

Board of Inquiry

Tamarind development
drilling applications

IN THE MATTER

of the Exclusive Economic Zone
and Continental Shelf
(Environmental Effects) Act
2012

AND

IN THE MATTER

of a Board of Inquiry appointed
under s52 of the of the Exclusive
Economic Zone and Continental
Shelf (Environmental Effects)
Act 2012 to decide on Tamarind
Taranaki Limited marine consent
applications

MEMORANDUM NO. 1 OF BOARD OF INQUIRY
DATED 13 July 2018

Inquiry Procedures

Inquiry Procedures for Tamarind Taranaki Limited applications for marine consent and marine discharge consent

Issued by the Board of Inquiry:

David Hill (Chairperson)

Glenice Paine

Dan McClary

13 July 2018: Issue 2

Purpose of the Inquiry Procedures

The purpose of these Inquiry Procedures is to set the rules and timeframe for the inquiry process. The Inquiry Procedures have been divided into two sections:

- a) Section 1 - the timetable; and
- b) Section 2 - the principles of and rules for the hearing process.

Guidance on how to participate in the hearing can be found at: <https://www.epa.govt.nz/public-consultations/what-to-expect-at-a-hearing/>

The Inquiry procedures include aspects of the application process in the lead up to the hearing (the pre-hearing stage) where these are relevant to the hearing.

The Board of Inquiry has wide powers to ensure that the hearing is appropriate and fair in the circumstances (clause 7 Schedule 4 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act). This must be done in the context of the obligation to deal with the application as promptly as is reasonable in the circumstances (section 53 EEZ Act).

The purpose of the hearing is to ensure the Board of Inquiry has the best available information on which to base its decision (section 61 EEZ Act). To ensure this can be done in the most appropriate and fair way, the Board of Inquiry also has powers to manage processes up to and including the hearing (clause 5 and 8-12 Fourth Schedule EEZ Act).

Amendments or Updates to the inquiry procedures

Amendments or updates may be made to these procedures throughout the pre-hearing and hearing stages of the process (for example: changes to dates in the Section 1) as directed by the Board of Inquiry. Parties will be notified of any changes by email and via the Environmental Protection Authority (EPA) website.

Revision Notes

Issue 1: First issue dated 19 June 2018

Issue 2: Second issue dated 13 July 2018 making changes as outlined in Board Minute 1

Section 1: Timetables

Basic timetable

The **essential key dates** for submitters who wish to speak at the hearing, but who will not be providing evidence, expert witnesses or are supported by legal counsel.

Date	Action	Paragraph
4 May 2018	Public notification of application	-
5pm 18 June 2018	Submissions close	-
12pm 14 September 2018	Parties must have confirmed with the EPA:	
[12pm 10 September 2018]	<ul style="list-style-type: none"> If they wish to speak at the hearing 	68
	<ul style="list-style-type: none"> If they are unable to appear at the hearing on any date/time 	68
	<ul style="list-style-type: none"> If they wish to present via video conference i.e. Skype 	882 - 86
	<ul style="list-style-type: none"> If they need an interpreter (e.g. for Te Reo Māori or sign language) 	89 – 93
	<ul style="list-style-type: none"> If they intend to present information using any electronic media 	87 – 88
4 October 2018 [27 September 2018]	Hearing notice issued	42
16 October 2018 [12 October 2018]	Indicative Hearing Schedule released	42
6 November 2018 [30 October 2018]	Hearing begins	42 - 51
26 February 2019	Decision. Decision publicly released as soon as practicable after that.	-

