

House of Representatives
Supplementary Order Paper

Tuesday, 30 July 2013

Resource Management Reform Bill

Proposed amendments

Eugenie Sage, in Committee, to move the following amendments:

Clause 125

In *clause 125, new section 139*, replace *subsection (2)* (lines 27 to 33 on page 88) with:

“(2) The Hearings Panel is limited to making recommendations within the scope of the submissions made on the proposed plan.”

In *clause 125, new section 139(4)*, replace *paragraph (aa)* (lines 6 to 8 on page 89) with:

“(aa) the panel’s recommendations; and”

In *clause 125, new section 150(1B)*, delete *subparagraph (b)* (lines 19 to 21 on page 98).

Explanatory note

This Supplementary Order Paper amends the Resource Management Reform Bill. The Bill allows the Hearings Panel to make decisions that are beyond the scope of submissions on the proposed Auckland combined plan and on any matter identified by the Panel or anyone in the hearings process. This is an extraordinarily broad power which is a substantive and inappropriate departure from existing law. All 31 submitters to the select committee commenting on this provision expressed concern about it. While the Environment Court can make recommendations outside the scope of submissions under section 293 of the Resource Management Act 1991, parties are given an opportunity to comment on and respond to these recommendations. No equivalent provisions exist in the Bill for the Hearing Panel to invite such comment. The Bill only allows parties

to appeal recommendations that are beyond the scope of submissions to the Environment Court if the Auckland Council accepts such recommendations. The Supplementary Order Paper limits the Hearings Panel to making recommendations within the scope of submissions by deleting the provisions extending its decision-making power. This will help make the plan process more robust by ensuring that the Panel's recommendations are based on issues raised by submitters and have been the subject of evidence tested through the submission, further submission, and hearing process.
