

12 March 2014

Media Release

Government refuses environmental legal aid for Auckland

The Environmental Defence Society has released a letter from the Secretary for the Environment confirming that the Environmental Legal Aid Fund will not be available to Aucklanders for the Unitary Plan process.

The ELA Fund is available nationally to assist groups to hire legal and resource management experts for Environment Court appeals.

“We thought that environmental legal aid should be available for the Auckland plan process because under the special Auckland legislation, there is only one hearing by a panel with no normal rights of appeal to the Environment Court,” said EDS Chairman Gary Taylor.

“We wrote to the Ministry and to the Minister for the Environment late last year and set out the reasons for making the fund available for Auckland. We noted that it was approved for the one-stop hearings on the Canterbury plan and that fairness demanded that Auckland should be treated the same.

“In his response, the Secretary for the Environment, Dr Paul Reynolds, said his expectation was that the focus of the decision-making process would be on consultation and mediation, rather than on litigation.

“This is a somewhat lame response since the consultation phase on the draft plan is now complete so is not an issue, and the ELA Fund could be used to support mediation on the Auckland plan in a similar manner to the way it has funded Environment Court mediation for other plans. In addition, the one-stop hearing process is not “litigation” but rather an inquiry by an independent panel into the merits of the Plan.

“Given that Government has said it won’t help, we think that the Auckland Council should give some careful thought to how it can support communities to effectively engage in the hearing process so we get focused, quality inputs that save time and help achieve the best possible outcome.

“This should at least involve provision of a “Friends of Submitters” facility – one or more experts who would advise on how to effectively engage in the plan-making process. Council should also consider creating an Environmental Legal Aid fund of its own, for qualifying groups, so that they are able to engage expert advisers.

“Finally, EDS has received many requests from community and environmental groups for advice on the plan-making process in Auckland. We have run some well-attended workshops, but do not have capacity to provide further support ourselves, since our RMA Advice Service funding was cut by the Ministry for the Environment last year.

“We will however be making a substantive input into the Auckland Plan process ourselves,” Mr Taylor concluded.