Detailed timetable

Detailed timetable – All the key dates for parties

Date	Action	Paragraph
4 May 2018	Public notification of application	-
5pm 18 June 2018	Submissions close	-
12pm 23 July 2018 [12pm 16 July 2018]	Applicant evidence due with the EPA	20 and 14 – 19
12pm 17 August 2018 [12pm 10 August 2018]	All parties to confirm any witnesses that they wish to appear on their behalf (names and topics/area of expertise) with the EPA.	60
12pm 27 August 2018 [12pm 20 August 2018]	Submitter evidence due with the EPA	21 – 23 and 14 – 19
3 September 2018 [29 August 2018]	Expert Conferencing and Pre hearing meeting timetable issued.	36
5 September – 28 September 2018 [3 September – 28 September 2018]	Conferencing attendees (experts and parties) to be available during this time period	33 – 39
12pm 14 September 2018 [12pm 10 September 2018]	Parties must have confirmed with the EPA:	
	<ul style="list-style-type: none"> If they wish to speak at the hearing 	68
	<ul style="list-style-type: none"> If they are unable to appear at the hearing on any date/time. 	68
	<ul style="list-style-type: none"> If they wish to make opening representation and closing statement. 	52 – 59 and 94 - 97
	<ul style="list-style-type: none"> If they wish to present via video conference i.e. Skype 	82 - 86
	<ul style="list-style-type: none"> If they need an interpreter (e.g. for Te Reo Māori or sign language) 	89 – 93
	<ul style="list-style-type: none"> If they intend to present information using any electronic media 	87 – 88
4 October 2018 [27 September 2018]	Hearing notice issued	42
12pm 8 October 2018 [12pm 1 October 2018]	Requests to question any witnesses due with EPA	75 - 81
	Any process, administrative and/or jurisdictional matters to be raised with the Board by prior to the hearing	53
16 October 2018 [12 October 2018]	Indicative Hearing Schedule released	42

12pm 19 October 2018 [12pm 5 October 2018]	Applicant's Rebuttal evidence due with the EPA	24 – 25 and 14 – 19
12pm 24 October 2018 [12pm 9 October 2018]	Any revisions to requests to question any witnesses due with EPA (if required)	76
6 November 2018 [30 October 2018]	Hearing begins	42 - 51
26 February 2019	Decision. Decision publicly released as soon as practicable after that.	-

Section 2: the principles of, and rules for, the Inquiry process.

Introduction

1. The Minister for the Environment (the Minister) has delegated the decision making for the Tamarind marine consent applications to a Board of Inquiry comprising David Hill (Chairperson), Dan McClary and Glenice Paine.
2. The EPA Chief Executive has delegated the EPA's powers and functions related to Tamarind's Discharge consent to this Board under section 44 of the EEZ Act.
3. The marine consent and marine discharge consent applications, made to the EPA under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 ("the EEZ Act") by Tamarind Taranaki Limited are for the drilling of up to five sidetrack development wells from up to four of its existing wells, including the associated logistical and environmental monitoring activities. Tamarind's applications also include a marine discharge consent to discharge offshore processing drainage from deck drains aboard a drill rig.
4. The application and other information can be accessed through the EPA website at: www.epa.govt.nz
5. The Board may modify these procedures if required by the circumstances, either on its own motion or at the request of any party. All relevant parties will be notified of any change to these Inquiry Procedures by email and the EPA website.

Principles/Objectives of the hearing process

6. In determining the approach to the hearing the Board are guided by the need to:
 - a) run a fair and transparent hearing procedure providing for natural justice;
 - b) avoid unnecessary formality;
 - c) conduct an efficient process;
 - d) ensure information is provided to the Board in a timely manner;

- e) ensure that the Board has the best available information, avoiding repetition of information and the presentation of material not relevant to determining the application;
- f) provide the applicant and submitters with an adequate opportunity to be heard, while reserving the right to limit the length of oral presentations;
- g) recognise tikanga Māori where appropriate, and to give effect to the Māori Language Act 1987, and receive evidence written or spoken in Te Reo Māori; and
- h) recognise New Zealand sign language where appropriate, and receive evidence in NZ sign language if required.

Definitions

7. Terms used in these Inquiry procedures (and related correspondence) are defined in the EEZ Act or below:

The applicant – Tamarind Taranaki Limited

The application – Tamarind Taranaki Limited applications for marine consent and marine discharge consent as lodged with the EPA on 8 March 2018.

The Board – The Board of Inquiry appointed by the Minister for the Environment to make a decision on the Tamarind Taranaki Limited applications for marine consent and marine discharge consent.

Board Minutes and Directions – The Board will issue Minutes (providing information) and Directions (decisions requiring actions) throughout the process to communicate with parties.

Counsel – a lawyer who represents one or more of the parties.

EEZ Act – The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

EPA – the Environmental Protection Authority.

Evidence – statements that set out or evaluate facts. Evidence can include photographs and other visual presentations.

Expert evidence – Statement of opinion, by a qualified expert about issues within their field of expertise. Expert evidence must be provided by expert witnesses who agree to comply with the Environment Court Practice Note 2014.

Non Expert evidence – Statements of fact which a person having knowledge of those facts can give and who does not meet the criteria for an expert witness.

Expert Conferencing – a meeting of experts to identify matters agreed on, or to narrow differences or clarify issues both prior to and during the hearing. A report/memo (a Joint Witness Statement) is produced documenting the outcomes.

