CHAIR



Maree Baker-Galloway, Anderson Lloyd, Queenstown

Maree leads Anderson Lloyd's resource management team and is based in Queenstown. She has particular expertise and interest in freshwater management, marine issues, tourism development, urban development and natural resource use. Maree was on the national executive for the Resource Management Law Association (RMLA) from 2007 to 2017, serving from 2015 to 2017 as President. She is recommended as an environment lawyer in the Legal 500 (Asia Pacific) and Doyle's Guide, and for her expertise in Natural Resource Law in the 'Best Lawyers' rankings. Maree co-authored the LexisNexis text book Focus on Resource Management Law, 2015.

KEYNOTE SPEAKERS



Chief Environment Court Judge David Kirkpatrick, Environment Court, Auckland

Judge Kirkpatrick had, prior to his appointment to the Court in February 2014, been a Barrister sole since July 2004. He specialised in administrative and public law generally, and resource management law in particular. He appeared regularly before consent authorities, the Environment Court, and the High Court. He also appeared before the Court of Appeal, the Privy Council, and the Supreme Court. From 1994 to 2004 Judge Kirkpatrick was a partner in the Local Government and Environment practice area of Simpson Grierson. In that role he was the primary legal advisor to a number of local authorities in the Auckland region in regard to public administration, the regulation of public utilities and resource management. He has also acted for a wide range of corporate clients, incorporated societies and individuals in those fields. In 2008-09 he acted as counsel assisting the Royal Commission on Auckland Governance.

He has presented numerous conference and seminar papers relating to resource management and local government law, and is a contributing author of the chapter 'Land Use and Subdivision – Resource Consent Procedures, Designations and Appeals' in Environmental and Resource Management Law, now in its fourth edition.

Appointed Head of the New Zealand Environment Court on 8 July 2020.



Professor Ceri Warnock, University of Otago, Dunedin (LLB(hons), LLM, Mst, DPhil (Oxon))

Ceri's primary research concerns environmental constitutionalism and explores in particular the impact of modern governmental ordering on theories for environmental adjudication. She was the recipient of the 2014 'New Zealand Law Foundation International Research Fellowship – Te Manatū a Ture o Aotearoa Te Karahipi Rangahau Ā Taiao' for her work into legitimacy and specialist environment courts and tribunals. Outputs from that research project have been published in the Journal of Environmental Law, Public Law, Legal Studies, and in a monograph entitled 'Environmental Courts and Tribunals: Powers, Integrity and the Search for Legitimacy' (Hart Bloomsbury, 2020). The book she wrote with Maree Baker-Galloway, 'Focus on Resource Management Law' (LexisNexis, 2015), won the Resource Management Law Association award for excellence in publications.

Ceri gave the Salmon Lecture in 2018 and spoke on the topic of 'Environment and the Law: the Normative Force of Context'. She has been a visiting lecturer at Kings College London, tutored at Hertford College, University of Oxford and prior to joining the Faculty of Law at Otago in 2006 practiced as a barrister in England and Wales.

SPEAKERS



Rachel Abraham, Simpson Grierson, Auckland

Rachel is a senior solicitor in the firm's local government and environment group. She joined Simpson Grierson in January 2020 and has a keen interest in environment, planning, climate change and local government. Before joining Simpson Grierson Rachel worked for a smaller law firm in their resource management team and prior to that, for the Ministry for the Environment.



Matt Conway, Simpson Grierson, Wellington

Matt is a partner in the firm's local government and environment group. He provides strategic advice about how best to navigate environmental and other regulatory processes, and regularly represents clients in mediations and in hearings before councils, boards of inquiry, the Environment Court and the High Court. Matt has particular interests in freshwater management, infrastructure projects and resource management planning, and advises and represents clients on a wide range of policy and planning issues under the Resource Management Act 1991 and other environmental and related legislation.



Tim Fischer, Simpson Grierson, Auckland

Tim is a senior associate in the firm's local government and environment group. He is experienced in all aspects of resource management law, including subdivision, land-use and property development, infrastructure projects, plan-making, and designations. Tim acts for local authorities, corporates, and developers. He also has experience with public law matters and the wider legislative framework affecting the local government sector through the work he has done with local authorities. This work has traversed a wide range of legal matters, from information issues through to alcohol policy and regulation. Tim has often been involved in defending judicial review proceedings in the High Court.



