



THE ENVIRONMENT COURT OF NEW ZEALAND

NOTICE OF EXPERT WITNESS CONFERENCES

Expert witness conferencing has been arranged for expert witnesses to meet to discuss water quality issues for the proceedings listed in the attached Schedule for Topics 29, 30 and 31. The conferences will take place as follows:

TOPIC 30	Water quality- objs excl WW & SW
DATE:	Monday 28 and Tuesday 29 September 2020
TIME:	10:00 AM on Monday
VENUE:	Hearing Rooms 5.03 and 5.04 District Court Building 5th Floor 49 Ballance Street Wellington Ph: (04) 9188300; Fax: (04) 9188303

TOPIC 29	Water quality-water management: O25
DATE:	Wednesday 14 October 2020
TIME:	10:00 AM
VENUE:	Meeting Room 6 DLA Piper, Level 5, 50-64 Customhouse Quay Wellington

TOPIC 29	Water quality-water management: O25
DATE:	Thursday 15 & Friday 16 October 2020
TIME:	10:00 AM
VENUE:	Hearing Rooms 5.03 and 5.04 District Court Building 5th Floor 49 Ballance Street Wellington Ph: (04) 9188300; Fax: (04) 9188303

TOPIC 31	Water quality-diffuse discharges
DATE:	Thursday 22 October 2020
TIME:	10:00 AM
VENUE:	Meeting Room 6 DLA Piper, Level 5, 50-64 Customhouse Quay Wellington

TOPIC 31	Water quality-diffuse discharges
DATE:	Friday 23 October 2020
TIME:	10:00 AM
VENUE:	Hearing Rooms 5.03 and 5.04 District Court Building 5th Floor 49 Ballance Street Wellington Ph: (04) 9188300; Fax: (04) 9188303

Arrangements are to be made between the Court/Council and the relevant parties for the two experts who have requested participation through AVL.

The purpose of the expert witness conferencing is to enhance the efficiency of the related mediation process for these three topics by providing for the expert witnesses to confer and identify the issues on water quality which they agree, with reasons. They are also to clearly identify the issues on which they cannot agree and give reasons for their disagreement. This will enable the related mediation process to focus primarily on matters that remain in dispute while understanding the basis for agreed matters.

DIRECTIONS

Counsel are to provide their respective experts with a copy of the Environment Court's Expert Witnesses Code of Conduct (Part 7, Environment Court Practice Note 2014) and Protocol for Expert Witness Conferences (Appendix 3, Environment Court Practice Note 2014) and to brief them on their responsibilities under these. Particular attention is to be drawn to those parts which require experts to express their views independent of counsel and the parties who have engaged them.

Prior to each expert witness conference, counsel are to confer and agree an "Agreed Statement of Facts" (ASF). The statement should provide a summary of relevant factual background information suitable for adoption as the basis for informing the conference agenda and be sufficiently comprehensive to avoid the need for each expert to re-state such facts.

Counsel are to ensure that all documentation referred to above is with the experts and the facilitator at least 10 working days prior to the relevant conference.

Counsel are to liaise with the conferencing experts to prepare an agenda for each conference addressing the key issues identified by each party and pre-circulate this in electronic form to all conference participants and the facilitator (Commissioner Bunting), at least 3 working days prior to the conference.

WRC have agreed to provide a recorder to attend each conference to prepare the Joint Witness Statements under the direction of the experts. The recorder will liaise with the facilitator to discuss the role and to arrange for the necessary technical equipment to ensure efficient recording of the agreed wording for the Statements.

Counsel are to arrange for one of their number to prepare a template for the Joint Witness Statements. This Statements which are to be "populated" at each conference will identify the issues, both agreed and not agreed, accompanied by the experts' reasoning set out as succinctly as the circumstances allow. The Joint Statements should be completed, signed and dated on the day or as soon as possible thereafter. Where there is insufficient time for the experts to sign the Statements on the day, arrangements will be agreed at the conference for their later signing.

Participants are to be advised by counsel that expert witness conferencing is privileged except for the signed Joint Witness Statements prepared by the experts following the conference, which will be part of the public record.

CORRESPONDENCE AND ENQUIRIES

Information on the Environment Court and the Court's Practice Notes which serve as a guide, are available at www.justice.govt.nz/courts/environment-court. Please direct to me all correspondence or enquiries about this notice or the procedures at the conferencing. If you have any special requirements please advise me, preferably well in advance, so that they can be attended to.

Dated at Wellington Environment Court Registry on 16 September 2020



Jennifer Gerritsen

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