMA. The series is intended to help people work with their councils. If you're dealing with the Environmental Protection Authority (EPA), a board of inquiry, or the Environment Court (see the glossary to learn more about these), you might need more technical advice from the EPA (www.epa.govt.nz) or the Environment Court (environmentcourt.govt.nz).

For more information about specific parts of the RMA process, see the full set of guides on our website.

MORE INFORMATION

- **You and the Environment Court**
- **The Environment Court: Awarding and securing costs**

What is mediation?

Mediation is a process to resolve disputes. People get together with the help of a mediator to isolate issues, develop options, consider alternatives, and reach an agreement everyone can live with, rather than a court or other formal body imposing a settlement on them.

Mediation should not be considered an easy option. You will need to work hard and be willing to compromise.

Mediation can help parties 'get unstuck' from the stalemate of their dispute. It is an alternative to traditional methods of resolving disputes, like going to court. Parties work together to find solutions by looking at their interests, rather than focusing on their 'legal rights'.

Mediation allows people to explain how they see the problem and how they feel about it. Initial discussion at mediated meetings focuses on what people value and need, rather than the positions they may hold or what they demand. By taking a step back from those positions, parties can share and gain an understanding of each other's opinions and the values that underlie their attitudes to particular disputes. In this way, people can take a fresh look at a dispute.

The principles of mediation are closely related to those of manaaki, which recognises the values that all parties bring to the table, and allows them to treat each other and their ideas with respect. As mediation takes a face-to-face, consensus approach, it also sits comfortably with Māori decision-making processes.

Advantages of mediation

- Mediation has high success rates. It is often a very good opportunity to define the issues that concern all parties, and sometimes to resolve differences.
- Parties often develop and agree on creative, constructive, achievable, workable, and mutually acceptable solutions.
- Mediation can be much cheaper and far more satisfying than litigation or arbitration. It often eliminates any need for formal court appearances.

- Even if mediation doesn't result in agreement, the process of isolating issues and agreeing undisputed facts can be helpful if an appeal has to be heard by the Environment Court.
- Mediated discussions often help build confidence and restore happier relationships, as well as resolving the issues at hand.

Mediation basics

What triggers mediation?

Court-assisted mediation

In some cases the court will direct that mediation take place. In this case, the registrar of the court sets a time and venue. All the information about the appeal and its background is forwarded to the Environment Court Commissioner who will act as mediator.

Mediation can only be arranged once the statutory period for interested parties to join has ended. The RMA requires that the person joining as a party to the proceedings must give written notice within 15 working days after the period for lodging an appeal ends.

In Environment Court mediation, an Environment Court Judge can:

- direct that mediation (or another form of alternative dispute resolution) takes place
- require all parties take part unless they have leave not to attend.

The mediator (person conducting the process) can be a member of the court (such as an Environment Commissioner) or another person. If it is an Environment Commissioner, they will not have a role in the court hearing unless all the parties agree, and it is appropriate to do so.

Mediation requested by the parties

This is also known as voluntary mediation – the parties involved in an appeal can initiate the process. The earlier you make such a request, the better it is for everyone, and the more likely it is that you will reach an agreement. You certainly shouldn't see it as a last resort.

Any party may end the process at any time. However, good manners should prevail.

COSTS OF MEDIATION

When the mediator is an Environment Commissioner, the service is free.

However, the parties can choose to pay for a private mediator, in which case the mediator's fees and expenses must be met but these costs can be shared between the parties Costs will vary considerably depending on the extent of matters that are subject to mediation.

For both types of mediation, you must pay for personal costs such as travel, documentation, and professional fees.

Active participation in good faith

Active participation, with good communication by all parties, is essential if you are going to reach an effective agreement. Meeting face-to-face is the best way to do this. However, mediation can take place through use of audio-visual technology if the mediator and all parties agree that it is more convenient. Mediation requires good intentions from all parties.

