

Hearing Schedule for ERMA200599 as at 3 December 2010

Note: These arrangements are provisional, based on the intentions of the parties to appear as advised to ERMA New Zealand, and hence are subject to amendment if those intentions change, and are subject to the directions of the Chair.

Application number:	ERMA200599
Applicant:	Dung Beetle Strategy Release Group
Purpose:	To import and release up to 11 species of dung beetles to overcome the many adverse effects caused by animal dung in New Zealand pastures
Date application received:	13 September 2010
Hearing date:	8 December 2010
Time:	9am – adjournment of hearing
Venue:	Te Aro room 1, Terrace Conference Centre, Level 4, St John’s House, 114 The Terrace, Wellington

Hearing Committee

Dr Max Suckling (Chair)
Dr Shaun Ogilvie
Dr Val Orchard

Hearing Session Times

The session times and record of appearances for the day has at this stage been set as follows. The duration and timing of presentations are indicative only (pending feedback regarding witnesses and likely presentation times). The Chair may amend session times during the day, to take account of progress being made.

	Wednesday 8 December 2010
Session 1	9.00am -10.30am
Morning tea break	10.30am – 10.50am
Session 2	10.50am – adjournment of hearing

The above is a guide only and the conduct of the hearing will be at the Chairperson’s discretion and in accordance with the guidelines provided.

Order of Business

Day 1 – Tuesday 9 November

Please note that these are approximate session times and are dependent on the length of questioning by the Committee and the appearance of submitters at the hearing.

Session 1: 9.00am – 10.30am

- Introduction and explanation from the Chair
- Record of Appearances
- Applicant presents the application and any witnesses (plus questions)

Name	Role/Organisation
Shaun Forgie	Landcare Research
Simon Fowler	Landcare Research
John Pearce	Chairperson, Dung Beetle Strategy Release Group
Jane Sherard	Chief Executive, Ngati Whatua Nga Rima o Kaipara Trust
Hugh Gourlay	Landcare Research
Richard Hill	Richard Hill and Associates Ltd
Andrew Barber	Project Manager, AgriLink NZ Ltd.

- Presentation of ERMA New Zealand’s Evaluation and Review Report

Project Team Role	Name
Project Leader	Seumas McCroskery
Applications Manager	Asela Atapattu
Senior Advisor, Māori	Patrick Gemmell
Environmental Risk Advisor	Steven Corin

Session 2: 10.50am – adjournment of hearing (approx 1pm)

- Begin Submitter presentations (plus questions) - All speakers should approach the lectern to speak

Order of submitters

Submitter	Submitter organization	Submission number	Appearance (in person if not indicated)
1. Jacqueline Beggs		102216	
2. Cliff Mason		102229	By phone
3. Mark Ross	Federated Farmers of New Zealand (Inc)	102228	
4. Nick Waipara	Auckland Council	102236	
5. Philip Bell	Department of Conservation	102231	

- Applicant’s response to matters raised
- Final questions from committee
- Adjournment of hearing

Submissions

Submitters have been allocated a maximum of 15 minutes (including questions from the committee). Order of appearance is detailed above.

Presentation of Evidence and Information

Pre-circulated evidence will be taken as read by all parties and does not need to be read verbatim at the hearing. Presenters should use the limited time available to highlight key points, and remember to allow time for questions of clarification and explanation.

Witnesses may refer to published material authored by others as part of their evidence. Sources of such material should be clearly identified. Witnesses presenting such information are expected to be able to justify their use of such information and to be questioned on their analysis and conclusions relating to such information.

Where information is presented at a hearing that has not been disclosed to ERMA New Zealand or to the other parties, the chairperson may adjourn the hearing to allow other parties, including staff of ERMA New Zealand, to assess and respond to the new information.

There will be no cross-examination of parties or their witnesses at the hearing. At the conclusion of each person's evidence, the chairperson and members of the decision-making committee may ask questions of that person. The chairperson will then invite any other party to put questions of clarification or explanation to the witness. Such questions may be put only with the leave of the chairperson who has the discretion to disallow any question.

Final Decision

At the end of the presentations the committee will adjourn the hearing and will make its decision in private. A final decision will be made usually within 30 working days. You will be notified of the decision and it will also be available on the ERMA New Zealand website at www.ermanz.govt.nz.

News Media Guidelines

- Seats will be set aside in the hearing room for the news media.
- A suitable space will be available for conducting interviews – check with ERMA New Zealand staff.
- Copies of relevant papers will be available from ERMA New Zealand beforehand, or at the hearing.
- No cameras (still or video) or tape recordings are permitted after proceedings are formally under way. (ERMA New Zealand staff can assist to set up for “scene setting” shots at the start or during the breaks).

ERMA New Zealand has a media policy for hearings, available on request or on the website. The Authority is a semi judicial body and therefore committee members do not comment on applications. General inquiries about the application process can be directed to Geoff Ridley (Science Manager, New Organisms) at the hearing. Interviews can be arranged with the Chief Executive at the ERMA New Zealand office in Wellington if required.

Housekeeping details

- Water, tea, coffee is available in the lobby area at break times. No food to be consumed in the hearing.
- Parking is at the attendees own expense.
The Clifton street car park is directly behind the building and offers early bird parking up until 9:30am (entrance off The Terrace).
There is also a car parking building at The James Cook Hotel, 147 The Terrace
- Cell phones must be turned off during the hearing.

Hearing advice to applicants and submitters

Hearings are an opportunity for the Authority to be fully informed on an application, and for the parties to put before the Authority information which is relevant to the application under consideration. The emphasis should be on the effects, risks, costs and benefits of the application in the context of the statutory framework of the HSNO Act.

