

UNDER the Local Government Act 2002
AND Section 22AB of the Land Transport Act 1998
IN THE MATTER of a proposed Bylaw using a Special Consultative Procedure

PROCEDURAL MINUTE 8 (TANGATA WHENUA ISSUES)
ISSUED BY COMMISSIONERS
Dated 06 May 2022

- 1 This minute is issued for the purposes of case management. We have completed the second round of hearings, on 3 and 4 May 2022, and we thank submitters for their contributions.
- 2 Several submitters were invited to provide additional information as part of their presentations this week. In addition, the Department of Conservation has offered to provide additional information on several rare and threatened species located within the proposed Bylaw area. This information will be posted to the Council website as and when it becomes available. We do not anticipate that any submitter will wish to respond to this information, but allow 7 days to any submitter from the date of posting (on the Council website), if they wish to do so.
- 3 Following the issue of Minute 7, we received a response from Te Rūnanga o Ngāi Tahu and Te Rūnanga o Kaikoura, dated 2 May 2022. We understand this was first received by Council (by email) on 3 May 2022. As this is new information, any submitter may provide a written response to this correspondence by **16 May 2022**. Alternatively, submitters can rely on their previous written material (and oral presentations) provided to Council.
- 4 In addition, on 28 April 2022, Palmer J released a decision in *Ngāti Whātua Ōrākei Trust v Attorney-General* [2022] NZHC 843 (copy **attached**). While this decision is significantly different to the issues faced by us on the proposed Bylaw, the High Court addresses (among other issues) the issue of competing claims to recognition of tikanga, and (depending on context), the limited role for decision-makers in relation to determination of tangata whenua and mana whenua status (except where directly relevant to their statutory

function). It is therefore potentially relevant to matters addressed in our Minute 7 (relating to our function for the proposed Bylaw).

- 5 As this is new information, any submitter that wishes to comment on the relevance of this decision may do so by **16 May 2022**. Te Rūnanga o Ngāi Tahu and Te Rūnanga o Kaikoura may also provide any comment on the relevance of that decision by the same date.¹ Alternatively, parties may decide to simply rely on their previous information provided on this topic.
- 6 In making these directions, Commissioners have not come to any final view on the merits of the proposed Bylaw. It is our intention to release our recommendations as soon as reasonably possible, following final receipt (and consideration) of any additional information requested by us (including any response to this Minute). We are presently aiming to issue our recommendations **by 20 June 2022**.

Dated 06 May 2022



Rob Enright
Chair

¹ Pursuant to s83(3) Local Government Act 2022.