

INDEX

	Mihi and Karakia	3
5	Preliminary Matters	3
	Opening Address from the Chair	3
	Introduction of the DMC Panel	4
	Discussion on running of the hearing	4
	Questions and discussion - running of the hearing	6
10		

(2 pm)

(Mihi and Karakia given by Mr Coates)

Preliminary Matters

5 MS IOANE: Good afternoon my name is Tuf Ioane and I will be your hearing manager for today.

I'm going to run through a few health and safety points before we start. Please ensure that you have all signed the attendance register on the table at the back as you come into the room.

10 Please turn off all cellphones in the room.

Please note that these pre-hearing proceedings are being recorded, so please speak into the microphones on your table when it is your turn to speak. Now, the table microphones you need to push the button in the front and it will turn on.

15 In the event of a fire, go out the main door, down the hallway to the stairs, make your way to level 1 exit and assemble outside the gates on the plaza walkway towards the railway station.

In the event of an earthquake, drop, cover, hold, get under a table and wait for further instructions.

20 Toilets are outside along the hallway, the second bridge out the door there is the women's and the third bridge is the gentlemen's.

Just watch the EPA staff or the stadium staff and we will give any instructions in the case of an emergency.

Thank you.

25

Opening Address from the Chair

CHAIR: Welcome ladies and gentlemen. My name's Alick Shaw and I am the Chair of the DMC. I am going to talk to you while seated and for the most part that's the way I expect to be talking to you as the hearing proceeds.

30 One of the things we are enjoined to do by the legislation is to have as an informal a set of proceedings as is consistent with our exercise of our statutory duties. And that means that there will be no gavels, there will be no procession of the Committee, Tribunal, call us what you will, from one place to the other, you'll not be expected to stand when we enter the room. But we will expect
35 people to behave with courtesy and consideration, not just towards us, but also

of course towards our staff and perhaps even more importantly than that, towards each other, particularly when you are not in agreement, one with the other. These are hearings where we expect people to respect the process and to respect the other participants in that process.

5 And I say that because there is no question at all that this subject, or the subject of this hearing, does raise emotional temperatures. We understand that perfectly well. And we understand that over the period since this application was lodged there have been things that have irritated hugely some people who have an interest in the outcome of these proceedings. That is inevitable, it can't
10 be helped. People will be irritated one way or the other. Some people will be angry. But that doesn't mean that they should be comporting themselves with anything other than restraint, and as I say, respect.

Introduction of the DMC Panel

15 I'd like to introduce before getting on to the subject of today's conversation my colleagues on the DMC. Gerry Coates who you have already heard from; Sharon McGarry, who is been a colleague of mine in previous hearings, and Kevin Thompson.

20 Kevin has a dual role, he is Deputy Chair of the Environmental Protection Agency as well as a member of this Decision-Making Committee. You should understand that the law requires a member of the Board of the EPA to be sitting on these Decision-Making Committees.

25 All of us will be involved in questioning and at different times different members of the committee will be taking the lead in that questioning. Not everything will be going through the Chair in the first instance in terms of interactions between those who are giving evidence or making submissions and this Decision-Making Committee. However, where there are questions that parties may wish to be asked of witnesses or submitters, those will come through me. And it is to Tuf or to Gen who is sitting over here that you should
30 go in the first instance. I will ask the staff to introduce themselves before we finish.

Discussion on running of the hearing

35 The first thing I want to talk about is a matter of recent interest. On 3 February, the Committee issued a minute relating to the participation of

expert witnesses in conferencing. And we made a decision and a direction which set out those people who would be directed, or invited, to take part in expert conferencing.

5 We also identified those people who would not be taking part in expert conferencing for a variety of reasons, but most particularly and I think of greatest interest to submitters here, we identified those people who we decided in the first instance to exclude from expert conferencing on the basis that they were employees of a party and thus unable, in our view, to demonstrate sufficient independence for them to take part in that process.

10 In response to that decision we received representation from the Royal Forest and Bird and from the Fisheries submitters, both of which organisations sought the inclusion of two witnesses who had been excluded, their inclusion in the process of expert conferencing.

