

Canterbury Regional Council (Environment Canterbury)

**Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan and Proposed
Plan Change 2 to the Waimakariri River Regional Plan**

DECISION OF THE HEARING COMMISSIONERS

on D A Rankin's claim of a possible conflict of interest

[Decision 1]

[1] On 29 September 2019 the Canterbury Regional Council, acting under section 34A of the Resource Management Act 1991 (the RMA), appointed as hearing commissioners to hear, consider and make recommendations to it on the submissions on proposed Change 7 to the Canterbury Land and Water Regional Plan (PC7) and proposed Change 2 to the Waimakariri River Regional Plan (PC2):

David F Sheppard (chair)

Raewyn Solomon

Rob van Voorthuysen

[2] For that purpose the Council also delegated to us all its functions, powers and duties to hear and consider submissions on the plan changes, including requiring and receiving reports as enabled by section 42A of the RMA, and exercising powers conferred by sections 41B and 41C of it.

[3] On 17 April 2020 Dr D A Rankin, who had lodged a submission on PC7, lodged a memorandum with us concerning a possible conflict of interest. In that memorandum he identified one of us, Raewyn Solomon, as possibly having "a conflict of interest that may mean it is inappropriate for her to remain on the hearing panel." To support that claim, Dr Rankin said:

4. As far as I am aware, Commissioner Solomon appeared as a witness for Ngai Tahu Forest Estates (NTFE) at a Canterbury Regional Council hearing, the Balmoral Hearing.

...

7. If I understood matters correctly, Ms Solomon stated her Ngai Tahu Kaikoura runanga supported the NTFE application...

8. I met Ms Solomon and spoke with her during one tea break about Ngai Tahu proposals. She explained that Ngai Tahu were interested in making the best use of the land at Balmoral Forest, which was part of the Ngai Tahu settlement, for their people."

...

10 Given this publically stated support and position presented by Ms Solomon at the Balmoral Hearing I am concerned that it may not be appropriate for Commissioner Solomon to be on the PC7 hearing panel.

11. This is particularly so, as aspects of the PC7 hearing are dealing with additional nitrogen discharge entitlements for Ngai Tahu to intensively dairy farm at Eyrewell Forest.. These matters will be considered and dealt with as part of the PC7 hearing.

12. I do not have any idea what view, if any, Commissioner Solomon holds on Ngai Tahu's interest in PC7. However, I am concerned that Commissioner Solomon has a perceived or real conflict of interest in her current role as a Commissioner on the PC7/PC2 Hearings panel.

[4] The Report and Decision of the Hearing Commissioners on the applications Ngai Tahu Forest Estates records that evidence was given by Gina Solomon representing Te Runanga o Kaikoura.¹ The Report does not refer to Raewyn Solomon as having taken any part in that hearing.

[5] When informed of Dr Rankin's memorandum, Raewyn Solomon informed the others of us that at no time had she taken part in the Balmoral hearing for Kaikoura runanga or anybody else for that matter, nor had she prepared a submission to it.

[6] There is nothing in Dr Rankin's memorandum that supports his identification of the Gina Solomon, who gave evidence at the Balmoral Forest or Eyrewell Forest hearing, as the same person as Raewyn Solomon who has been appointed as one of the hearing commissioners in respect of PC7. In light of Raewyn Solomon's information to us, we conclude that Dr Rankin has identified Gina Solomon with Raewyn Solomon mistakenly.

[7] We do not consider that statements alleged to have been made by Gina Solomon in the context of the Balmoral Forest hearing can provide any respectable basis for a finding of real or perceived conflict of interest on the part of Raewyn Solomon in taking her part as a hearing commissioner.

[8] Accordingly we do not accept Dr Rankin's assertion that it is inappropriate for Raewyn Solomon to remain on the PC7 hearing panel.

For the Hearing Commissioners:



David F Sheppard (Chair)

24 April 2020

¹ Para 8.13 and Appendix 2.