Facilitation and Mediation – a method of dispute resolution where a neutral facilitator helps the parties involved attempt to resolve issues, identify commonality or identify and refine issues. The facilitator does not impose a decision on the parties.

Hearing schedule – a timetable that identifies where a hearing will be held and lists the order of appearance for people for that venue, and approximate speaking times. Due to the uncertainty of the length of presentations and questioning, specific dates and times cannot be precisely allocated to those appearing at the hearing.

Party (Parties) – the applicant and submitters.

Pre-hearing Meetings – when parties/witnesses talk together with the aim of identifying differences between them, resolving any differences and/or narrowing or clarifying issues and avoiding repetition in the hearing.

Representations – a party's statement of position made to the Board at the hearing in relation to their submission. It can state a party's opinion on the proposal, how it will affect them and may request a particular decision or outcome. This is not evidence.

Opening Representation – An overview of a party's case usually provided on the first day of the hearing. The opening representation assists the Board in understanding the content of the party's case, important issues, the nature of the evidence that is to be called by a party, and any legal issues that may be relevant. Opening representations are only available to those who meet the criteria in paragraph 53-57

Closing Statement – A short and concise summary of the party's case and, where appropriate, a critique and comment on other parties' cases, usually, but not always, given by Counsel for the party. Closing statements are only available to those who meet the criteria in paragraph 92-94.

Submission – a written or electronic submission relating to the application.

Submitter – a person or group of people who make a submission on the application.

Witness – a person who provides evidence on behalf of a party.

Expert witness – a witness who has the knowledge and/or experience that entitles him or her to be recognised by the Board as an expert in their particular field. Experts are required to abide by the Environment Court of New Zealand Practice Note 2014:

<https://www.environmentcourt.govt.nz/assets/Documents/Publications/2014-ENVC-practice-notes.pdf>

Interest Register

8. A Register of Board members' relevant interests is maintained on the EPA website (it will be updated as required during the proceedings: <https://www.epa.govt.nz/public-consultations/in-progress/tamarind-taranaki-limited/>)

Communications by/from/to the Board

9. The Board will communicate with the applicant and submitters through the EPA (on the Board's behalf) by:
- a) notices on the EPA website; and
 - b) email advising of updates to the website, unless the applicant or submitter has advised the EPA that they do not wish to receive electronic communications.

Note: hard copy information will only be provided if specifically requested. There may be instances, such as with the schedule of appearances for the hearing, where hard copy information may be superseded by the time it is received by the requestor. The most up to date information will be available on the EPA website.

10. Formal service of documents will be by way of the EPA website. The EPA will only notify submitters of documents being posted on the website where there is a legal requirement to do so, or the Board directs it to do so. The responsibility is on the parties to check the EPA website for new information.
11. All communication with the Board must be made through the EPA by providing the information in the following ways:

Email: Tamarind@epa.govt.nz (emails need to be smaller than 10MB)

Mail: Tamarind Taranaki Application, Environmental Protection Authority, Private Bag 63002, Wellington 6140, New Zealand

Phone: on freephone 0800 222 510

Delivery in person: to Environmental Protection Authority, Grant Thornton House, Level 10, 215 Lambton Quay, Wellington.

Note: Generally all correspondence to the Board will be made available on the website, unless it is of a purely administrative nature, or otherwise directed by the Board. If a correspondent does not want certain information to be made publicly available (e.g. personal information or information that falls within section 158(1) of the EEZ Act), the correspondent may request the EPA to not disclose such information, in which case the correspondent must clearly identify which information the request applies to and the reasons why it should not be made available. Such decisions are at the discretion of the EPA but it will seek the advice of the Board on whether to issue a direction or not.

Provision of copies of documents

12. Copies of the application, evidence and all other information and documents provided by the applicant, the submitters or the EPA will be uploaded to the EPA website:
<https://www.epa.govt.nz/public-consultations/in-progress/tamarind-taranaki-limited/>

Pre-hearing procedures

13. The Board expects the parties, and particularly their representatives, to be proactive in resolving issues and identifying areas of commonality and any areas of difference.