15 The Committee took further advice and had over a period of a couple of days lengthy discussions largely between me and staff, but eventually between all of the Committee and staff and counsel and we have decided to withdraw that direction in respect of expert conferencing. We've accepted the representations made by the counsel and we thank them for those interventions. They have been helpful.

20 It is our judgment that we in fact made the wrong decision. It is not just a question of convenience that we're saying yes, but that we had focused our attention on something which was less important than the key reason for the process of hearing from expert witnesses. That we'd focus our attention on independence, whereas in fact if we look it at, what the High Court has had to say about the role of expert conferencing and experts giving evidence
25 generally, we are there enjoined, I think, to focus on the quality and the value of the evidence that may be given by those people. Where there are questions about independence however, those matters will be subject, or those people could be subject, to some questioning, because the issues of independence do go to the weight which the Committee may be able to place on their evidence at
30 the end of the exercise. But it's important to understand that that is something which will be determined at the end of the process and not at the beginning. Though some of the questions around independence will be addressed by questions from the DMC at the beginning.

I would like to invite some of the people who were identified there to think carefully, and it's a matter for them entirely, whether this is the best way and the best forum for them to give their evidence.

5 That is an invitation to think again, but I think we are pretty clear that that's what's going to happen.

So, no exclusions. Thanks again to counsel for their assistance, and that earlier minute, Minute 20, the decision that is recorded there is withdrawn. There is some other detail around that which was contained in a minute which will be posted today.

10 Any questions from anybody on this?

And we are going to pause, incidentally, as we go through this afternoon and take questions as they arise rather than try to get through the entire exercise and then seeking questions. I would ask that parties identify themselves both in terms of those they may represent, but also who they are as
15 individuals. Any questions?

Questions and discussion - running of the hearing

MR HAMILTON: (Speaking Māori). I've just really stood just to whakahoki the mihi
20 and to thank you for the warm welcome, Gerry, Alick, and just to carry that bit out.

Oh sorry, I'm Te Huia Bill Hamilton from Ngā Rauru.

CHAIR: Kia ora. I should acknowledge a link to Mr Hamilton which is a little indirect,
but we both practiced a trade as restaurateurs at the same premises, he a
little while after me, but that's because he looks so much younger.

25 Kia ora, Bill, good to see you.

Yes?

MR DAWSON: My name is Peter Dawson. I'm the counsel for the Fisheries
submitters. I'm not sure what the correct mode of address is to the DMC. I am
inclined to address you as sir and ma'am unless you direct me otherwise. So,
30 first of all thank you for your --

CHAIR: Don't aim too high is the best advice I can give you Mr Dawson.

MR DAWSON: First of all thank you for your response to counsel's memorandum in
respect to the experts, and we will certainly advise them to consider carefully
the basis on which they do present the evidence.

However, there was one matter right at the beginning of our memorandum that we raised in respect of allowing individual experts into different sessions. So, I'm assuming that will be dealt with in your memo this afternoon?

CHAIR: Indeed it will.

5 MR DAWSON: Thank you.

MR ANDERSON: Peter Anderson, counsel for Forest and Bird, and I just wanted to express my appreciation for the consideration of counsel's memorandum.

CHAIR: Okay, thank you. I really am -- when I was grateful for that, it's not just a form of words, it did require us to look again at the substance and just, I guess, the path that we chose to take in the first instance, as well as where we wound up.

10

Any further questions or brief comments? This is not a substitute for the opening day, incidentally.

No? All right, I think probably, ladies and gentlemen, that is a time when we can move on to some of the other issues.

15

One thing is for sure, and that is that today's conference is not an opportunity for people to revisit decisions which have already been recorded by way of minute. It doesn't exclude you raising with us any issues of process, procedure, that may arise from any of those minutes, or the decisions that are recorded in those minutes, but it is not the opportunity to debate them.