Horiana Irwin-Easthope, Whāia Legal, Wellington

Ngāti Porou (Te Whānau a Putaanga), Rakaipaaka, Ngāti Kahungunu Prior to establishing Whāia Legal, Horiana worked at Russell McVeagh, in their Resource Management, Māori Legal and Commercial Litigation teams, and at Kāhui Legal. Horiana has appeared in the Waitangi Tribunal, Environment Court, Māori Land Court, High Court, Court of Appeal and Supreme Court. Horiana is also regularly involved in alternative dispute resolutions processes.

SPEAKERS



Gerald Lanning, Simpson Grierson, Auckland

Gerald is a partner in the firm's local government and environment group. He advises on all aspects of resource management and local government law, with a focus on large infrastructure projects, land transport management and policy, and Māori/Treaty of Waitangi issues. In addition to providing a wide range of legal and strategic advice, Gerald regularly appears before a range of decision-making bodies, including council hearing panels, Boards of Inquiry, the Environment Court and the High Court. Gerald primarily acts for government entities, including Auckland Transport, Auckland Council, and Waikato Regional Council.



Philip Maw, Wynn Williams, Christchurch

Philip is the National Managing Partner of Wynn Williams and is a partner in the Resource Management and Environmental Law Team. He is experienced in a wide range of resource management and local government matters, with particular expertise in freshwater management.



Daniel Minhinnick, Russell McVeagh, Auckland

Daniel is the Practice Group Chair of Russell McVeagh's Environment, Planning and Natural Resources Team and is a member of the NZLS Environmental Law Committee. He is the author of the 'Water and Minerals' and 'Petroleum' chapters in textbook Environment and Resource Management Law (7th Ed) and the 'Minerals and Mining' chapter of the Laws of New Zealand. Daniel was admitted to practise in 2005 and has been at Russell McVeagh since. He was made partner in 2016.



Mike Wakefield, Simpson Grierson, Christchurch

Mike is a senior associate in the firm's local government and environment group, based in Christchurch. He advises clients on a range of resource management, local government, building and sale and supply of alcohol issues. Mike has appeared before the Environment Court and High Court in relation to resource consent, plan change and designation mediations and appeals, as well as declaration and judicial review proceedings. He was the ILANZ - Young In-house Lawyer of the Year 2017.

SPEAKERS



Maia Wikaira, Whāia Legal, Wellington

Ngāti Tūwharetoa, Te Rarawa, Ngāpuhi

Prior to joining Whāia Legal, Maia worked for the largest federally recognised tribe in California, the Yurok Tribe. There she was admitted to practise Yurok Tribal Law, and also represented the tribe in engagement with federal, state and other tribal governments. Maia maintains her practising certificate in Yurok Tribal Law. Before her time in the US, Maia worked at Russell McVeagh, in their Resource Management, Māori Legal and Commercial Litigation teams, and at Kāhui Legal. Maia has appeared in the Waitangi Tribunal, Environment Court, Māori Land Court, High Court and Court of Appeal.



Martin Williams, Shakespeare Chambers, Napier

Martin has over 20 years experience practising in resource management and local government law. He has represented a wide range of private and public sector clients at local authority and appeal hearings, appearing as counsel in a number of leading Environment and High Court cases as well as in the Court of Appeal and Supreme Court. Martin is a former President of the Resource Management Law Association of New Zealand (Inc) serving on the National Committee of that Association for nine years.

CONTENTS

DO WE NEED JUDGES IN ORDER TO RESOLVE ENVIRONMENTAL DISPUTES?	1
1. Introduction	3
2. Why do institutions matter?	
3. WHAT INSTITUTIONAL CHANGES ARE BEING PROPOSED IN THE CURRENT REFORM PROCESS?	5
4. What does the Environment Court do?	
5. How does the Environment Court do things?	
6. What is a court's "decision"?	
7. What is legal reasoning?	
8. What are the advantages of legal reasoning in environmental dispute-resolution?	
9. Conclusion	
ALTERNATIVE PROCESSES	23
MĀORI AND TE TIRITI ISSUES	25
A DYNAMIC ENVIRONMENT – NATURAL HAZARDS, CLIMATE CHANGE AND RISK- RELATED DECISION-MAKING IN NEW ZEALAND	27
Introduction	29
NZ HAZARDSCAPE	29
Natural hazards	
CLIMATE CHANGE	
EMERGING TRENDS AND IMPLICATIONS FOR DECISION-MAKING	
Conclusion	50
NATURAL HAZARDS	51
FRESHWATER REFORMS	53
Introduction	55
Implementation	55
Paradigm shift	
NEXT GENERATION OF RESOURCE MANAGEMENT – TE ORANGA O TE TAIAO	66
BRAVE NEW WORLD: TOO BIG TO FAIL	71