Driven by you

Mediation assumes that the parties are competent, informed, and able to reach agreements that suit their needs. Control of the dispute and the terms of settlement remains in the hands of the parties to the mediation.

The parties can only reach a resolution if they all agree.

All parties to the mediation need to attend the mediation in person or via audio-visual link. You can bring additional representatives, or appoint a representative to attend on your behalf if they have full decision-making authority in respect of the dispute.

Independent and impartial mediator

The mediator acts as a facilitator, communicator, motivator, and scene-setter, creating the right environment for the process to be effective. They must be independent of the parties, and of the Environment Judge who will review any agreement you reach.

The mediator must not give legal advice, offer opinions or coerce parties into agreement.

However, the mediator does check that all parties fully understand what they are agreeing to.

Mutual respect

The process allows the parties (including the mediator) to develop trust and confidence in themselves, in each other, and in the process.

Flexible outcomes

If you want, you can discuss matters apart from the appeal during mediation. For example, you might want to talk about your business or personal relationships with the other parties. This openness can increase the chances of a satisfactory resolution. It can even achieve outcomes that the court itself is unable to reach (such as formal apologies or the recognition of effort).

Confidential process

All discussions in mediation must be completely confidential. In Environment Court mediations no formal record is kept, and the mediation agreement is confidential to the parties unless they indicate otherwise. The parties may draft a consent order that sets out the agreement they have reached. This is approved by the court and forms part of the public record.

The mediator may meet separately with any party or parties, and may hear information that must be kept confidential from other parties. This will not affect the outcome, as the mediator's role is to facilitate agreement between the parties.

What goes on in mediation cannot influence or be referred to in other court proceedings. If the process is not successful, anything discussed or offered during mediation can't be raised when the dispute goes to court.

Finality of agreements

When agreements are reached through mediation, they are final and seen as binding on the parties who have agreed. However, participation in mediation does not prejudice the existing legal rights of the parties.

Fairness and equity

All parties must be given a fair hearing and have equal access to information.

What the RMA says about mediation

The RMA encourages people to address conflicts through mediation as a way of reducing or avoiding unnecessary litigation (legal action). All parties to proceedings before the Environment Court are entitled to join the mediation process, and are required to attend if an Environment Court Judge orders it. This includes appellants and respondents, the original applicants for resource consent, and submitters if they have let the court know they want to be a party to the proceedings.

The Environment Court can also direct that alternative dispute resolution (including mediation) takes place, and that all parties participate unless a party has leave not to attend.

Agreement and consent order

Normally, the parties write up any agreement they reach as a mediation agreement. This is later formalised into a draft consent order.

The consent order spells out the terms of your agreement, which are enforceable under the RMA. An Environment Judge must review and approve all draft consent orders (unless you withdraw your appeal).

If mediation fails

If you don't reach an agreement, your dispute may go to court for a hearing.

Awarding costs

- Parties often incur costs to attend mediation. The Environment Court cannot make an award for costs in respect of court-assisted mediation. A party shouldn't seek to recover any costs of mediation from any other party, as there has been a mutual and genuine attempt to settle the issues.
- If you choose not to go into mediation (and the court has not directed it), the court will not hold this against you when deciding the case or whether to impose costs on any of the parties.

Benefits and limitations of mediation

Main benefits	Main limitations
The process is confidential and avoids undesirable publicity and attention. It can shield sensitive cultural and commercial information.	Sometimes seen as an additional time burden, and costly in the short term.
The atmosphere in meetings is informal and topics for discussion can be as wide as necessary. This allows people to 'get things off their chest'. The result can be creative and flexible solutions.	It is not helpful if the parties view the dispute as a battle or have become extremely irrational.
Mediation can start any time after an appeal is lodged. You can wait considerably longer for a court hearing date.	There are no guarantees that you will avoid court action. You may consider some of your interests and values non-negotiable. Mediation may not resolve some issues raised in an appeal – they may need to go to a court hearing.
It can help to get negotiations started.	You are investing resources upfront. You need: • time to prepare and go to meetings • to be ready and willing to understand the other person's point of view.
Mediation is often cheaper than court appearances. Disputes can be resolved or narrowed sooner.	Participation can be reactive if you do not clearly identify your needs, the way the meetings will be run, and how best to participate.
Gives you control over resolving your dispute and a sense of 'ownership' in the outcome.	
You can tailor meetings to suit your needs and to reflect tikanga Māori.	