20

And in raising that question I want to particularly acknowledge Ngāti Ruanui and Rauru, who were very keen to see the DMC meet, for want of a better expression, on their turf. Entirely understandable as that desire was, the DMC decided otherwise. And the reasons for that decision are set out in the various minutes which covered it.

25

We know that the parties directly involved don't necessarily see that as the end of the matter. As far as the Committee is concerned, it is. And we will not be revisiting that again.

We have to make decisions, some of which will not be popular with all parties, it's just the way of the world.

30

Some of those decisions are made on entirely pragmatic grounds, and it's tempting I think for bodies such as this to review those decisions when objection is raised, and on what appears to be pragmatic grounds, to revisit them. We don't think that's a very smart idea, and it's not the approach that we've taken, except where we have found merit in submissions that have

followed that. But we're not going to do that today, and we're not going to do it during the hearing itself.

5 We are limited in terms of our resources, and people I don't think quite understand necessarily how much is involved in trying to set up a hearing in different locations. Just look about you. And there's a great deal more that you can't see that's involved with these things. So, every shift involves a replication of effort. It involves cost, and it involves logistics, it involves issues around security, and it involves also our ability to make use of the best time, which as you all know, the clock starts ticking when the hearing kicks off, and time that is
10 expended on moving is time that still counts. So, making these changes are not as easy as may appear at first glance.

So, I'm just reinforcing the fact that we are where we are. There is a hearing schedule which, I think Tuf, has been distributed or not yet? It has Gen? Thank you. If there are particular difficulties around that schedule, you
15 should talk to Gen in the first instance and we will do our best to accommodate you.

I think here it's probably best to acknowledge the presence by Skype from representatives of both Te Kaahui o Rauru and Ngāti Ruanui Trust. Welcome. I have no doubt we will be seeing you in person as well as across the ether as
20 we proceed.

And again, I want to emphasise the fact that we look forward to a productive engagement with you during this process. And thank you for deciding to be here with us today.

25 You should feel just as free to engage with the DMC in terms of any questions or comments you may have as those people who are in the room, and you can do that simply by speaking just like everybody else.

Okay? Kia ora. Thank you.

Anything more on that? Yes?

MR CURRIE: Duncan Currie for KASM and Greenpeace.

30 I haven't discussed it with Gen, because this is the first I've heard the indication about the timing, but just to observe that we've been allocated 30 minutes for the opening submissions. We do represent two parties and so we would be asking for a slot of one hour, which we think would be appropriate. The fact is that we consolidated our submissions for the purpose of efficiency,
35 but we think this would be consistent with that.

CHAIR: Not going to give you an instant answer Mr Currie, that's not a smart thing for anyone I think in this situation to do. Gen will have received your request; we will have a conversation with her and we will be in touch as soon as we reasonably can do so.

5 MR CURRIE: Much obliged. Thank you.

CHAIR: I think we've dealt with the issue around expert conferencing, but I do want to say to counsel here, that you owe a duty to the process; you owe a duty to the DMC, just as experts do, and I would invite you to think carefully about some of the things that have been said, and I'm not going to name names or identify
10 individuals, but it is unbelievably unhelpful for people, in practical terms, to accuse other experts in their briefs of evidence of telling porkies. It's quite a different matter to say that they're wrong, that their conclusions are wrong, or that you disagree, as an expert, with the conclusions they have drawn. It's not acceptable to accuse people of fabrication. And there are instances in terms of
15 some of the written briefs of evidence where we've seen where that basic approach has not been observed, despite the fact that the person did receive presumably advice from counsel in preparing those briefs of evidence.

From my point of view, that sort of thing is just simply not acceptable, particularly when it's made as an accusation without evidence. It's very very
20 unhelpful. And it's not a question of insulting people, it just gets people off track; it does not help. Our job is to get the best possible information. That doesn't help us. It doesn't help anybody in terms of getting to the core of those things. So, we do expect counsel to exercise their responsibilities in talking to expert witnesses and advising them as to what is a reasonable approach to
25 dealing with gaps that they observe, or faults that they observe in the evidence of others.

Any questions there?