Evidence requirements - All evidence

14. Evidence must meet the documentation requirements detailed in Appendix 1.
15. All witnesses should state if they consider themselves to be an expert witness and provide a statement about their qualifications and area of expertise in their brief of evidence to support this. All expert witnesses must comply with the Expert Witness Code of Conduct - Environment Court Consolidated Practice Note (2014). An expert witness has an overriding duty to impartially assist the Board on matters within the expert's area of expertise and not to advocate for a position regardless of who has engaged them.
16. If evidence needs to be updated after it is lodged (for example as a result of meetings or identification as a result of an error) the witness must provide a tracked change version of the evidence clearly identifying the changes made, with a version number and date.
17. It is expected that changes as a result of meetings/conferencing will be recorded through Joint Witness Statements.
18. Evidence will be provided to parties by being made available on the EPA website. If any party is unable to download copies of the evidence, they can request the EPA to provide the evidence on CD or in hard copy. The EPA may charge for providing hard copy material to any party.
19. Evidence will be made available on the EPA website as soon as possible following receipt by the Board. Hard copies of evidence will be available for viewing at the hearing.

Applicant's evidence-in-chief

20. The applicant is required to provide written statements of its evidence-in-chief (hard copy and electronic) to the EPA on the date and time specified in the detailed timetable in Section 1 of these Inquiry Procedures.

Submitter evidence

21. Any submitter proposing to have a witness appear for them is required to deliver their written statements of evidence (hard copy and electronic) to the EPA on the date and time specified in the detailed timetable in Section 1 of these Inquiry Procedures.
22. Submitters must send the Applicant an electronic copy of their statements of evidence at the same time they send it to the EPA.
23. For clarity, submitters are not required to call witnesses, or to produce evidence unless they choose to do so. However, if a submitter is having a witness appear for them, the submitter is required to provide their written statements of evidence to the EPA. It is the submitter's responsibility to facilitate the provision of this information, not the witness.

Applicant's Rebuttal evidence

24. The applicant is required to provide any written statements of rebuttal evidence (hard copy and electronic) to the EPA on the date and time specified in the timetable in Section 1.

25. Rebuttal evidence is not an opportunity to repeat evidence, but respond to issues raised through Submitter evidence.

Pre-reading of the material

26. The Board will pre-read the application, further information, Key Issues Report (and any supplementary reports), submissions, the evidence, and any other material provided in accordance with the timetable provided in Section 1.
27. The hearing will proceed on the basis that all parties have read the material of relevance to them to avoid unnecessary repetition of information during the hearing.

Expert Conferencing and Pre-hearing Meetings

Expert Conferencing

28. The Board may direct that expert witnesses within a particular field talk together with a view to resolving differences, narrowing and/or clarifying issues and avoiding repetition at the hearing.
29. Attendance at expert conferencing will be limited to experts complying with the Environment Court of New Zealand Practice Note 2014, and conferencing will take place in accordance with the Practice Note: <https://www.environmentcourt.govt.nz/assets/Documents/Publications/2014-ENVC-practice-notes.pdf>
30. The Board will make the final determination on which expert witnesses should conference and where appropriate will make directions about which expert witnesses and/or parties should attend any allocated conferencing session.
31. The Board expects that expert witnesses will be available, either in person or via teleconference or video conference, to conference with other experts in the same technical field.
32. Only witnesses who are directed to attend expert conferencing may attend any allocated sessions. Parties are not permitted to attend or observe expert conferencing sessions.

Pre-Hearing Meetings

33. The Board may hold a procedural pre-hearing meeting. If held, all parties wishing to be heard at the hearing will be invited. The procedural pre-hearing meeting is an opportunity to determine any procedural matters before the hearing, but it is not the forum for discussing in detail any evidence or position of parties on the matters the Board must ultimately determine.
34. The Board may request the applicant and one or more submitters to meet to discuss any matters in dispute. Parties are also encouraged to hold such meetings amongst themselves.
35. Parties are free, and encouraged to, hold meetings amongst themselves, or with the applicant where it is thought that this will narrow the issues in contention between the parties.

Expert Conferencing and Pre-Hearing Meetings

36. The final topics, attendees, dates and times of all expert conferencing and pre hearing meetings will be advised as per the timetable provided in Section 1. Attendees will be expected to make

themselves available for these dates. Further dates and time may be directed by the Board or in agreement by the attendees.