Getting ready

Mediation can be flexible and the process, timing, and location can be adapted to meet the needs of all parties. Attention to these details can keep the process on the right track and help ensure an outcome that suits everyone. Good preparation by all parties is vital for effective mediation.

Who should attend mediation?

It is important that as a party to an appeal, you attend mediation yourself. After all, you know about your needs, values, and priorities.

You can appoint a representative to attend mediation on your behalf, but they need to have full authority to settle the dispute or issues at stake. You must have at least one representative at mediation who is consistent (you or your appointed representative). In addition, you may bring other representatives including lawyers, other professionals, or friends to support you.

Legal representation

Mediated meetings are informal. If you take a legal advisor to a meeting, they cannot act as your advocate. However, they can still be very helpful. Their role is simply to assist and advise you and, potentially, to draft the terms of any settlement.

Representatives

If you need a representative they should have the authority to make on-the-spot judgements and decisions, and to formulate agreements on behalf of the parties they represent. Any pre-determined limits on authority may deny such people the opportunity to fully explore options for resolution. Senior representatives of corporate parties should be prepared to make a personal commitment to mediation.

Mana whenua

It is for iwi to decide who has mana whenua and the right to attend mediation.

Share your intentions

To prevent surprises or imbalances in representation, make sure you make the other parties aware of who will be attending.

MORAL SUPPORT

Take friends, relatives, or whānau with you if it will make you more comfortable. They can help point out options, and offer support. But remember, people can't just wander in and out of the mediation.

TIP: Tell the court and the mediator who the members of your group are.

Trained mediators

Mediating is often demanding, and the mediator will need to demonstrate a range of skills. All Environment Commissioners have training and experience in mediation.

If a private mediator is preferred, all parties have the right to select one. They should ensure the mediator is:

- a good listener
- confident in dealing with a wide range of people
- independent
- sensitive
- impartial
- trustworthy.

They must be able to:

- command respect
- create a comfortable atmosphere
- deal with tense moments
- focus on what the parties need
- ask the right questions.

Crucially, the mediator should have knowledge of the legal process, environmental legislation, scientific and technical issues, local government and business culture, and Māori protocol.

Iwi may need a mediator who is also:

- bicultural or able to work with kaumatua
- familiar with tangata whenua protocols and Māori frameworks.

Preparing your approach

Environment Court Practice Note

Before you attend mediation, see the Practice Note of the Environment Court. These are an online guide to the court's practice and procedure.

Appendix 2 of the Practice Note sets out the protocol for court-assisted mediation. You should read this early on as it explains your obligations, and how mediation works.

BEFORE MEDIATION BEGINS

Make sure you have answers to the following:

- Are you happy you understand the process?
- Will there be additional costs (eg, for research or preparing documents)?
- Do you have all the information you need to represent your interests?
- Do your support people know their role and how they can assist the process?

Mediation dates

The court registrar arranges the time, date, and venue for the mediation. The date is set according to the availability of the Environment Commissioner, not of the participants.

However, the registrar will provide notice of the mediation so you can make arrangements to attend.

If you can't attend, and don't have someone representing your interests, you must:

- send a request in writing to the registrar, to defer (postpone) the mediation
- copy your request to all the other participants.

The Judge and the Commissioner will then decide whether to grant your request. Bear in mind the court's costs, and the fact that the

Commissioner will have other court commitments. Deferring mediation will not be accepted as a method of prolonging proceedings before the court. The court does not encourage it.

Preparing what to say

List your aims

What would make you feel the mediation was successful? List these objectives: they might offer a range of settlement possibilities.

