

DIRECTION & MINUTE OF THE DECISION-MAKING COMMITTEE

Hazardous Substances and New Organisms Act 1996 (“HSNO Act”)

Application APP203660: modified reassessment of methyl bromide

Direction & Minute WGT019 of the Decision-making Committee (DMC) – 4 August 2020

Background

1. In the Direction and Minute WGT016, the DMC indicated that this application is to be heard on 11 to 14 and 17 August 2020.
2. In WGT016, the DMC directed that all parties must submit all information and evidence (including any nominations of witnesses and/or expert witness statements), to be considered and/or presented at the hearing by 5 pm on 27 July 2020. This aligns with the requirements in section 58(2) of the HSNO Act which requires that the applicant and submitters be notified of all further information a minimum of 10 working days prior to the commencement of the hearing.
3. The applicant, via the 18th Memorandum of Counsel, has asked for an extra 90 minutes at the hearing to present a defence of the air dispersion modelling they have provided, and respond to the controls proposed in the EPA Staff Report.
4. Two submitters (Tauranga Moana Fumigant Action Group and Nicole Smith) have asked to present on a different day to the one they were originally scheduled to appear.

18th Memorandum of Counsel

5. The DMC has considered the request from Counsel for the Applicant in respect of additional time required to present its case at the hearing.
6. The DMC note that purpose of the applicant’s presentation at the hearing is to summarise their application, rather than to respond to other evidence.
7. As indicated in the Direction and Minute WGT016, parties should use their allocated time at the hearing to highlight their key points and be prepared to answer any questions which the DMC may have.
8. The DMC considers that the appropriate place for the applicant to respond to evidence presented in the pre-hearing evidence and at the hearing is during their right-of-reply.

9. The DMC acknowledges that the applicant may therefore require more than the 30 minutes allocated for this purpose in the timing schedule within the Notice of Hearing.

Tauranga Moana Fumigant Action Group and Nicole Smith

10. The DMC note that both submitters were scheduled to present a summary of their evidence on Wednesday 12 August 2020 in order to balance the length of each day of the hearing.
11. The DMC has considered the request from the Tauranga Moana Fumigant Action Group to present on Thursday 13 August 2020, and the associated request from Nicole Smith to present on the same day as them.

Directions

12. The DMC directs the following.
 - a. The time scheduled for the applicant to present a summary of their evidence is maintained at 90 minutes, with a further 60 minutes for questions.
 - b. The time allocated for the applicant's right of reply is extended by 30 minutes, to be one hour in length.
 - c. The Tauranga Moana Fumigant Action Group and Nicole Smith are to present their evidence on Thursday 13 August 2020.
 - d. The EPA is to publish an updated Notice of Hearing taking into account the directions in (b) and (c) above.
13. The DMC will continue to issue Directions and Minutes as necessary to advise parties to the process of further communications or procedural matters.

For the Decision-making Committee:



4 August 2020

Tipene Wilson
Chairperson

Date