Hearing Sequence

- Powhiri, welcome and mihi (if appropriate);
- Introduction and explanation from the decision-making chair;
- Identification of the applicant;
- Applicant presents the application and any witnesses;
- ERMA New Zealand staff present evaluation and review report;
- Report of Ngā Kaihautū Tikanga Taiao;
- Submitter(s) present submission(s) and any witnesses;
- Applicant's response to matters raised;
- Submissions from the parties on costs (if applicable, and following notice to the parties);
- Closed session (if applicable);
- Decision-making chair reports back on the nature of the issues raised in the closed session, if appropriate; and
- Decision-making chair concludes by thanking participants, outlining the steps in the decision-making procedure and indicating when and how the decision will be released.
- Adjournment of hearing for consideration, by the decision-making committee, in private;

Presentation of evidence and information

1. Presentations should touch on the issues raised in the submission, which are relevant to the application and are not simply of a general nature. Pre-circulated evidence will be taken as read by all parties and should not be read verbatim at the hearing.
2. Issues of a general nature dealt with by the Authority in previous decisions should only be raised in the submission under consideration, if these contain new information, which helps to further develop the treatment of the issues.
3. In the case of containment applications, material should be relevant to the circumstances of the containment application as compared to those of a general release application. This applies to information on benefits as well as information on risks.
4. The primary reference for the preparation of submissions should be the application. Submitters will be expected to be familiar with the application when making presentations to the hearing.

Note: Copies of applications are available as from the date of public notification. As a matter of law, submitters will always have a full 30 days to obtain the application, read it and formulate a submission. To encourage submitters to make more focused submissions, and to better prepare their presentations to any hearing, the Authority will waive the charge for copies of applications.

5. Submitters must appear themselves if being heard but may introduce witnesses and in exceptional circumstances and with agreement from the decision-making chair have

their presentation made by someone else. Witnesses should be able to bring expertise or special knowledge to bear on the matters raised in the submission.

6. Submitters must provide a written list of the witnesses they propose to call, their areas of expertise, and the elements of the submission or application they propose to talk to. Any witnesses not so advised may only be called at the discretion of the decision-making chair.
7. Submitters or their witnesses may refer to published material authored by others as part of their evidence. Sources of such material should be clearly identified. Persons presenting such information are expected to be able to justify their use of such information, and should expect to be questioned on their analysis and conclusions relating to such information
8. Submitters and their witnesses are expected to pre-circulate to the decision-making committee and to all other parties attending the hearing, copies of any additional information they intend to present to the hearing. Submitters are also required to bring 10 spare copies of any pre-circulated material to the hearing for other hearing attendees to view. This additional information should not be read verbatim at the hearing. Parties should speak to the written material, highlighting key points.
9. Applicants and submitters will normally have a maximum of 15 minutes to make their presentation to the hearing, including calling witnesses. This period includes time for questions of clarification by members or by other parties. If the decision-making committee wishes to undertake a more extensive questioning of the applicant or submitter, this will be in addition to the 15 minutes allowed for each presentation. If any party believes they have good reason to be allowed to make a longer presentation, the request should be submitted in writing to ERMA New Zealand at least 15 working days prior to the hearing. Any such extensions will be at the discretion of the decision-making chair.

Note: The decision-making committee reserves the discretion to vary this guideline if special circumstances apply. For example if there are a large number of submitters making very similar submissions e.g. copied from a pro forma and they all wish to appear at the hearing, the decision-making committee may set an overall guide on the time for that group of submissions, and limit individual submitters to the presentation of new material.

10. There may be limitations on questioning of submitters by the applicant or by other submitters. Questions must be questions of clarification and must be asked through the decision-making chair of the hearing. The applicant has the opportunity to follow submitters with its response to issues raised. Other than this, responses, which are not genuine questions of clarification, will not be permitted.

Maori language and Tikanga Māori

11. People intending to present information in Māori will first be invited to translate the information into English themselves, or to provide a translator of their choosing. ERMA New Zealand requires at least 10 working days notice of such an intention.
12. In the event that the speaker does not wish to undertake their own translation or to provide their own translator, ERMA New Zealand will provide a translator for that portion of the hearing. Professionally registered translators will be used as far as is practical. ERMA New Zealand will bear the costs of any translation.
13. The translation will follow immediately after the presentation in Māori so that the speaker can hear/understand the translation, and can answer any questions which arise. In the event that the presentation is long or complex, the speaker will be invited to break the presentation into sections for translation.
14. Any written material provided in Māori should be pre-circulated, and, if not translated by the presenter will be translated by ERMA New Zealand at the discretion of the Chair of the committee.
15. In the event that, during the course of the hearing, a person wishes to speak in Māori, without having first advised ERMA New Zealand of this intention, the Chair will:
 - ask the speaker to translate the information into English themselves, or to provide a translator of their choosing, and if this is not possible;
 - ascertain if there is another person present or is readily available, who is able and willing to translate (eg. member of Ngā Kaihautū, or of ERMA New Zealand staff), and if not;
 - defer presentation of that item of evidence until such arrangements can be made, and if this is not possible;
 - record the evidence in Māori for subsequent translation which will be provided to the parties present at the hearing, when available.
16. The above relates only to the presentation in Māori of submissions or other information relating to the application. Karakia, pōwhiri or mihimihi will not be translated except by, and at the wish of, the presenter.

Sign Language

17. Sign language is an official language of New Zealand and may therefore be used during the hearing process.
18. Guidance for the use of sign language is essentially the same as for the use of Māori language as indicated above.