Identify your needs and concerns

Examine your own position to discover your real concerns, interests and needs. It may help to prioritise these or at least work out what values (rather than positions) you don't want to compromise.

Identify the other party's needs and concerns

Think about what the other party's real concerns, needs, and interests are. Without compromising your fundamental needs, what can you offer to help the other party meet some of their needs?

Gather information

Gather information to help explain your views. Work out whether enough information is available or whether it requires further research. Decide whether you can share your information at a meeting, bearing in mind that all mediation discussions remain confidential.

Alternatively, work out whether you could restrict access to the information in some way (eg, by communicating with trusted individuals, and then reporting the outcome to the meeting).

Expert information

Decide whether some issues require specialist input (eg, engineering, archaeology, ecology). Think about who should gather that information, and how to share (if at all) the costs between the parties.

Presenting information

Explore ways to present your information. These might include site visits, visual representations (photos, diagrams, plans) and verbal records.

Advise the court and the parties of any technical requirements or the need for a site visit.

Update solutions as you go

Start a list of options for an agreement and add to it as the process unfolds. Aim to avoid being locked into particular solutions at the beginning of mediation.

What can I expect at mediated meetings?

Mediated meetings can vary. A mediator always tries to gauge the feel of the meeting and run the process accordingly. The discussion can sometimes go back and forth, although the aim remains to work through the steps (see below).

Equipment

The court's mediation suite has electronic and white board facilities. You can project plans onto a screen, and record text so the parties can work together. If you would like to share information that requires a projector and screen, notify the court registrar well in advance. The court may be able to provide suitable equipment or may request that the parties bring their own equipment.

Agenda and notes

The mediator will try and set an agenda to guide the discussion. It is helpful for parties to think ahead and note the topics to address. This helps to direct the discussion, especially at the beginning when you are getting to understand each other. These notes are a helpful reminder to the parties during the meeting, but do not form part of the public record.

Number of meetings

More than one meeting may be required, depending on the size and complexity of the issue. The mediator will try to ensure meetings are efficient, and start and end promptly. They will aim to complete the mediation in one session if possible.

PRIVATE MEETINGS

The mediator may wish to meet each party privately during a break-out session, to help explain and weigh up the options. Mediation is adjourned while private meetings take place.

In a private meeting, parties may raise facts that might bring the dispute closer to a resolution but which they don't want to disclose in an open session. The mediator will respect any confidences. The mediator will also make sure all parties have equal access to him or her if they require it.

Although meetings will reflect the style and preferences of the parties and the mediator, they will generally follow these steps:

Step 1: Getting started

Description

The mediator:

- may open the meeting with a prayer (or karakia) if the parties consider this appropriate
- will welcome everyone, introduce him or herself, check that all the parties are there, and invite them to introduce themselves
- will make a short statement explaining what mediation is all about and their own role, and ensure the parties are willing to enter freely into the spirit of mediation
- may invite agreement on guidelines for conduct
- may ask whether a site inspection would be appropriate
- may advise the parties of the possible outcomes, and the potential costs if they choose to proceed with court action
- will confirm that the people present have signing authority in accordance with the Environment Court Practice Note.

Main goal

To gain agreement on the protocol and process of mediation, and to begin to build trust in the process and the mediator.

For participants: how you can contribute

- Ensure you, and others, understand what to expect from the mediation.
- Memorise the names of everyone present (take notes if necessary).
- Aim to agree on the protocol and ground rules for mediation.
- Ensure you participate to set an agenda of issues at the start of the mediation.

Step 2: Gathering information

Description

The mediator may invite each party to give an overview of how they see the issues today. Interruptions are discouraged.

Main goal

For everyone to get a feel for each other's needs, concerns, and aspirations.

For participants: how you can contribute

- Express your concerns and feelings in an overview. You want others to understand your perspective.
- Explain what you think you might need, if the future is to be better than your past experience with this dispute.

Step 3: Confirming the issues

Description

The mediator outlines the points of agreement and dispute between the parties. The mediator is not there to provide legal advice.

