



Environment Court of New Zealand  
te Kooti Taiao o Aotearoa



# Swings and Roundabouts in Access to Environmental Justice in New Zealand

Judge L J Newhook  
Principal Environment Judge  
Environment Court of New Zealand



# Key points:

- Environmental law in New Zealand has been going through a period of considerable **flux**.
- Past and future legislative scenarios.
- *The Challenges Facing Environmental Judges in the Next Decade – Rock Pring.*



## “The Challenges Facing Environmental Judges in the Next Decade” – Rock Pring

- Challenge 1 – Sustainability
- Challenge 2 – Climate Change
- Challenge 3 – What Is An “Environmental Case”
- **Challenge 4 – Access to Environmental Justice**
- Challenge 5 – ADR
- Challenge 6 – International Law
- Challenge 7 – Natural Law
- Challenge 8 – Public Trust Doctrine
- Challenge 9 – Is Precedent Outdated?
- Challenge 10 – Personal Challenges



## Description of the NZ Environment Court





# The Downward Path



*Erosion of the  
Court's  
powers  
through  
legislative  
amendments  
in the last  
decade.*



## Challenge 4 – Access to Environmental Justice

- Communication between the Environment Court and Ministers of the past and present Administration about:
  - adding some **elements** to the jurisdiction of the New Zealand Environment Court
  - transferring judicial functions **found in many other statutes** concerning:
    - **land water and air**, where adjudication is currently undertaken before various tribunals and general courts.
- Land Valuation Tribunal was absorbed by the Environment Court in 2017.



# An Upward Path Emerging





# One more challenge?

- Administrative support is supplied by the Ministry of Justice.
- Section 251 RMA – Principal Environment Judge to “*ensure the orderly and expeditious discharge of the business of the Court*”.
- Unhappily, administrative support services for many courts in New Zealand, including the District Court and specialist courts like the Environment Court, have been subjected in the last year to **staff restructuring** that we feel have not been brought about in such desirable ways.
- The restructuring has proceeded along largely **regional lines of organisation** which we feel will **not fit comfortably** with the **national way the Environment Court works**.





# Conclusion