Another big one for a number of people relates to the questioning of witnesses and the whole issue of cross-examination.

30 The Act is quite clear that these hearings are to be conducted in the nature and in the manner of an inquiry. It's not a court case. It is not a drama competition. And it is not a circumstance where a gotcha moment in cross-examination is going to help anybody. That doesn't mean that your rights are limited. We have asked for and received from many parties questions that
35 they wish to be asked of various witnesses. Those have been collated and

already submitted to the witnesses for their consideration. That's not the end of the matter. During the hearing itself, when witnesses are answering questions that have been posed to them which haven't been dealt with perhaps in the context of expert conferencing but need to be dealt with in the context of the hearing proper; there will be subsequent questions that arise in the minds of the DMC; there will be subsequent questions that arise in the minds of parties and counsel to parties who are in the room. You are perfectly entitled to have those questions put before people as well. And you will do that. If you want them to be asked, you go to Gen; you give them a question. If you need a wee break to consider what those questions may be and the way you wish to approach them; then get them in writing to staff, so that they in turn can get them to us, then ask for it.

There will be occasions when it is more appropriate, more economic and sensible to have counsel ask the questions rather than the DMC; that's not out of the question either. It will never be appropriate for cross-examination. We are not going there.

Our job is around information, not around, as I say, gotcha moments between counsel and experts.

Anything there?

Okay, thank you. That decision has been made and there have been repeated requests for us to review it. We have looked at it on each occasion, but we're not going to go there, as I said.

MR CURRIE: Only one very brief question on that, sir. As after caucussing, some more questions may arise, and would there be an opportunity to suggest questions to be put to the witnesses, at that time?

CHAIR: Yes.

MR DAWSON: Sir, perhaps just by way of a practical question, in the event that questions do arise during the course of either the witness presenting their initial -- just a practical question, if a witness presents his evidence-in-chief, for want of a better word, which would endure for around 15 minutes, and then after that, as I understand it, there will be a question time by the DMC. It's during that question time, is it suggested then that we put the questions to your staff, and is it anticipated that the witness would answer those questions within that half an hour allotted, or is there going to be another time -- would they be recalled? So, I just want to get some clarity.

CHAIR: The answer is yes, and yes.

Let me explain what will happen. The DMC will maintain a discussion or questioning a witness for as long as the DMC needs to. We've set down indicative times; the times in respect of the, if you like, providing oral extension
5 to the evidence-in-chief, the brief, that is set down, and we would expect that to be largely respected. Having said that, I mean, I can think of other hearings where people have been told you've got half an hour to expand, develop and point us to the areas of your evidence that you think are most significant and they've taken no time at all, they've said it's there; the Committee has read it,
10 which will always be the case. And if it takes us more time to question a witness both in respect of those things that concern us as members of the DMC, or indeed to meet the needs of parties who may have questions, it will take as long as it takes.

But, when I say that, we're also not going to have time wasting come out of
15 it. And where questions are repetitive, asking them twice doesn't make, or three times, doesn't make the answer more or less valuable. So, that's not going to be allowed to happen.

MR DAWSON: Sir, just arising from that, as you indicated in your opening address, these are significantly expensive proceedings; so one of the calls that our
20 submitters have to make is to what extent will counsel be obliged to attend the hearing.

Now, part of the answer to that will be encapsulated in the extent to which the DMC will be allowing questioning of our witnesses by the applicant, and I'd like to get an indication from the DMC as to how they foresee that will pan out in
25 the hearing itself.

CHAIR: Okay. Look, excuse me for a sec, I will just have that conversation in open, to some degree, with Gen.

Now Gen, as we finish each day we will have a pretty clear idea of what's going to happen the day following, aren't we?

30 MS HEWETT: Yes.

CHAIR: We will not have the verbatim record from the day's proceedings, those will take some days to turn around and that goes to cost as well, but we should know what's going to happen the next day. And I see no difficulty at all in posting, I wouldn't have thought, the expected programme for the following day.
35 And people can then make their judgment as to whether or not it's imperative

for them to be there in the interests of their client or not. I'm sure that our staff will be anxious to assist in that regard. You've spent a lot more time in courts and hearings than I will ever do, thank heavens, so you will know that pieces of string are much more elastic than might otherwise be imagined when it comes to the predictability of the exercise, but we will do our best for you to know what's going to be happening the day following.