Main goal

To agree on a list of issues that will help provide a new way of viewing the dispute and give a focus for the discussions. This stage helps identify what is common ground for all parties.

For participants: how you can contribute

- Check that the list of issues covers the areas you need to discuss.

Step 4: Discussing the issues

Description

The mediator facilitates the discussion between the parties. The mediator may discourage discussion about potential solutions for the time being, to allow all issues to be comprehensively dealt with. Although resolution may seem remote at this stage, a good airing of the issues means that the next stages usually proceed quite quickly.

Main goal

To ensure everyone understands each other's views on the issues.

For participants: how you can contribute

- Explain what is important to you, and what you are trying to achieve through these discussions.
- Listen to what is important to the other parties and what they are trying to achieve.
- Ask and allow questions of each other, and discuss any misunderstandings.
- Suggest what new information might be required for future meetings, and discuss who should gather it and how. Make sure you are satisfied with what's agreed. Discuss how to present technical information so everyone can understand it.
- Be aware that the process may feel 'stuck' at this stage – bear with it. This is quite normal and doesn't mean that mediation isn't working.

ADJOURNING MEDIATION

At any time during the process, the mediator can adjourn mediation (break off or postpone a meeting). An adjournment might, for example, allow a representative to meet and get agreement from their wider group (such as iwi), or to gain their approval for the final wording of the agreement.

Mediators normally set a tight timeframe for reporting back after an adjournment, to ensure the discussions remain fresh. The mediator will always take the opportunity to break for refreshments, to allow the parties to talk informally.

Remember, the mediation is confidential to the parties present. So any consultation with the wider group needs to take place in that context and also with an understanding that the wider group has not been part of the mediation. Representatives should consider how to keep supporting the mediated outcome, when meeting with a wider group outside the mediation room.

Step 5: Identifying the options

Description

The mediator will invite parties to suggest how they might resolve the issues. This could include some brainstorming. At this stage there may be agreements to confirm 'in principle'.

Main goal

To give everyone the opportunity to raise various options to evaluate safely, before making any commitments.

For participants: how you can contribute

- Confirm that any options raised now carry no commitments – they are simply ideas to discuss (ie, they are discussed 'without prejudice').
- Put forward your ideas on what might be workable solutions.
- Look for options that will also satisfy the other parties.
- Avoid evaluating options until everyone is confident that they have listed all possibilities.

Step 6: Evaluating the options

Description

The mediator helps the parties consider whether the proposed solutions would work in practice and what the implications are. The various options can be ranked at this stage.

Main goal

To assess the options fairly, in order to find the solution that satisfies as many people as possible.

For participants: how you can contribute

- Check that you have options for all the issues.
- Suggest objective and fair ways to evaluate the options (eg, that a solution must satisfy as many needs as possible).
- Discuss the options against objective criteria, such as people's needs, and legal requirements.
- Ask for a private meeting with your group or your mediator if you wish to. The mediator will adjourn mediation to do this.

- Ask questions and make sure you understand the implications of all the options.
- Check that it is still a good idea to remain in mediation. If you don't want to, consider seeking leave from the mediator to withdraw from the discussions.

Step 7: Confirming an agreement

Description

The mediator will help the parties agree (if possible) about the preferred solutions to the issues raised during mediation.

Main goal

To ensure the parties find the best solutions, and are committed to them.

For participants: how you can contribute

- Be clear about your authority to sign the agreement.
- Decide whether everyone can reach agreement. Unless all the parties agree and are comfortable with the proposed resolution, the mediator will not proceed and may suggest ending the process. In this case, the parties may decide to proceed to litigation.

Step 8: Writing the agreement

Description

The parties prepare a mediation agreement. This is written up as a draft consent order to be presented to the Environment Court Judge for approval. Agreements and sometimes consent orders are usually drawn up and signed on the spot, so the parties leave the mediation confident that they have resolved the dispute.

