



In Confidence

Cabinet

CAB Min (09) 4/11

Minute of Decision

Copy No:

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Additional Item: Resource Management Act Reform: Amendments Relating to Appeals from a Board of Inquiry

Portfolio: Environment

On 9 February 2009, Cabinet:

- 1 **noted** that on 2 February 2009 Cabinet, in the context of its decisions on the reform of the Resource Management Act 1991 Phase One Proposals:
 - 1.1 invited the Minister for the Environment and the Attorney-General, in consultation with the Leader of the House, the Minister of Justice, the Minister of Transport and the Minister for Courts, to consider:
 - 1.1.1 options to streamline and fast-track court procedures for hearing and determining appeals from decisions made by a board of inquiry;
 - 1.1.2 whether measures are required to reduce delays caused by applications for judicial review or declaratory judgments;
 - 1.2 and to report back to Cabinet on these matters as soon as possible;
- [CAB Min (09) 3/7]
- 2 **noted** that the Minister for the Environment and Attorney-General have given further consideration to the issue of appeal rights from a board of inquiry and seek Cabinet's agreement to the proposal in paragraph 3 below;
- 3 **agreed** that, for appeals from a board of inquiry for proposals of national significance:
 - 3.1 there is a right of appeal on a question of law to the High Court;
 - 3.2 no appeal be allowed to the Court of Appeal from the High Court decision;
 - 3.3 a party may appeal from the High Court to the Supreme Court only if the Supreme Court finds there is exceptional circumstances to hear the matter;

- 3.4 there is a requirement for an application for leave to be sought from the Supreme Court, to be filed within 10 days of the High Court decision; and
- 3.5 the Supreme Court shall give priority to the determination of leave and to any appeal it decides to hear.

Secretary of the Cabinet

Reference: CAB Min (09) 3/7