MR DAWSON: Yes sir. Thank you for that explanation; it's certainly not our intention to turn this into a mini courtroom, but it's often in these sort of grey areas that misunderstandings can arise. So, it's really, from my perspective, it's important to clarify the nature of the access that the applicant will have to our witnesses, but I accept and understand that cross-examination is not an attractive option for the DMC, and it's been excluded. So, I suspect we can't take it much further than that.

CHAIR: No, but what you can do I think also, is if there are matters which occur to you after the event, in terms of witnesses having completed their time answering questions from the DMC and those that are put by parties through the DMC, there's no reason why those matters can't be drawn to our attention, and an opportunity to be found, if needed, to deal with it.

I mean, this is a process of getting the best information; that is what we're serious about. And so we're going to try and avoid creating procedural road blocks where none reasonably exist. Equally, if a witness has completed their appearance and they have gone, it will be difficult to call them back. It may be possible for those matters to be resolved at the end of the hearing, and I've just had a note from a colleague and she is -- Sharon is re-emphasising that there is absolutely an opportunity for further questions after conferencing. That is not the end of the matter. If matters arise after conferencing and questions are in your mind, they can be given to us and they will be put. Okay?

MR DAWSON: Yes.

CHAIR: And we will do our best, as I say. We're not going to be in the business of trying to create procedural road blocks.

MR CURRIE: Forgive me sir, but just if I may follow up on my friend's questioning there, I wonder if it would not be possible, in the scenario you've outlined, to submit questions which were not necessarily covered by the witness for them to answer after the hearing? I mean, in effect it's already what's been done in

advance, sir, so it would seem not to be a great extension of that to do so -- I'm not saying it would be necessarily --

CHAIR: After the hearing?

MR CURRIE: No, no sir. For example, say they are on Wednesday 21 February, if
5 my friend wasn't present, because I fully understand my friend's point if there is no cross-examination the clients may decide it's not worth counsel being present, and then perhaps some questions may be submitted for a witness the following day?

CHAIR: In writing.

10 MR CURRIE: In writing, sir, yes.

CHAIR: I think that's fine. I think there's no reason why they can't be put to the Chair and if it's a reasonable request on the part of the person wanting a question answered, we're quite happy to transmit that to the expert or the party to whom it's directed.

15 MR CURRIE: Obligated sir.

CHAIR: Any further questions?

Right, in conclusion there I just want to re-emphasise no cross-examination does not equal no opportunity to pursue matters and to test evidence. We expect counsel, we expect parties, we expect other experts to contribute to the
20 testing of evidence, both in conferencing and in the open hearing. And we expect something that is pretty robust, from all parties in that respect, but robustness doesn't equal theatrics. And if it turns into that we will be not always that tolerant.

I just want to talk very briefly about the -- I'm not sure why it occurs to me
25 here, but I'm going to deal with it here -- about the question of order in the hearing as a whole. This is an open process, and our absolute ambition is that it remains open. We do not want to exclude anyone from the hearing. Now, that means there will be perhaps some displays of emotion. If those occur before we kick off proceedings, that's not going to probably make much
30 difference to us as long as it's not interfering with the rights of other people. If they disrupt the hearing, they will in general not be tolerated. There will be security present, inside and outside the venues. We expect them to give primacy to the fact that this is an open process, and that the normal rules that may accompany this part of the venue might not apply in quite the same way.

If there is a disturbance of any sort, I expect if we are unable to persuade people that it's time to settle down to enable the business to be readdressed, my expectation is that we will probably, by consultation, make a decision to adjourn until we can resume properly.

5 But again, just as it's not an opportunity for theatrics from people who are active participants, nor is it a crowd participation sport either.