37. Should any party seek changes to the scheduled Expert Conferencing or pre-hearing meetings a request should be made to the Board within two working days of the dates and times being advised. Attendance requirements and/or other changes will be confirmed by the Board.
38. Expert Conferencing and/or pre-hearing meetings will take place in Wellington, except where the Board agrees otherwise.
39. Depending on the issues to be resolved, the Board may direct parties to facilitation/mediation in an attempt to resolve issues, identify commonality or identify and refine issues. The dates and times of any mediation will be advised as per the timetable for expert conferencing and pre hearing meetings provided in Section 1.
40. The Board may appoint a facilitator and or mediator to organise and conduct Expert Conferencing, facilitation/mediation and/or pre-hearing meetings if required.
41. For all expert conferencing, facilitation/mediation and/or pre-hearing meetings, a Joint Witness Statement (a report/memo) or pre-hearing meeting report is to be provided on the outcome of the meeting, including:
 - a) the matters that were agreed at the meeting; and
 - b) the matters that were not resolved and why.

The report will not include anything communicated or made available during the conferencing or at the meeting on a 'without prejudice' basis.

Hearing

Notice of hearing, venue(s) and scheduling

42. The EPA will issue the Hearing Notice confirming hearing dates and locations (e.g. Wellington, New Plymouth etc.) by the date set out in Section 1.
43. Unless otherwise advised, the hearing will begin each day at **9:00 am**. It will generally finish around **5:00 pm**. There will be 15 minute breaks at approximately 10:30 am and 3:00 pm. The lunch break will typically be from 12:30 pm to 1:30 pm. Catering is not provided.
44. A detailed Hearing Schedule will be produced and updated regularly throughout the process. This will be made available on the EPA website and will contain the dates, venues and order of speakers on each day with approximate timings.
45. The Hearing Schedule is subject to change. Parties scheduled to appear may be advised of updates to the Hearing Schedule by email. Where changes occur at short notice the EPA will endeavour to verbally communicate with affected parties.
46. All parties should be aware that their scheduled time may change multiple times and may move significantly. Parties should be ready to speak any time from the start of the hearing.

47. To enable a fair and efficient hearing and to avoid repetition, time allowances for the presentation of representations and evidence are set out in Appendix 2.
48. The order of parties appearing at the hearing will be in general accordance with that set out in Appendix 2.
49. All parties are required to behave in a manner that assists the Board in their decision making process, and seeks to make efficient use of the hearing time available.
50. The Board may ask any question of a party, representative, legal counsel or witness.

Opening the hearing

51. The hearing may open with a mihi whakataua, and an opening statement from the Chairperson.

Opening representations

52. Opening representations will be made after the hearing has been opened and any process, administrative and/or jurisdictional matters have been addressed. A limit may be placed on the time allowed for an opening representation. Any such time limits are set out in Appendix 2.
53. If the applicant or any submitter has any process, administrative and/or jurisdictional matters that they wish to raise with the Board, these should be provided by the date set out in Section 1 prior to the hearing commencing.
54. The Board may ask questions associated with any opening representation.

Opening representations from the applicant

55. Opening representations by the applicant are expected to summarise the applicant's case and provide an outline of the evidence to be presented.
56. Hard copies of representations and any documents supporting these can be provided at the hearing, but must meet the document requirements set out in Appendix 1.

Opening representations from submitters

57. An opening representation is not compulsory. Any submitter calling expert witnesses, representing a group of parties, or representing an organisation's view may make an opening representation, provided that they make a request to do so by the date set out in Section 1. The request should provide an estimate of time required.
58. Any other submitter wishing to make an opening statement should apply to the Board by the date set out in Section 1, giving reasons and an estimate of the time required.
59. Where such a representation is made it is expected to summarise the party's case and provide an outline of the evidence to be presented.

Witnesses appearing at the hearing (providing evidence)

60. Submitters wanting to call witnesses at the hearing must indicate who those witnesses are and the topics they will cover by the date and time specified in Section 1 of these procedures.
61. The evidence of witnesses must meet the requirements set out in Appendix 1.

62. In general, all witnesses must attend the hearing in person (or, by prior agreement of the Board, through video conferencing). However, the Board may direct that a witness need not appear at the hearing. This may occur where there are no questions for that witness or the witness's evidence is not contested by any other party. In this case, their evidence will be taken as read.
63. Witnesses will **not** be sworn or affirmed, but must ensure that the statement of evidence they have produced is true and correct. Expert witnesses are required to abide by the Environment Court of New Zealand Practice Note 2014.
64. Expert witnesses for a subject area will be heard consecutively where practicable. Expert witnesses for a particular subject area should make every effort to attend the hearing when other experts are giving relevant evidence. Witness attendance will process on the basis that the witness has familiarised themselves with other relevant information from the hearing.
65. Witnesses will not read their evidence at the Hearing unless requested to do so by the Board. Witnesses may:
 - a) present a concise summary of their evidence; this summary should cross reference back to the evidence;
 - b) explain relevant figures, plans and tables;
 - c) outline and highlight any corrections in the evidence; and
 - d) summarise any changes to their evidence as a result of meetings or expert conferencing.
66. A limit may be placed on the time witnesses have to present their evidence. Any such time limits are set out in Appendix 2.

