

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2011-CHC-090**

In the matter of the Resource Management Act 1991  
Between **MERIDIAN ENERGY LIMITED**  
Applicant  
And **HURUNUI DISTRICT COUNCIL and  
CANTERBURY REGIONAL COUNCIL**  
Consent Authorities

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**MEMORANDUM FOR HURUNUI DISTRICT COUNCIL RELATING TO  
DIRECTIONS FOR WITNESS SUMMONSES BY MR CARR OF TIPAPA LIMITED**

**DATED 26 March 2012**

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**BUDDLEFINDLAY**  
Barristers and Solicitors  
Christchurch

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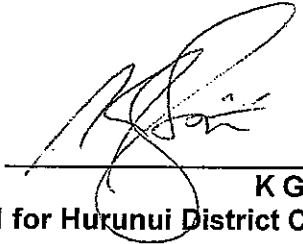
**MAY IT PLEASE THE COURT:**

1. Hurunui District Council supports the memorandum by Meridian asking for directions in anticipation of witness summonses Mr Carr has stated he intends to apply to issue (in his memorandum of 16 March 2012).
2. The Council supports the proposal for orders in paragraph 20 of Meridian's memorandum. That is, for Mr Carr to produce a "will say" statement for each witness he intends to summons regarding the evidence that person is anticipated to give, or the document(s) to be produced (if any).
3. The Council shares Meridian's concerns about the number and scope of anticipated witnesses to be summonsed and does not want to be taken by surprise.
4. Mr Carr has identified 6 potential witnesses who have a connection with the Council (Section B of his 16 March 2012 memorandum). Amongst them are the Chief Executive, the Manager of Environmental Services, the Manager for Roads and Utilities of the Council and counsel retained to present the Council's case.
5. So far as Hurunui District Council is aware none of those anticipated witnesses can give probative evidence relevant to assessing Meridian's application. None of them has had any involvement in assessing Meridian's application.
6. It follows that issuing witness summonses would be inappropriate because:
  - (a) the anticipated evidence is irrelevant; and/or
  - (b) the persons to be summonsed would have their freedom of movement restricted, to the extent that they must answer the summons;
  - (c) the anticipated witnesses would have their time wasted;
  - (d) there is a prospect that the intention behind issuing a witness summonses is to embarrass or otherwise hamstring a party or parties (for example, in indicating an intention to summons counsel for the Council).
7. The Council is alive to the fact that Mr Carr is entitled to a reasonable degree of latitude in seeking to issue witness summonses. However, if witness summonses are issued without the protection referred to in the orders requested Mr Carr will have exceeded what is reasonable and appropriate.

**Legal principles**

8. The Council agrees that the legal principles in Meridian's memorandum at paragraphs 7-11 inclusive properly capture the Environment Court's inherent power in dealing with issuing a witness summons.

DATED at Christchurch this 26<sup>th</sup> day of March 2012



**K G Smith**  
**Counsel for Hurunui District Council**