So again, if you do have the ability to influence people who are here who may be angry, they may be enthusiastic about something that is being said, do try to persuade them that this is a process where respect needs to be shown.

10 In saying that, we know that for three of us on the DMC we come from a demonstrably Pākehā tradition, and this is not an issue that only affects Pākehā, nor only upsets or interests them. And we would request that where cultural interventions are going to be made, that we know about them. If that's not always possible, so be it, but if we know about them it is a whole lot easier
15 for us to respect what is being done in that regard and to accept that that is part and parcel of the process we're engaged in.

And again, that is a question of two-way respect.

Gerry, have you in particular got anything to add? No?

Colleagues you are allowed to chip in.

20 Multiple appearances, witnesses. Many in the room will be well aware of the fact that multiple, numbering in the hundreds, or thousands in some cases, of submissions have been made on a template form or forms. Where we have template submissions we will take the opportunity, as is provided for in the process, where we will be grouping some submitters to be heard together, and
25 that will be on the basis of the template that has been completed. Where people have made clearly individual submissions, they will be heard as individuals. Where several members of one family have made submissions, which are essentially the same, they will also be grouped together. Some adjustment will be made in terms of time available for that.

30 But this is an economy of time which is clearly anticipated by the legislation; we will be applying it.

Any questions there?

People are going to be held to their times in terms of elaboration. And again, anyone who has any influence on those people who are preparing to
35 speak in support of their submission, should remind people they need to stay in

scope. Reading the submission will not do. If that is what happens; if they're just reading the submission that we already have access to and we've read, we will be asking them to talk to us, as the oral elaboration would indicate, in matters that sustain and support the written submission, not simply to repeat it.

5 This is not just a matter of efficiency, this is a matter of commonsense. Any questions there?

MR CURRIE: Thank you sir, just on that topic a couple of matters arise.

10 Firstly, there are, it seems, a number of submitters that don't appear and we'll continue to work with Gen in identifying that, because there are quite a number.

Secondly, just to observe on your last comment sir, I mean, I think it's fair to say, certainly in the last TTR hearing, there weren't great difficulties in excessive numbers or repetition, and certainly we understand your concern about that and we will endeavour to -- accept that it's possible to make sure that doesn't happen. There may be a situation sir, where what you call a template submission is made, and people nevertheless wish to expand on their submission. And, in my submission, that wouldn't be a problem and we'd encourage the Committee to address that as it comes along, sir, but I think we do understand your concerns.

20 CHAIR: Mr Currie, and all parties and counsel who are here, it is always possible for you to approach us through the staff to make a reasonable request. We will hear that request; we will make a decision. But you shouldn't feel constrained by what we've said here, not to make requests if you think they are reasonable, and you will have a fair idea of what will fly or what won't.

25 Is there somebody at the back of the room indicating they wanted to ask something? No?

30 It may be, and again this is something you need to traverse with people who may be connected with any organisation you're representing, it may be those people will feel affronted if no questions follow from their oral presentation. We won't be asking questions if there is nothing more we need from that person, if they've said nothing that doesn't push a button and tell us that further questioning is required. So, the courtesies we hope will be the way in which people are treated, but it will not extend to simply asking questions for face value, you know, for the sake of face.

I've just been reminded I missed something out. Ms McGarry can always be relied upon to dot Is and cross Ts. It's just as well.

Order of appearance. The hearing schedule went up on the 9th of February and sent to those who wished to be heard. I've already said any
5 changes that you want to make, talk to Gen, or the people you are in touch with. But there are some other things there.

The hearing will open in Wellington with a mihi whakatau. And everybody is welcomed to attend that and I would urge them to do so.

There will then be opening representations from counsel for the applicant
10 and followed by submitters, who have requested that they be heard in this way, and that of course will include, I think, all counsel. If other submitters have said they wish to make a summary statement at the beginning they too will have the opportunity to do so.

Any questions there? At the back of the room?

15 MR MIKOS: Yes, Jim Mikos, Wellington Recreational Marine Fishers. At the TTR hearing I presented a PowerPoint presentation which was asked to be sped up, so the Commissioners never got a full grasp of what I was talking about.