Submitters appearing at the hearing (making their representation)

67. All submissions will be read and considered by the Board before the hearing. Submitters do not have to attend the hearing if they do not wish to; their views will be considered by the Board regardless of their attendance.
68. Submitters wanting to speak to their submission at the hearing must reconfirm their wish to do so by the date and time specified in Section 1 and outline any availability issues, so the EPA can prepare a hearing schedule accordingly.
69. Submitters may speak to their submission themselves, or they can choose to be represented by a lawyer, an advocate or other person (e.g. a friend or family member). If not representing themselves the submitter must advise the EPA who will present their submission.
70. A joint representation (where one person makes a representation on behalf of several submitters) is encouraged where the submissions are of a similar nature.
71. If submitters do not identify opportunities for joint representation and/or the Board considers there is likely to be excessive repetition at the hearing (a number of submitters saying the same thing) the Board may limit the circumstance in which submitters who have the same interests can speak.
72. When speaking at the hearing, a submitter may only address the matters within the scope of their lodged written submission, but not introduce new topics unless at the leave of the Board.

73. A limit may be placed on the time submitters have to make their representation. Any such time limits are set out in Appendix 2.
74. All parties presenting at the Hearing are required to bring written copies of their presentation and provide to the EPA an electronic version of this document prior to presenting. This can be done by bringing a USB stick or emailing your document to Tamarind@epa.govt.nz.

Questioning of witnesses and parties

Questioning of witnesses

75. Any party who wishes to put questions to a witness must make a request to the Board and send notice to the party identifying those particular witnesses in accordance with the timetable in Section 1. Parties are not required to submit their questions. The request must include:
 - a) the person to be questioned;
 - b) include the specific topics to be covered
 - c) an estimate of the time required.
76. If following the receipt of the applicant's rebuttal evidence, any party no longer needs to question a witness they should inform the EPA by the date outlined Section 1.
77. The EPA will make all requests available on the EPA website.
78. The Board encourages parties with similar interests to group together for any questions. The Board will not allow repetitive or irrelevant questions.
79. At the discretion of the Board, further questioning of a witness by the party calling the witness may be allowed after questions from other parties have been completed.
80. The Board may ask any question of the applicant, any submitter, representative, legal counsel, or witness. Questions will generally be after, but may be at any point in the presentation by that person.

Questions for submitters

81. Any party wanting to question submitters giving representation must seek permission from the Board. The Board may ask any question of any submitter, representative, legal counsel, or witness.

Speaking via video-conference

82. Any party may request the Board to allow their representation or witness's evidence be given via Skype video conference.
83. The request must state the name and location of the person/witness and the reason(s) why they cannot attend in person.
84. The date by which any request must be made is specified in Section 1 of this document.
85. Each request will be considered on its merits and will be allowed if it is reasonable and practicable. If permission is granted by the Board, the party will discuss the necessary arrangements with EPA staff to determine feasibility.
86. Representations by telephone conference are not permitted.

Presentation/electronic media requirements at the hearing

87. Where any submitter or their representative intends to use electronic media (eg Power Point) as part of their presentation they must advise the EPA and state what electronic media is required by the date and time specified in Section 1.
88. EPA systems at the hearing will enable the viewing of PDF documents, PowerPoint presentations, picture files and video files (using a standard .mp4 or .wav video format). Intentions to use electronic media should include the type of electronic media to be used, and whether any specific system or software requirements are needed. Electronic media presented at the hearing must meet the electronic copy requirements in Appendix 1.

Presenting in Te Reo / Sign Language

89. Any party, representative or witness may speak in Te Reo Māori at the hearing. The EPA must be informed of the intention to use Te Reo Māori so that an interpreter can be arranged.
90. Any karakia, powhiri, or mihi will not be translated into English or recorded on the transcript unless this is specifically requested before the hearing. To aid the Board, an English interpretation of the karakia, powhiri or mihi may be provided by the presenter.
91. Any party, representative or witness may provide their written evidence or a representation in Te Reo Māori, in which case an English version is to be provided by them.
92. Any party, representative or witness may present in New Zealand Sign Language at the hearing. The EPA must be informed of the intention to use New Zealand Sign Language so that an interpreter can be arranged.
93. The date by which requests for use of Te Reo Māori and New Zealand Sign Language must be received is specified in Section 1 of this document.

