



## Notice of Hearing

### ERMA200907 - nitrogen-fixing bacteria import and release

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.

<b>Application code:</b>	ERMA200907
<b>Application category:</b>	New Organisms, Notified, Non-GM release, Full Release
<b>Applicant:</b>	Stefan Pollard
<b>Purpose:</b>	To import three nitrogen-fixing bacteria for release
<b>Date application received:</b>	20 February 2012
<b>Hearing date:</b>	Thursday 24 May 2012
<b>Time:</b>	10.30am
<b>Venue:</b>	EPA Boardroom, Level 2, BP House, 20 Customhouse Quay, Wellington
<b>Contact for Hearing:</b>	Katherine Dewhurst ( <a href="mailto:Katherine.Dewhurst@epa.govt.nz">Katherine.Dewhurst@epa.govt.nz</a> )

### Decision-making Committee

Dr. Val Orchard (Chair)

Dr. Shaun Ogilvie

Dr. Deborah Read

### Sequence of Events

1. Introduction and explanation from the Chair
2. Order of business and procedures
  - Applicant presents application
  - EPA staff to present the EPA Advice Report
  - Submitters present submissions and any witnesses
  - Final questions from the Committee
  - Adjournment of hearing

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

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## Submissions

Submitters have been allocated a maximum of 15 minutes (including questions). 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](http://www.epa.govt.nz).

## News Media Guidelines

- Copies of relevant papers will be available from the EPA beforehand, or at the hearing.
- No cameras (still or video) or tape recordings are permitted after proceedings are formally under way. EPA staff can assist to set up for "scene setting" shots at the start or during the break.
- 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 Sarah Kenwood, Senior Communications Advisor, on 04 918 4813 or [sarah.kenwood@epa.govt.nz](mailto:sarah.kenwood@epa.govt.nz).

## Contact details

If you need to contact someone at the hearing please call 04 916 2426.

## Hearing Venue

Level 1, Environmental Protection Authority

20 Customhouse Quay

Wellington

04 916 2426



## Housekeeping Details

- Coffee and tea making facilities will be available. Parties are responsible for their own food arrangements
- Cell phones should be turned off
- No food will be permitted in the hearing room
- No filming or photos of proceedings to be taken
- Please refer to the map for directions to the venue.

## Order of Business

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.

10.30am	24 May 2012
Introduction and explanation Record of appearances	<b>Dr. Val Orchard</b> - Chair, Decision Making Committee
Applicant Presentation	<ol style="list-style-type: none"> <li><b>Stefan Pollard</b> - Sales and Marketing Manager, Bionera (5 mins)</li> <li><b>Rob Bower</b> - Managing Director, Mapleton AgriBiotec (25 mins)</li> </ol>
Evaluation & Review Report	<b>Dr. Kate Bromfield</b> - Senior Environmental Risk Advisor, EPA (5 mins)
Submitters	<ol style="list-style-type: none"> <li><b>The New Zealand Fertiliser Manufacturers' Research Association</b> (102561) (15 mins)</li> <li><b>Dr. Cliff Mason</b> (102562) (15 mins)</li> </ol>
Final questions	Decision Making Committee
Applicant's response to matters raised (if necessary)	
Hearing adjournment	Approximately 1.00pm

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## 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 10 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. Applicants, 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 three weeks prior to the hearing. Any such extensions will be at the discretion of the Chair.

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**Note:**

The Chair has discretion to vary these procedural guidelines 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 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.

8. 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.
9. 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.