The PowerPoint I have produced has a number of words above the photos, but there is a need to describe some of the aspects.

20 I'm recognised for my marine knowledge, I've been recognised by Helen Clark, Marian Hobbs and Chris Carter for my marine knowledge and New Zealand Coastal Policy Statement, I'm in cred with that review, and I helped with the National Policy Statement for Freshwater Management.

CHAIR: What you are asking us to do Mr Mikos?

25 MR MIKOS: I wonder how you are going to allow me to manage a PowerPoint so you can get an understanding of what I'm talking about?

CHAIR: Well if it can be done in 15 minutes there will be no difficulty whatsoever.

MR MIKOS: It is not possible to describe the marine environmental damage in 15 minutes.

30 CHAIR: Mr Mikos --

MR MIKOS: It's Mikos.

CHAIR: -- if these matters are not included in your original submission, are they?

MR MIKOS: Yes.

CHAIR: So, why are we proposing to hear them repeated?

MR MIKOS: I'm not quite sure whether the understanding of the impact, because there was no dredge waste management plan, so that --

CHAIR: Mr Mikos, we're getting in here to discussing matters of substance; we're not going to do that today.

5 If you have a request to make in respect of more time, you can put it through the staff to us and we will think about it. But I've got to say that everybody has got to be treated equally in this respect.

 There is a time allocation set out and that's what's going to be applied, unless the Committee finds it in the words of Stephen Fry "quite interesting".

10 Okay?

MR MIKOS: Yep.

CHAIR: Anyone else?

 Okay, so opening from legal counsel here; following days, evidence from both the applicant and submitters. And the evidence will generally be heard by
15 topic, rather than by party. We think that will assist everybody to keep abreast of what's happening and hopefully also lead to some economies in the sense that experts can be required to be here when they're needed, rather than here for the whole time on the basis that they might be needed. Those are judgments that individual parties will make.

20 New Plymouth, Monday the 6th to Thursday the 9th. And at the end we've got site visits to think about. We've received a suggestion in respect of some sites that we may wish to visit from the applicant. If other parties have suggestions as to where the DMC should visit, places the DMC should see for itself, please get in touch with Gen again, and we'll add those things to the list
25 to be considered.

 We will advise when we know just what those venues or sites will be.

 People who made opening statements at the beginning will be given the chance to close at the end.

30 You should understand now that it's very unlikely at the point of those closing statements that the hearing itself will be closed, it is far more likely we'll make a decision to adjourn at that time, just in case there are things we need to deal with that would require us to reconvene.

 Transcript, I think I have mentioned already that it's a four day turn around, not a one day turn around.

We have asked counsel from the applicant to provide us with a case book in hard copy as well as electronic copy. Counsel for other parties, the same request is made of you. If you're are relying on a case as part of your submissions, we would like to be able to read it for ourselves and it would be helpful if you were to provide that to us.

5

All right.

I think that is just about me. Any questions?

Two things -- media. They will need to make requests, media will need to make requests to record. We've received already a couple of those. We will consider each application in that respect on its merits, that's either for voice recording or video recording. We have received one request for a continuous voice recording. We see some problems with that in terms of people's privacy, because we're not going to take charge of that in terms of turning it on and turning it off. And if a recorder is running in the venue, it's quite possible people may wind up having conversations that are between them and not for distribution that would wind up being picked up; so the answer to that I don't think we've finalised yet, but it's pretty likely to be no. There's got to be active presence and control of recording equipment here.

10

15

Any questions around media?

Just before we get there, the Committee, after the mihi whakatau, will be adjourning with other parties for a cup of tea and a biscuit, whichever way you like, both here and in New Plymouth. From there on in the Committee will be taking its breaks apart from other participants in the process and the reason for that is simply keeping clean hands. There will be no private conversations between parties, between counsel and members of the committee, and any communication of that sort has to go through our staff.

20

25

The question of the use of Te Reo Māori is a matter which will concern at least some people here. If translation services are required, it's important that again there is a conversation with staff, not with us, in order to see that that happens where it is appropriate.