The mediator may close the meeting with a prayer (or karakia), and will thank everyone for their involvement and their commitment to resolution.

Main goal

To form an agreement that is specific, clear, understandable, and workable. It should truly reflect the needs of the parties.

For participants: how you can contribute

- You (or someone the parties choose) write a draft consent order.
- In addition, you may enter into private contracts or heads of agreement.
- Check that the draft agreement reflects what you (or your group) are prepared to accept. You may wish to have someone check the agreement for you before signing, such as a lawyer.
- Give feedback on how you feel about the mediation process.

Avoiding common pitfalls

During mediation:

1. Switch off your mobile phone – or at least turn them on to silent mode.
2. Don't assume that you understand other parties and that they understand you. Check for understanding by:
    - summarising what you think they are saying
    - asking if you have summarised correctly
    - asking them to summarise what they thought you said
    - giving them feedback on whether they heard you accurately
    - repeating messages until they are clearly understood.
3. Avoid working from different sets of information and knowledge. Agree at the start on a common set of information on technical topics. Agree on who will do any research and how you will gather information.
4. Don't feel forced to stick with mediation. Try not to be pressured. Ask yourself, is the agreement worth making? If another process (eg, a court hearing) will better achieve your objectives, leave the mediation.
5. Remember the other parties are human too. They are likely to be feeling the same frustrations, anxiety, anticipation, and pressure as you may be. Allow them to express their emotions without taking it personally.
6. Respect each other's right to speak without interruption. Don't use personal attacks or put-downs.
7. Be aware of how long and how often you speak, so everyone has an opportunity to contribute.
8. Speak for yourself (eg, say 'I think…' and 'I feel…' rather than 'Everyone knows…' or 'You should…'.

9. Avoid long silences. There is a risk of other parties assuming the worst due to lack of feedback.
10. Ask for clarification from the mediator or other parties at any stage.
11. Stay to the end, unless you wish to formally leave the mediation process.
12. If you want to communicate with the mediator outside a mediation session, this can only take place through the court's registry and with notice to all parties.

What happens when mediation ends?

Court review of consent orders

A consent order is an Environment Court order that endorses the agreement the parties reached during mediation. The court has the power and responsibility to ensure a consent order is consistent with the purpose of the RMA, any relevant policy statement or plan, and the terms of the original proceedings that were under appeal.

This is a form of 'quality control' that helps ensure the integrity of the mediation process. It shows that issues have not been dealt with superficially and the resolution is in accordance with the law.

When the court confirms a consent order, the proceedings are usually completed. However, sometimes an agreement might only partially settle the dispute – for example, when the issue is a complex plan change.

Private contracts

The parties may enter into a private contract to provide for any aspects of agreement that may not be enforceable under the RMA. Depending on how they are drawn up, they may be legally enforceable as a contract, and any disagreements, or breaches, can be referred to a civil court (eg, the District Court).

Resorting to litigation

If there is no agreement after mediation, or the parties 'agree to disagree', they may proceed to litigation (legal action) which includes a hearing process.

This does not mean that mediation has failed. The parties may have gained a better understanding of the issues, or a new perspective on a dispute, or a positive insight into the attitudes of others. Mediation can also help the parties narrow down the dispute.

All these outcomes can help reduce court time, and hence costs, if the parties do proceed to the Environment Court.

Environment Court hearings

Court hearings can be seen as a powerful backstop to mediation, because:

- all the issues originating from the dispute will be reviewed
- the formal court setting can motivate people to reach an outcome
- the Environment Judge remains completely independent from any matters discussed in mediation. The Judge will not be aware of any details of the mediation and no party will be blamed for failing to reach an agreement
- an Environment Commissioner involved in mediation that did not completely resolve the issues will generally disqualify themselves from any hearing.

