



Hearing Guidelines for Submitting Parties

Introduction

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.

Guidance for Submitters

Hearing Sequence

- Introduction and explanation from the decision-making chair;
- Identification of the applicant and submitters for the record;
- Staff present evaluation and review report;
- Submitter(s) present submission(s) and any witnesses;
- Staff's response to matters raised;
- 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 ready 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 the EPA at least one week 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. The EPA requires at least 10 working days notice of such as intention.
12. In the event that the speaker does not wish to undertake their own translation or to provide their own translator, the EPA will provide a translator for that portion of the hearing. Professionally registered translators will be used as far as is practical. The EPA 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 the EPA 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 the EPA 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 the EPA 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.