



Supreme Court of New Zealand

19 December 2008

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**Greenpeace New Zealand Inc v Genesis Power Ltd
SC 94/2007 [2008] NZSC 112**

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court’s judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

Greenpeace appealed to the Supreme Court on the question of the proper interpretation of s 104E of the Resource Management Act 1991. That section prohibits consent authorities from considering the effect of greenhouse gas emissions on climate change in discharge and coastal permit applications, “except to the extent that the use and development of renewable energy enables a reduction in the discharge into air of greenhouse gases”. The Court of Appeal held that this exception applies only to applications which involve the use of renewable sources of energy production, and granted a declaration to that effect.

A majority of the Supreme Court has dismissed Greenpeace’s appeal against that decision, and held that the Court of Appeal was correct to interpret the exception as applying only to applications involving renewable energy. The majority has also held that the Court of Appeal was correct to grant declaratory relief.

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