

## **Proposed Otago Regional Policy Statement 2021**

### **Minute from Judge LJ Newhook, Chief Freshwater Commissioner**

#### **High Court decision declaring certain matters about the PORPS**

1. As Chief Freshwater Commissioner I have read the decision of the High Court last Friday 22 July 2022 making certain declarations about the status of the proposed RPS.
2. A key consequence of the judgment is that the current hearings process is at an end concerning freshwater matters, given the direction to ORC to renotify them. A further reasonable interpretation is that the hearings panel may now have left office, such that two new panels will need to be appointed at appropriate stages.
3. In the result, the hearings panel may have no power to issue a further Minute at this time, but the parties deserve to have official advice about cessation of the current process.
4. Therefore, in my other role as Chief Freshwater Commissioner, I can advise that the timetable recently amended and re-set by the panel is at an end for freshwater matters and may be reconsidered concerning what I will call “the balance matters”.
5. We cannot know how long it will take ORC to create a new separate instrument for freshwater matters, because it has yet to decide which parts of the challenged PORPS will be placed in that new instrument; and therefore which topics remain in the “balance instrument”.
6. There will clearly be no hearings for freshwater matters in the weeks appointed late this year. Whether there can be any hearings of submissions on balance matters may be an open question for consideration of any panel appointed by ORC for the balance instrument.

Nga mihi,

A handwritten signature in blue ink, appearing to read 'L. Newhook', with a large, stylized initial 'L'.

Judge Laurie Newhook,  
Chief Freshwater Commissioner.

27 July 2022.