30

There will be an interpreter available for those who are scheduled to appear on the first day in New Plymouth when we certainly have, I think, a predominance of Māori and iwi submitters.

Documents provided in English have not been translated to Te Reo Māori by the EPA. Evidence in Te Reo Māori will be translated into English when provided in writing, or interpreted when spoken at the hearing.

5 There is one request which has been dealt with by way of minute where a karakia has been provided as a submission, or evidence, I think more accurately, and it's been requested that that not be translated when it is posted onto the EPA website. We don't think that is unreasonable. It will be translated so that the Committee understands what has been said. It's not a lengthy document. It's a matter of respect which requires very little difficulty, it seems to
10 me, for us to accept that request.

And there, I think I am at an end.

So, any questions?

MR HAMILTON: Thanks very much. I just wanted to check the date of the whakatau, date and time of the whakatau, I didn't pick that up?

15 CHAIR: In Wellington?

MR HAMILTON: Yes.

CHAIR: We are opening at 9 am.

MR HAMILTON: On?

CHAIR: The 16th.

20 We will hear from tangata whenua, Ngāti Awa will be doing the mihi whakatau. Responding on behalf of the DMC will be Mr Coates. Tuf will do her bit around health and safety, all of which has to be done. We will then, as I said, have a cup of tea and a biscuit. When that is over that will be the morning tea break on that day and we will have an early lunch to compensate. We see
25 no reason to do the thing twice.

MR HAMILTON: Just a supplementary if I can?

CHAIR: Yes.

MR HAMILTON: You mentioned earlier that you will be reliant on cultural guidance in some of the processes and I understand that the Ngā Kaihautū Report helps
30 inform about that. Ngā Rauru notices that the Ngā Kaihautū Report doesn't recognise Ngā Rauru as having mana whenua status in that, and I wonder if you've picked that up yet?

CHAIR: Yes, we have. We couldn't mistake the urgency that has been referred to NKTT.

Gen, have we received the reply from NKTT in respect of the issue around mana whenua status or not?

Okay, it will be posted as soon as we have Mr Hamilton, that's one.

Two, I think you among better than probably most people in the room will
5 understand perfectly well that the DMC is reluctant to even begin to adjudicate
on these matters.

MR HAMILTON: Yep. And I think the point I was making is the Kaihautū would advise
you on that I suspect?

CHAIR: I can assure you that I would not presume to utter a word on the matter until
10 they do so.

MR HAMILTON: Yeah of course, thank you.

CHAIR: Any further questions?

Okay look, thank you ladies and gentlemen. I am going to do my best to do
what I have asked you to do. And that is to be respectful and to be patient.
15 Those who know me, and there are a few people in the room who do, will know
that my hopes in this respect are not always realised in my action. But I do
have a sharp tongue on occasions, and I have been known to express
impatience on occasion. That will be entirely unintentional, I hope.

I will do my best; that's what I ask of the rest of you, in that regard. And I'm
20 sure my colleagues will do their best to keep me in check when I'm the one
who's doing the talking.

So, ladies and gentlemen, thank you very much. I think it's going to be a
very interesting hearing and I can assure you it's one which is entirely
necessary before any of us on this side of the table have any idea which way
25 the cards are finally going to fall.

It will be the evidence that is processed, adduced by this hearing, that will
determine that and not what we've seen so far. We are a very long way from
the finish line. A very long way indeed.

Okay. Those people who need to attend by Skype at any point or wish to
30 attend by Skype, again talk to Gen.

And in closing, just to acknowledge again the runanga Ngāti Ruanui and Te
Kaahui o Rauru, thank you for your attendance.

We've got another very lengthy series of witnesses who may have to attend
by Skype, which we're hoping to avoid, it's not the ideal way for us to do
35 business, but it's a whole lot better than nothing; so thank you for some coming.

Okay ladies and gentlemen, thanks very much for your attendance and we will see you all on Thursday of next week. Take care. Kia ora.

(3.02 pm)