

# **Resource Management (Security for Costs) Amendment Bill**

Member's Bill

## **Explanatory note**

The purpose of this Bill is to return to the Environment Court and Environment Judges the power to order a party to give security for costs. This power is necessary to improve the efficiency and fairness of processes under the Resource Management Act 1991 by limiting vexatious and frivolous objections.

The power to make an order that a party give security for costs was removed by the Resource Management Amendment Act 2003 (2003 No 26), which inserted section 284A into the principal Act.

For the avoidance of doubt, *clause 5* amends section 278(1) of the principal Act so that the Environment Court is expressly authorised to order a party to give security for costs.

*Clause 6* repeals section 284A of the principal Act so that the Environment Court is no longer prevented from ordering a party to give security for costs.

*Kate Wilkinson*

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Resource Management (Security for Costs) Amendment Act **2006**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 3 Principal Act amended**  
This Act amends the Resource Management Act 1991.
- 4 Purpose**  
The purpose of this Act is to amend the principal Act to allow the Environment Court to order a party to give security for costs. 10

- 5 Tribunal has powers of a District Court**  
Section 278(1) is repealed the following subsection substituted: 5
- “(1) The Environment Court and Environment Judges have the same powers that a District Court has in the exercise of its civil jurisdiction, including, without limitation, the power to commission a report from an independent expert on any matter raised in an appeal, as provided for by rules 342 to 348 of the District Courts Rules 1992, and the power to order a party to give security for costs.” 10
- 6 Section 284A repealed**  
Section 284A is repealed.
- 7 Transitional provisions**  
Where, before the commencement of this section, proceedings have been commenced in the Environment Court, the principal Act continues to apply in respect of those proceedings, as if this Act had not been passed. 15

