

Notice of Hearing

APP204042 – XIVANA, Virtual Hearing

Please note: These arrangements are provisional, based on the intentions of the parties to appear as advised to the EPA, and hence are subject to amendment if those intentions change, and are subject to the directions of the Chair.

Application Code	APP204042
Application category	Hazardous Substances, Notified, Category C application
Applicant	Bayer New Zealand Limited
Applicant's contact	Mr Sekove Tinalevu
Purpose	To import or manufacture XIVANA for release
Date application received	12 May 2020
Hearing date	Thursday 10 March 2022
Time	9.00am – 12.45pm approx.
Venue	Virtual meeting – on Zoom https://EPANZ.zoom.us/j/85634159436?pwd=TIlhVxkxkeGwwcDdNWWxtZ29YaysrQT09 Passcode: 399630
Contact for Hearing	Marree Quinn, Administrator, Hazardous Substances, Environmental Protection Authority DDI: +64 4 474 5472

Decision-making Committee

Dr Kerry Laing	Chair
Dr Philip Lester	Member
Mr Greg Percival	Member

Sequence of Events

The following sequence of events is a guide only and the hearing will be conducted at the Chair's discretion and in accordance with guidelines below, unless modifications are considered appropriate.

1. Mihi by EPA representative
2. Introduction and explanation from the Chair
3. Order of business (details below) and procedures
 - Applicant
 - EPA staff
 - Submitter
 - Final questions from the Committee
 - Adjournment of hearing

Submissions

Submitters have been allocated a maximum of 15 minutes unless they have previously requested additional time to speak to their submissions. The order of appearance is detailed over the page.

Presentation of Evidence and Information

Pre-circulated evidence (including submissions) 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 the EPA or to the other parties, the Chair may adjourn the hearing to allow other parties, including staff of the EPA, 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 Chair and members of the Decision-making Committee may ask questions of that person. The Chair 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 Chair who has the discretion to disallow any question.

Final Decision

At the end of all 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 but may be longer if further information is sought by the Committee. You will be notified of the decision, and it will also be available on the EPA website at www.epa.govt.nz.

News Media Guidelines

- The EPA has a media policy for hearings, available on request or on the website. The EPA is a semi judicial body and therefore Committee members do not comment on applications. General enquiries about the application process can be directed to media@epa.govt.nz
- No cameras (still or video) or tape recordings are permitted after proceedings are formally under way.

Contact details

If you need to contact someone at the hearing, please contact the administrator via email on marree.quinn@epa.govt.nz.

Virtual Hearing (to note)

- This hearing will be conducted via Zoom please see the link to attend – <https://EPANZ.zoom.us/j/85634159436?pwd=TIlhVlxkeGwwcDdNWWxtZ29YaysrQT09>
Passcode: 399630
- Cell phones should be turned off.
- Computers are to be on mute at all times, until your time to speak.
- No filming or photos of proceedings to be taken.
- This hearing will be recorded at all times, attending this hearing states that you give permission to be recorded.
- The administrator will have control over who can share and when.
- If there is any inappropriate conduct that arises in the hearing the chair of the Decision-making Committee reserves the right to dismiss anyone from the hearing and they will not be allowed to return.
- All times are in New Zealand standard time - Time zone in Wellington (GMT+12).

Order of Business – Public Virtual Hearing

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.

APP204042 Hearing Schedule - Thursday 10 March 2022		
9.00am – 9.05am	Mihi	Julian Jackson, EPA representative
9.05am – 9.15am	Introduction and explanation Record of appearances	Dr Kerry Laing, Chair, Decision-making Committee
9.15am – 9.45am	Applicant presentation	<ul style="list-style-type: none"> • Sekove Tinalevu • Andreas Mehl • Richard Mohan – Bayer New Zealand Limited (30 mins)
9.45am – 10.00am	Opportunity for questions	DMC, EPA and Submitter (15 mins)
10.00am – 10.30am	EPA Staff presentation	<ul style="list-style-type: none"> • Regis Lapage, Advisor Hazardous Substances • Michael Berardozzi, Principal Advisor Hazardous Substances (30 mins)
10.30am – 10.45am	Opportunity for questions	DMC, Applicant and Submitter (15 mins)
10.45am – 11.00am, Short break (15 mins)		
Presentation by Submitter		
11.00am – 11.15am	Te Rūnanga o Ngāi Tahu SUMISSION 127922	<ul style="list-style-type: none"> • Dwayne Bennett • Stephanie Dijkstra • Channell Thoms - Te Rūnanga o Ngāi Tahu (15 mins)
11.15am – 11.30am	Opportunity for questions	DMC, EPA and Applicant
11.30am – 11.40am, Short break (10 mins)		
11.40am – 12.10pm	Applicant's right of reply (if necessary)	<ul style="list-style-type: none"> • Sekove Tinalevu • Andreas Mehl • Richard Mohan – Bayer New Zealand Limited (30 mins)
12.10pm – 12.40pm	Final questions	Decision-making Committee (30 mins)
12.40pm – 12.45pm	Closing Karakia	Julian Jackson, EPA representative
12.45pm approx.	Hearing adjourned	

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.

Advice to Participants (Applicants and Submitters) in Hearings

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.

To help ensure that this is the case the following guidelines apply. These guidelines apply to both applicants and submitters.

1. Submissions and presentations at hearings (by applicants and submitters) should raise issues which are relevant to the application and are not simply of a general character.
2. Issues of a general nature previously dealt with by the Authority in decisions should only be raised in submissions if these contain new information, which helps to further develop the treatment of the issues relevant to this application.
3. Your presentation should focus on the key points raised in your submission.
4. Applicants and submitters are entitled to bring witnesses who will speak to their submission. Witnesses should be able to bring expertise or special knowledge to bear on the matters raised in the submission.
5. At least two weeks prior to the hearing, both the applicant and submitters should 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. If this information is not provided the witness may only be called at the express leave of the Chair of the hearing.
6. Applicants, submitters, and their witnesses are expected to pre-circulate to the Authority and to all other parties attending the hearing, copies of any information they intend to present to the hearing, at least 7 working days prior to the hearing. Parties should work on the basis that members of the Committee will have read the application, submissions and other circulated information prior to the hearing. It is therefore not necessary to read this information verbatim at the hearing. Parties should instead use their allotted time at the hearing to highlight their key points and be prepared to answer any questions which the Committee may have.
7. Submitters and their witnesses will normally have a maximum of 15 minutes to make their presentation to the hearing. This time includes provision for questions of clarification by members or by other parties. If any party believes they have good reason why they should have a longer time to make their presentation, this should be submitted in writing to the EPA at least 9 working days prior to the hearing. Any such extensions will be at the discretion of the Chair.

8. Applicants and their witnesses will normally have a maximum of 30 minutes to make their presentation to the hearing. This time includes provision for questions of clarification by members or by other parties. If any party believes they have good reason why they should have a longer time to make their presentation, this should be submitted in writing to the EPA at least 9 working days prior to the hearing. Any such extensions will be at the discretion of the Chair.

Note:

The Chair has discretion to vary these procedural guidelines if special circumstances apply. For example, if there are many submitters making very similar submissions e.g., copied from a pro forma on a website, and they all wish to appear at the hearing, the Chair may set an overall guide on the time for that group of submissions.

9. There will 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 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.
10. Persons may present information to the hearing in Māori. Those who wish to do so should contact the EPA at least two weeks in advance so that arrangements can be made for a translator.