Toolbox

- This guide is part of the Ministry for the Environment's series, 'An everyday guide to the RMA'.
  - View this series, and other information about the Resource Management Act, online at: www.mfe.govt.nz/rma.
- For details about Environment Court practices and procedures, you should check the court's practice notes before lodging any proceedings.
  - Visit www.environmentcourt.govt.nz/about/practice-note
  - You can request copies from the Environment Court registrar nearest you (see details below).
- If you have questions about particular cases before the Environment Court, and opportunities for mediation in those cases, contact your nearest Environment Court registry.

Court registries

For more information, or to lodge a case in the Environment Court, contact the court registry closest to you.

Auckland Registry
The Deputy Registrar
Level 2, Specialist Courts and Tribunals, 41 Federal Street
PO Box 7147, Victoria Street West
Auckland 1141
Phone (09) 916 9091 Fax (09) 916 9090

Wellington Registry
The Deputy Registrar
5th Floor, District Court Building, 49 Ballance Street
PO Box 5027, Wellington 6145
Phone (04) 918 8300 Fax (04) 918 8303

Christchurch Registry
The Deputy Registrar
Level 1, District Court Building, 282 Durham Street
PO Box 2069, Christchurch 8140
Phone (03) 365 0905 Fax (03) 365 1740

The Environment Court: www.courts.govt.nz/courts/environment-court.

About the Arbitrators' and Mediators' Institute of New Zealand

The Arbitrators' and Mediators' Institute of New Zealand (AMINZ) is a not-for-profit that represents the New Zealand profession of arbitration, mediation, and dispute resolution generally. The aims of AMINZ include promoting the awareness and use of dispute resolution, and the facilitation of training.

AMINZ can provide a panel list of qualified and experienced mediators who can help parties resolve their disputes. It can also help if you are interested in mediation training.

AMINZ's members include environment mediators who work with the parties to resolve disputes that are on their way to the Environment Court. Panel members' curricula vitae are available on request. The terms and conditions of engagement (including fees) are negotiable before appointment.

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About Resolution Institute

Resolution Institute is the largest dispute resolution membership organisation across Australia and New Zealand. It is a membership-based organisation established to promote dispute resolution.

They can help you to find a dispute resolution practitioner through their online directory.

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Web: www.resolution.institute

Additional resources

Arbitrators' and Mediators' Institute of New Zealand Inc. 1999. *Guide to Mediation (and Conciliation)*. Wellington" New Zealand.

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Glossary

The purpose of this glossary is to assist with understanding the meaning of terms used in this guide. Some of these terms have specific legislative definitions in section 2 of the RMA.

Appeal	Request for a decision to be changed, predominately to the Environment Court.
Award costs	The Judge orders one party to make a payment to another party.
Binding	Meaning an agreement has been consciously made, and certain actions are now either required or prohibited.
Commissioner	A person appointed by a council to carry out statutory decision-making duties on the council's behalf, or to serve as an independent adviser to the council in the making of those statutory decisions.
Consent order	A written agreement that is approved by a court.
Environment Court	A specialist court where people can appeal decisions made by councils under the RMA on a policy statement or plan, or on a resource consent application; or where they can apply for an enforcement order or seek a declaration.
Heads of agreement	Similar to a memorandum of understanding or letter of intent.
Kaumatua	A Māori elder.
Litigation	Legal action.
Mana whenua	Customary authority over a particular area of land.
Mediation	A process to resolve disputes.
Party	A person, group, or organisation taking part in an appeal or other legal proceedings.
Plan	A plan defined under the RMA, including regional policy statements, regional plans, and district plans.
Regional policy statement	Must be prepared by all regional councils. They help set the direction for managing all resources across the region.
Resource consent	Permission from the local council for an activity that might affect the environment, and that isn't allowed 'as of right' in the district or regional plan.

Resource Management Act 1991 (RMA)	New Zealand's main piece of environmental legislation. It provides a framework for managing the effects of activities on the environment.
Settlement	An agreement between parties.
Tangata whenua	In relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area.
Tikanga Māori	Māori customary values and practices.
Whānau	Extended family group.
Without prejudice	Communications made in a genuine attempt to settle a dispute are prevented from being referred to in court.