

DIRECTION & MINUTE OF THE DECISION-MAKING COMMITTEE

Hazardous Substances and New Organisms Act 1996 (“HSNO Act”)

Application APP203989: Amendment to the Firefighting Chemicals Group Standard

Direction & Minute WGT003 of the Decision-making Committee (DMC) – 30 October 2020

Background

1. The hearing for this application is due to commence on Thursday 05 November 2020. This was directed in the Direction and Minute WGT002.
2. In relation to this, in WGT002, the DMC directed that all information to be considered by the DMC be provided to the Environmental Protection Authority (EPA) by 5 pm on 22 October 2020. This was to allow for the requirement in section 58(2) of the HSNO Act that the applicant and submitters be notified of all further information obtained by the DMC a minimum of 10 working days prior to the commencement of the hearing.
3. The original submission period closed on Monday 2 December 2019, but this was extended to Monday 16 December 2019 (under section 52 of the HSNO Act) to allow more time for key stakeholders to make submissions.

Late submissions

4. The DMC notes that a submitter has provided new information in relation to their submission after the timeframe outlined in the Direction and Minute WGT002.
5. The DMC notes that it has the ability to extend this timeframe under section 59(4) and (5) of the HSNO Act if it is considered that it would not unduly prejudice submitters.
6. In regards to the specific issue of late submission of information in relation to a submission, the DMC considers that this should be addressed on a case by case basis, rather than by the application of a broad extension.

Late submission of information – Mike Willson – Willson Consulting

7. The DMC notes that Mike Willson, Willson Consulting, has submitted additional information in relation to his original submission at 11.46pm on 27 October 2020. This time is therefore after the timeframe of 22 October 2020.

8. The DMC notes that the late submission of information takes the form of an update to Mr Wilson's original submission and the new information addresses updates in information made available to submitters subsequently to his original submission.
9. The DMC has considered this request and any relevant consideration factors, including the timing of the request, natural justice, and the scope of the request and has decided to extend the time period for submission of this information. The DMC is satisfied that submitters will not be unduly prejudiced by this extension.

Directions

10. The DMC directs the following.
 - a. The time period for the receipt of information from Mike Wilson in relation to his submission is extended until 27 October 2020 and, therefore, the late information accepted.
11. The DMC will continue to issue Directions and Minutes as necessary to advise parties to the process of further communications or procedural matters.

For the Decision-making Committee:



02 November 2020

Dr Ngaire Phillips
Chairperson

Date