

Editorial  
Standard Environment Court form of Consent Order  
By Principal Environment Judge John Bollard

For some time now I have been looking to introduce a standard form of consent order for use by the Court. Hitherto there has been a variation between registries as to the format adopted where parties have proposed an agreed outcome to proceedings. It is desirable that that variation be changed to a uniform basis of approach via the proposed standard form as follows:

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an appeal under section **XXX** of the Act

**BETWEEN**

**XXX**

(ENV-**XXX**)  
(formerly **XXX**)

Appellant

**AND**

**XXX**

Respondent

**BEFORE THE ENVIRONMENT COURT**

Environment Judge **XXX** sitting alone under section 279 of the Act

**IN CHAMBERS** at **XXX**

**CONSENT ORDER**

**Introduction**

[1] The Court has read and considered the appeal, the respondent's reply, and the memorandum of the parties dated **XXX**.



concern over paragraph [4], observing that some parties might be prepared to endorse a proposed consent order “without considering that the order is within the Court’s jurisdiction or that it conforms with Part II of the Act”. In any such case the Court expects the matter of concern to be drawn to its attention by the relevant party with accompanying reasoning, with the other parties advancing their counter reasoning as well, so that the Court can consider the position and determine what order (if any) should be made.

The purpose of the standard form of consent order recording the Court’s understanding, etc is to state on the face of the order what the parties themselves are expected to have turned their minds to and acknowledged in their consent memorandum supporting the making of the order. If any party should consider that the proposed order is not supportable, either in terms of jurisdiction or conformity with the Act’s purpose, notwithstanding an apparent willingness to otherwise “go along” with the order, that party has to represent its position candidly to the Court as indicated above.

Further to the above, the Court’s understanding in the context of the standard form will not be recorded in the manner shown in an individual case if the supporting memorandum of the parties’ counsel and/or representatives indicates a lack of consensus as discussed. In announcing the new standard form’s introduction, the matters pointed out in the two preceding paragraphs are particularly emphasised.

In order that legal counsel and others having business with the Court may have sufficient time to adjust in employing the new form of consent order, registry staff will continue to receive proposed consent order documentation for the Court’s consideration in such form as has previously been accepted until 30 November 2006. After that date, however, all draft orders accompanying consent memoranda will require to follow the new standard form. Notice to this effect appears also on the Court’s website ([www.justice.govt.nz/environment/information/html](http://www.justice.govt.nz/environment/information/html).)