



What happens at a hearing for a marine consent application

August 2018

Find out more about hearings, and what will happen on the day.

You may have heard about a new application for a marine consent, and if it was open for public comment (we call this a 'publicly-notified' marine consent), you may have decided to give us some information or tell us your views in a submission.

As a part of your submission, you can choose to speak at a public hearing. It is your opportunity to talk about your information.

About hearings

A hearing is a type of meeting that brings together the people who are making the decision (in this case, deciding whether to approve an application for a marine consent), and all of the people who will present information to the decision makers. This includes the people who sent their views in a submission (the submitters), any expert witnesses if called, and the people applying for the marine consent (the applicant).

Most hearings are public so you can attend as an observer even if you didn't make a submission. If you didn't make a submission, you will not have a role beyond observing; there will be no opportunity for you to speak or provide evidence.

Hearings are like a court of law, but they aren't as formal. They follow a similar process, as they are there to weigh up the evidence for and against a marine consent application.



The decision makers are either a decision-making committee or a board of inquiry, depending on the type of application. A Chair runs the hearing and up to four other members of the committee or board of inquiry will be present.

Hearings are not held every time. We only hold them if a submitter or the applicant asks for one, or if we consider it necessary or desirable.

Before the hearing

Marine consent hearings avoid unnecessary formality. To make sure everyone knows what to do, before a hearing takes place we publish:

- details about where and when the hearing will take place (called a **hearing notice**) at least 20 working days before the hearing starts
- a **schedule**, which is updated regularly, showing the dates, venues and order of speakers on each day (with approximate timings and how much time each person is given to speak), and if provided, what each speaker is going to talk about, and
- **hearing procedures**, which include timetables and information about how the hearing will be organised and run.

The procedures don't change much from hearing to hearing, but they can be varied by the committee or board to make sure the hearing is fair, lawful and is just. The procedures set out things like: the committee's or board's approach to questioning of witnesses and people who made submissions, recording of evidence and the use of Te Reo or sign language. They include operational matters like exchange of evidence, the timeframes and the structure of a hearing day. These procedures are for applicants, submitters and expert witnesses, if any.

We publish these documents for every marine consent hearing. You can find examples of current hearings in the Public Consultations area of our website:

<https://www.epa.govt.nz/public-consultations/>

Where hearings are held

Hearings are held in public venues. We try to hold hearings at locations convenient for most submitters and the applicant. We have held hearings in Wellington, New Plymouth, Nelson, Auckland, Hamilton, and on the Chatham Islands. The hearing may be held in a conference centre or on a marae, for example, and we have also used hotels, scout dens and rugby club rooms.

What happens at a hearing

EPA staff will be available before the hearing starts to answer any questions you have, and also during any breaks. While the hearing is underway, the doors are closed but you can still enter. You don't have to stay for the whole hearing.

If you are scheduled to speak, arrive earlier than your scheduled time. When you arrive, you should sign the attendance register and take a seat in the public seating area.

The Chair of the decision-making committee or board of inquiry will say when parties can speak or ask questions, and they decide when breaks will be taken. They will also manage any changes from the hearing procedures.

The hearing will aim to follow the timings in the schedule that we published on our website. Please be aware that the schedule can change at short notice and you will need to be flexible. We will keep you informed. That's why it is important that we have your email address and a phone contact with your submission. It's not possible to guarantee a specific time for appearing at the hearing. Sometimes your speaking time may be moved to the next day.

Keep in touch with EPA staff about changes to the schedule, or any particular needs you have. Visit our website: <https://www.epa.govt.nz/public-consultations/in-progress/> to find the contact details for a particular application. The submission form also tells you how to get in touch.

We are fairly flexible in accommodating specific needs. You may choose to attend with support whanau, and we can arrange for people to speak at the hearing by Skype, even from overseas (please take into account any time differences and let us know).

Presenting your submission

At the hearing, we will always have a Hearing Manager and an EPA staff member to assist submitters on the day and to explain things to them. They will be happy to help you.

Speaking at a hearing is your chance to talk about your submission. Although hearings are run a bit like courts of law, you will be given time to state your case, and you will not be cross-examined by anyone. The committee or board may ask for clarification on any points they don't understand. If an expert witness is invited, they may be questioned more carefully.

All speakers have limits placed on how long they can speak for. The committee or board has a duty to read your submission before you attend the hearing (they must read every submission), so you don't need to read it out again. You can share evidence or give your opinions on the application, say how it will affect you, and ask for a particular decision or outcome. Giving opinions is called making a representation.

If you would like to speak in Te Reo or sign language, let us know in advance and we will arrange for an interpreter to be present. You should also indicate this on your submission form.

Prepare speaking notes, if it will help you on the day. If you would like to give a copy of your notes to the committee or board, bring ten copies and one electronic copy to the hearing. Give these to the Hearing Manager. Please note, we will post these on our website with the other information about the hearing.

We can arrange equipment for PowerPoint presentations, or to present via a video-conference (Skype) but we do not allow voice-only phone presentations to the hearing. You can also arrange for someone to speak about your submission on your behalf by letting us know on the submission form, or contacting us by phone or email in advance of the hearing, using the details above.

What happens next

The decision-making committee or board of inquiry usually makes a decision within 20 working days after the close of the hearing. It is released publicly as soon as possible in a report which is sent to the applicants, and all submitters, and posted on our website.

The decision can be appealed at the High Court based on points of law only by the applicant or by the submitters.

If the committee or board decided to grant the marine consent, they can set conditions which must be met while the activity is carried out. Conditions may be set to address any potential harm to the environment, for example. It is our role at the EPA to monitor and enforce these conditions.

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