

Board of Inquiry

Tamarind development
drilling applications

Tamarind Taranaki Limited (Tamarind) Board of Inquiry Procedures

Application: Tamarind Taranaki Limited applications for marine consent and marine discharge consent for development drilling activities in the Tui Field, offshore Taranaki.

Purpose

1. On 5 June 2018, the Minister for the Environment appointed a Board of Inquiry (the Board) under section 52 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act) to hear and determine the applications by Tamarind Taranaki Limited for marine consent and marine discharge consent for development drilling activities in the Tui Field, offshore Taranaki. The Minister also appointed David Hill as the chairperson of the Board of Inquiry (“the Chairperson”).
2. Subject to the provisions of the EEZ Act and the Board of Inquiry’s Terms of Reference, the Board can determine its own procedures.
3. The Board has the power to delegate other functions to the Chair and Deputy Chair.

Board Meetings (other than hearings and deliberations)

4. A quorum for a Board meeting will be more than half the membership (i.e. two members).
5. The Board will set their own meeting schedule. In addition any Board member may call a meeting of the Board by advising the Chairperson.
6. Each meeting will have an agenda prepared by EPA staff in consultation with the Chairperson. The agenda will be pre-circulated to members (and to relevant support staff), as far in advance as possible, and no less than three days prior to the meeting, unless a meeting is called under urgency.
7. Board meetings will generally be in Wellington, unless otherwise agreed. Agenda details and meeting location will be confirmed by staff when the agenda is circulated.
8. The Board may hold meetings by teleconference or by video conference.
9. Board meetings (other than hearings or other public forums as decided by the Board from time to time) will not be open to the public or media. By direction of the Board, minutes of the Board meetings will be made available on the EPA website.

Voting at meetings

10. As far as possible, decision making will be by consensus. All members of the Board have a vote. Where there is no clear majority the Chairperson of the meeting has the casting vote.
11. A member present at a meeting of the Board is presumed to have agreed to, and to have voted in favour of, a decision of the Board unless he or she expressly dissents from or votes against the decision at the meeting.
12. Where a decision is made by a majority, with dissent from one or more members present, the reasons for their dissent may be included in the written record of that decision.

Meeting notes

13. Meeting notes will be kept by the EPA for all meetings (including teleconferences and video conferences). Meeting notes will be circulated with papers for the next available meeting for acceptance. The notes will record:
 - a) the time and place of the meeting, and those present;
 - b) the reports and other documents referred to or tabled at the meeting;
 - c) any conflicts of interest that are declared at the meeting;
 - d) identification of the key matters discussed;
 - e) action points; and
 - f) all decisions of the Board.
14. The meeting notes will not provide a comprehensive record of the various contributions to discussions at the meeting to ensure free and frank discussion.

Decisions out of meeting

15. A decision signed or assented to in writing (whether sent by post, delivery, or electronic communication) by all available members is as valid and effectual as if it had been decided at a meeting of the Board.
16. The decision may consist of several documents containing the same decision; each signed or assented to in writing by one or more members.

Conflicts of Interest

17. The Board must maintain an interest register even if there are no interests to declare. The EPA will publish this register on its website.
18. Conflicts of interest will be a standing item on future Board meeting agendas. If any member has an interest in respect of any matter being considered by the Board at any meeting, that member should initially seek

advice from the chairperson, and then seek advice from the Board's legal advisor (should you appoint one) as to an appropriate way to manage the interest.

EPA Support to the Board

19. The Board will be supported by the EPA. Communications to the Board from external parties will be via EPA staff. The EPA staff will provide support including technical advice to the Board.
20. At the request of the Board, the EPA can arrange technical advice or the provision of information for the Board. EPA staff will provide secretarial services to the Board (such as preparation of agendas, meeting notes, and meeting arrangements) and will provide or procure any services the Board requires.
21. EPA staff will attend meetings of the Board. Other personnel may attend to assist (ie EPA advisors, consultants engaged to assist the Board), at the Board's request.
22. The Board's media releases, other media dealings, and public notifications will be managed by the EPA, in consultation with the Board.
23. If you receive any media queries, in any form, the EPA can provide assistance in managing responses to these.

Public dealings

24. The Board will act collegially. Members should avoid engagement with interested parties or the media without a mandate from the Board, especially about anything that may be construed as expressing an opinion on, or receiving representations on, issues the Board will be considering. The Chairperson will be the spokesperson for the Board, unless the Chairperson or the Board delegates that responsibility in any instance.
25. Hearings will be open to the public, except when section 158(3)(a) of the EEZ Act applies.

Delegations

26. The Board may delegate functions to be carried out on its behalf. For transparency purposes, and such delegations should be recorded in the Board minutes and any functions undertaken under such delegation should be reported to the Board as soon as is practicable.
27. The following functions may be considered by the Board for delegation:
 - a) Approving a brief for any reports the Board may want to commission.
 - b) Deciding administrative and procedural matters relating to pre-hearing and hearing processes, including requests for additional presentation time, permission to question a witness, keeping submission material confidential and similar matters.
 - c) Waive compliance with requirements.

Approval

28. Tamarind Board of Inquiry procedures were approved by the Board on 29 June 2018.

A handwritten signature in black ink that reads "David Hill". The signature is written in a cursive style with a large, sweeping initial 'D'.

David Hill

Board of Inquiry (Chair)