Closing Statements

94. Parties who made an opening representation may make a closing statement. This is optional. A request to make a closing statement must be made by the date set in Section 1 and provide an estimate of time required. No additional evidence or new information that has not been raised during the hearing can be introduced at this time.
95. A limit may be placed on the time to make a closing statement. Any such time limit is set out in Appendix 2.
96. Following the closing statements, the Board may adjourn the hearing.
97. The Board will advise all parties of the next stages, and the date the hearing is closed.

Written record of proceedings

98. The EPA will have the hearing proceedings recorded and transcribed. The transcripts will be made available on the EPA website, usually within two working days of the close of each day's proceedings.
99. The record of the hearing proceedings will also be provided on the EPA website and include:

- a) a summary of proceedings, including a list of the applicant's witnesses and submitters who have spoken at the hearing;
- b) witnesses who have appeared, and a list of all documents submitted at the hearing;
- c) a reference set of all documents presented to the hearing.

Role of EPA Support Staff

100. The EPA Hearing Manager will make the arrangements for the hearing on behalf of the Board and will attend the hearing to assist the Board with the administration of the hearing.

The Board will also be supported by an EPA Senior Advisor to assist with document management and to manage the hearing schedule. The EPA Senior Advisor can be contacted by email on Tamarind@epa.govt.nz or by Freephone 0800 222 510.

101. All communications to the Board shall be via the EPA support staff.

Media requirements

102. The hearing will be open to the public (except to the extent that any protection of sensitive information applies). Representatives of the media are free to attend and report the proceedings.

103. Cameras, video-recorders and audio recorders can only be used by media or any other person in the hearing, with prior permission from the Board of Inquiry Chairperson. Applications for permission to record can be made to the Board Chairperson in advance by writing to the EPA.

104. Media interviews are not allowed in the hearing room. Board members are not available for media interviews. The EPA will be available to provide process information to the media.

105. All media enquiries should be directed to Mark Wardle, Senior Communications Advisor media@epa.govt.nz or phone 0272 587 102.

106. The Board will operate under the Media Guide for reporting the Courts and Tribunals (Edition 3.1) Appendix F - Environment Court in-court media coverage guidelines which can be found on the Ministry of Justice website at: <https://www.justice.govt.nz/about/news-and-media/media-centre/media-information/media-guide/appendices/appendix-f/>

Health and Safety at the Hearing

107. Parties are responsible for ensuring their own health and safety at the hearing.

108. EPA staff will take all reasonable steps to ensure the safety of all parties attending the hearing. If you have concerns about your safety at the hearing, please raise it with the Hearing Manager.

109. Hazards or potential hazards should be raised with EPA staff as soon as practicable.

110. In the event of an emergency during the hearing, parties are to adopt the emergency procedures specific to the venue, and follow the instructions of EPA or venue staff should evacuation be required.

Decision

111. The expected date for the decision release is specified in Section 1.

Appeals

112. Parties considering an appeal on the decision should contact their solicitor, the New Zealand High Court, or visit www.justice.govt.nz for details. It is recommended that any parties considering appealing take legal advice. A fee is required for filing an appeal.

113. Any appeal on the decision to the High Court must be filed with the Registrar of the High Court within 15 working days after the date the appellant is notified of the decision.

Requests to deviate from these procedures

114. Should any party wish to deviate from any requirement identified in these Inquiry Procedures, including timeframes, a written request shall be made to the Board of Inquiry. Any such request must contain a full explanation of why the deviation is requested.

Email: Tamarind@epa.govt.nz (emails need to be smaller than 10MB)

Mail: Tamarind Taranaki Application, Environmental Protection Authority, Private Bag 63002, Wellington 6140, New Zealand

Phone: 0800 222 510

Delivery in person: to Environmental Protection Authority, Grant Thornton House, Level 10, 215 Lambton Quay, Wellington, New Zealand.

