

**IN THE MATTER** of a resource consent application under  
Section 87C(1) of the Resource  
Management Act 1991 (**the Act**)

**BETWEEN** MERIDIAN ENERGY LIMITED  
(ENV-2011-CHC-000090)

Applicant

**AND** HURUNUI DISTRICT COUNCIL  
CANTERBURY REGIONAL COUNCIL

Respondents

**BEFORE THE ENVIRONMENT COURT**

Court: In chambers, at Auckland  
Environment Judge G Whiting sitting alone pursuant to Section 279 of the  
Act

Date: 18 May 2012

---

**MINUTE OF THE ENVIRONMENT COURT IN RESPONSE TO  
MEMORANDUM RECEIVED BY MERIDIAN ENERGY LIMITED**

---

**Introduction**

[1] This minute is being issued in response to a memorandum filed with the Court by Meridian Energy Limited on 18 May 2012 which is in response to my minute issued on 17 May 2012.

[2] I pointed out in my earlier minute that I am dealing with this interlocutory process because the presiding Judge is on leave and I was requested to attend to the matter because of time constraints.

Meridian Energy Limited v Hurunui District Council & Canterbury Regional Council (Hurunui Windfarm Direct Referral re witness causing reply (M.doc



[3] Counsel's concern is related to the area of expertise that Mr Carr claims to have and the fact that he is acting for himself.

[4] It is not uncommon in the Environment Court for parties to act for themselves and also give evidence. This raises the issue, when it comes to expert evidence, about the objectivity of such evidence when given by a party.

[5] The Environment Court is a specialist Court that includes Judges and Commissioners of expertise in various fields. The Court is well able, by direction given during the course of proceedings, to ensure the hearing is underlain by fairness. The Court is well able to determine what weight should be given to evidence given by parties who act for themselves.

[6] Further, often parties who act for themselves have some degree of expertise that is within the provenance of expert witnesses. To exclude such people from an expert caucusing meeting should be done with caution. In this case the meeting is being facilitated by a commissioner with considerable experience. I am confident that the commissioner is well able to discern what areas of expertise, if any, Mr Carr has and whether he can contribute to the expert caucusing in a meaningful manner. Further, the commissioner is well able to ensure that Mr Carr, as a party, does not participate in areas outside of his alleged area of expertise.

[7] In the interest of fairness, and having regard to the fact Mr Carr is a layman, I think it appropriate he attend the caucus meeting, subject to the constraints that maybe imposed by the commissioner undertaking the facilitation.

[8] I have requested that the Counsel's memorandum and this minute be provided to the Commissioner who is undertaking this facilitation.

DATED at Auckland this 15<sup>th</sup> day of May 2012



R G Whiting  
Environment Judge

