



## OMV New Zealand Limited (OMV) Decision-making Committee Procedures

Application: OMV New Zealand Limited application for marine discharge consent to discharge offshore processing drainage (harmful substances from deck drains).

### Purpose

1. On 8 February 2018, the Environmental Protection Authority (“EPA”) Board appointed a Decision-making Committee (DMC) under clause 14 of Schedule 5 of the Crown Entities Act 2004 to hear and determine a marine discharge consent application in accordance with the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. The EPA also appointed a chairperson of this DMC (“the Chairperson”).
2. This document sets out the arrangements for operation of this DMC, which are designed to reflect the principles of good governance, including being participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follow the rule of law. These procedures are based on those set for the EPA Board by Schedule 5 of the Crown Entities Act 2004, with appropriate amendments.
3. These procedures govern any decisions made by this DMC relating to the EPA’s statutory functions.
4. A copy of the delegation of statutory powers and functions from the EPA Board to this DMC has been provided to each Member.

### Chairperson

5. The Chairperson appointed by the EPA Board is Greg Hill.

### Acting chairperson

6. The Chairperson must appoint a member of the DMC as Acting Chairperson if the Chairperson is not available for any meeting.
7. The Chairperson has appointed Dr Nicki Crauford as Acting Chairperson.
8. The Acting Chairperson has and may exercise all of the functions and powers of the Chairperson in relation to a matter.

## Meetings

### Committee meetings (other than hearings)

9. A quorum for a DMC meeting will be more than half the membership (i.e. two members). However it is expected that all members will be present at all meetings.
10. The DMC will set their own meeting schedule. In addition any member may request a meeting by advising the Chairperson.
11. The DMC may hold meetings by teleconference or by video conference.
12. The DMC meetings (other than hearings or other public forums as decided by the DMC from time to time) will not be open to the public or media.

### Voting at meetings

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

### Meeting notes

16. 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. The notes will record:
  - the time and place of the meeting, and those present;
  - the reports and other documents referred to or tabled at the meeting;
  - any conflicts of interest that are declared at the meeting;
  - identification of the key matters discussed;
  - action points; and
  - all decisions of the DMC.
17. The meeting notes will not provide a comprehensive record of the various contributions to discussions at the meeting.

## Decisions out of meeting

18. 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 DMC duly called and constituted. The term “available” in this context means a member who is not excluded from voting or taking part in a decision under s 66 of the Crown Entities Act 2004 by virtue of being interested in a matter.
19. The decision may consist of several documents containing the same decision; each signed or assented to in writing by one or more members.

## Support to the DMC

20. The DMC will be supported by the EPA staff. Communications to the DMC from external parties will be via the EPA staff. The EPA staff will provide administration support and processing systems.
21. At the request of the DMC, the EPA staff will arrange tasks to be undertaken, or the provision of information, for the DMC. EPA staff will provide secretarial services to the DMC (such as preparation of agendas and meeting notes, and meeting arrangements) and will provide or procure any services the DMC requires using the EPA supply panel.
22. The DMC’s media releases, other media dealings, and public notifications will be managed by the EPA, in consultation with the DMC.

## Public dealings

23. The DMC will act collegially. Members should avoid engagement with interested parties or the media without a mandate from the DMC, especially about anything that may be construed as expressing an opinion on, or receiving representations on, issues the DMC will be considering.
24. The Chairperson will be the spokesperson for the DMC, unless the Chairperson or the DMC delegates that responsibility in any instance.

## Statutory Delegations

25. The EPA Board consented to the DMC delegating all the functions and powers delegated to that DMC to one or more members of that DMC (except the power to decide the application). The DMC may therefore delegate functions to be carried out on its behalf. Any such delegations will be recorded in writing. These functions may include deciding to waive or extend statutory timeframes, make an order protecting sensitive information, or give directions at or before a hearing.

## Tasks that may be performed by the Chairperson

26. The following tasks do not involve the exercise of statutory functions, and can be exercised by the Chairperson on the DMC's behalf without the need for a formal delegation:
- Approving a brief for any reports the DMC may want to commission.
  - Approving media releases.
  - Signing of minutes and directions issued by the DMC.

## Conflicts of Interest

27. If any member has a conflict of interest in respect of any matter being considered by the DMC at any meeting, that member should disclose details of the interest in the interests register and to the Chairperson of the EPA Board in accordance with s 64 of the Crown Entities Act 2004.

## Consequences of being interested in a matter (s 66 of the Crown Entities Act)

28. A member who is interested in a matter relating to a statutory entity:
- a. must not vote or take part in any discussion or decision of the DMC relating to the matter, or otherwise participate in any activity of the DMC that relates to the matter; and
  - b. must not sign any document relating to the entry into a transaction or the initiation of the matter; and
  - c. is to be disregarded for the purpose of forming a quorum for that part of a meeting of the DMC during which a discussion or decision relating to the matter occurs or is made.

## Permission to act despite being interested (s 68 of the Crown Entities Act)

29. The Chairperson of the EPA Board may, by prior written notice to the DMC, permit one or more members, or members with a specified class of interest, to do anything otherwise prohibited by s 66, if the Chairperson of the EPA Board is satisfied that it is in the public interest to do so.
30. The permission may state conditions that the member must comply with.
31. The permission will be recorded on the interests register along with any conditions that the member must comply with.
32. The permission may be amended or revoked in the same way as it may be given.

## Approval

33. DMC procedures were approved by the DMC on 8 June 2018.



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Greg Hill

Chair OMV Decision-making Committee