For the Board:



David Hill

Chairperson

Appendix 1 – Requirements for documents (including evidence and representations)

Evidence

1. All witnesses (expert and non-expert) must provide 10 hard copies AND an electronic copy of their evidence to the EPA by the dates set out in Section 1. The hard copy and/or electronic copy must be identical and comply with the hard copy and electronic copy requirements outlined below.
2. Statements of evidence can be sent:
 - a. **By email** to Tamarind@epa.govt.nz (if smaller than 10MB); or
 - b. **On a disk or portable storage device** (e.g. USB stick or CD) (if larger than 10MB); or
 - c. **Posted** to Environmental Protection Authority, Private Bag 63002, Wellington 6140, Attention: Tamarind Taranaki Applications; or
 - d. **Delivered in person** to Environmental Protection Authority, Level 10, 215 Lambton Quay, Wellington.
3. Evidence should be clearly identified as either expert or non-expert evidence on the cover page of the document.
4. The statements of evidence can refer to reports provided as part of the application, any other report published by the EPA on its website or any submission. These reports/submissions do not need to be supplied again.
5. If evidence is over 15 pages the witness shall provide an executive summary (no more than two pages) at the beginning of their evidence.
6. If evidence needs to be updated after it is lodged (e.g. as a result of meetings or due to errors), this updated evidence must be tracked to show any changes and include a version number and issue date. Updated evidence should be provided electronically to the EPA and any parties with approved requests to question the witness, no less than three days before the witness is scheduled to appear. 10 hard copies shall be given to the Hearing Manager on the day the witness appears.

Information presented at the hearing

7. A hard copy of any information presented at the hearing in support of representations, including opening and closing representations, and any documents associated with submitter presentations, may be provided on the day. Ten hard copies and one electronic copy should be given to the Hearing Manager when you arrive and these documents must comply with the hard copy and electronic copy requirements outlined below.
8. For parties who have been permitted to present using electronic media, the presentation files should either be emailed to the EPA, at least the day before the party is scheduled to appear, or given to the Hearings Manager on a disk or portable storage device upon arrival at the hearing venue.

Hard copy requirements

9. All text shall be single-sided A4 with a minimum 11 font size. Line spacing must be a minimum of 13pt or 1.5 lines. Pages may be double sided.
10. Non text exhibits shall be single sided and provided on A3 or A4 paper.
11. All coloured exhibits shall be provided as colour copies of good quality.
12. All evidence, including appendices, must have page numbers, a table of contents and be hole punched for an A4 lever arch folder. If the combined evidence for any party is more than 100 pages in total, it must also be tabbed and provided to the EPA in lever arch folders.
13. Each statement of evidence shall be signed by the witness who is to give that evidence.
14. Permission to deviate from the hard copy requirements may be sought from the Board of Inquiry through the EPA.

Electronic copy requirements

15. If the electronic copy of any document is less than 10MB, it can be emailed to the EPA at Tamarind@epa.govt.nz.
16. If the electronic copy of any document is greater than 10MB, it must be provided to the EPA on a CD, DVD or portable storage device (e.g. USB Stick). Any electronic files over 10MB in size may be too large to email and so should be split into multiple parts. If splitting electronic files, please make it clear when naming the separate parts of the document the order they should be reassembled in.
17. The electronic documents should, where practicable, be provided a Microsoft Word document or a searchable PDF. If this is not possible, other arrangements should be made with the EPA before providing the document.
18. If a party is providing evidence that include video clips, photographs or images then one copy on a CD, DVD or portable storage device (eg USB Stick) is to be provided both to the EPA and the applicant.
19. Any party unable to create electronic copies of a document must contact the EPA to make other arrangements before the date the document is due to be lodged.

Appendix 2 – Hearing order and time limits for appearances

Order of Appearances at the Hearing

The hearing will generally be scheduled in the following order -

1. Administrative and procedural matters
2. Opening Representations (starting with the Applicant)
3. Applicant and its witnesses
4. Parties (submitters) with expert witnesses (grouped by topic where possible)
5. Parties (submitters) without expert witnesses (representations or non-expert-evidence)
6. Any witnesses called by the Board of Inquiry (Board)
7. Closing Statements (finishing with the Applicant)

Indicative time allowances for presentations

Opening representations	Applicant's opening representation	2 hours
	Any other parties' opening representations who meet the criteria in paragraph 55.	30 minutes
Evidence	Witnesses will present a summary and/or any corrections to their evidence	15 minutes (or a time limit at the discretion of the Board)
	Questions of the witness by the Board	No limit
Representations	Representation from the submitter or representative	10 minutes
	Questions of the submitter by the Board	No limit
Closing statements	Any other parties' closing statements who meet the criteria in paragraph 55.	30 minutes
	Applicant's closing statement	2 hours