

Wellington 17 May 2010

## Notice of Hearing

### TO REASSESS METHYL BROMIDE & ITS FORMULATIONS

**Note:** These arrangements are provisional, based on the intentions of the parties to appear as advised to ERMA New Zealand, and hence are subject to amendment if those intentions change, and are subject to the directions of the Chair.

<b>Application code:</b>	HRC08002
<b>Application category:</b>	To reassess any substance under the Hazardous Substances and New Organisms (HSNO) Act 1996.
<b>Applicant:</b>	ERMA New Zealand
<b>Applicant contact:</b>	The Chief Executive, ERMA New Zealand
<b>Purpose:</b>	Methyl bromide: a reassessment of methyl bromide and its formulations.
<b>Date application received:</b>	11 July 2008
<b>Hearing date:</b>	17 May 2010
<b>Time:</b>	9.30 a.m.
<b>Venue:</b>	The Grand Dining Room Wellesley Boutique Hotel 2-8 Maginnity Street Wellington
<b>Contact for Hearing:</b>	Samantha Smith 04 918 4880 / 021 674 951

### Decision-making Committee

- Helen Atkins (Chair)
- Deborah Read
- Max Suckling
- Richard Woods

## Sequence of events

### Hearing:

1. Introduction and explanation from the Chair
2. Order of business and procedures
  - ERMA staff present the application and update paper
  - Ngā Kaihautū Tikanga Taiao present the Ngā Kaihautū Tikanga Taiao Report
  - Submitters present submissions and any witnesses
  - Final questions from the Committee
  - Adjournment of hearing
3. The proposed session times are listed below:

	<b>Monday 17 May</b>
Session 1	<b>9.30 a.m. – 11.15 a.m.</b>
Break	15 minutes
Session 2	<b>11.30 a.m. – 1.00 p.m.</b>
Break	1 hour
Session 3	<b>2.00 p.m. – 4.00 p.m.</b>

The above is a guide only and the conduct of the hearing will be at the Chairperson's discretion and in accordance with the guidelines provided.

### Submissions

Submitters have been allocated a maximum of 15 minutes (including questions). The order of appearance is detailed over the page.

### Presentation of Evidence and Information

Pre-circulated evidence (including submissions) will be taken as read by all parties and does not need to be read verbatim at the hearing. Presenters should use the limited time available to highlight key points, and remember to allow time for questions of clarification and explanation.

Witnesses may refer to published material authored by others as part of their evidence. Sources of such material should be clearly identified. Witnesses presenting such information are expected to be able to justify their use of such information and to be questioned on their analysis and conclusions relating to such information.

Where information is presented at a hearing that has not been disclosed to ERMA New Zealand or to the other parties, the Chairperson may adjourn the hearing to allow other parties, including staff of ERMA New Zealand, to assess and respond to the new information.

There will be no cross-examination of parties or their witnesses at the hearing. At the conclusion of each person's evidence, the Chairperson and members of the Hearing Committee may ask questions of that person. The Chairperson will then invite any other party to put questions of clarification or explanation to the witness. Such questions may be put only with the leave of the Chairperson who has the discretion to disallow any question.

## Final Decision

At the end of all the presentations the Committee will adjourn the hearing and will make its decision in private. A final decision will be made usually within 30 working days but may be longer if further information is sought by the Committee. You will be notified of the decision and it will also be available on the ERMA New Zealand website at [www.ermanz.govt.nz](http://www.ermanz.govt.nz)

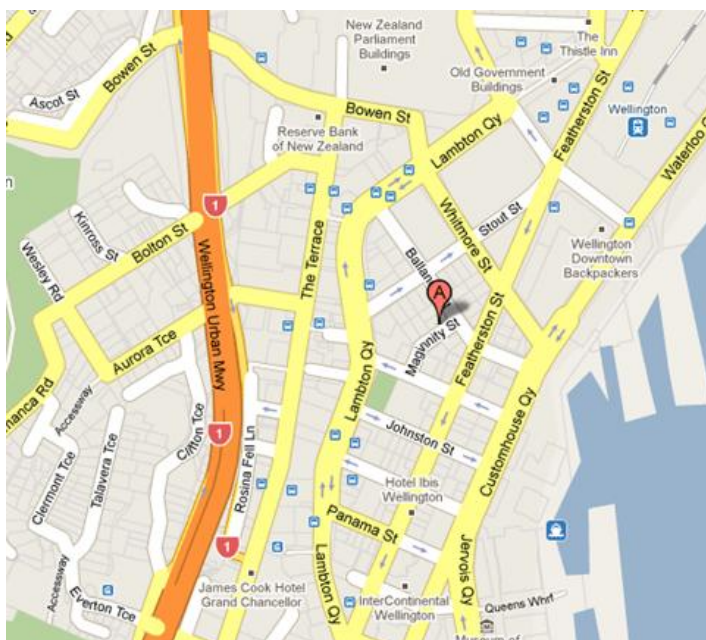
## News Media Guidelines

- A suitable space will be available for conducting interviews – please contact Sarah Kenward (Senior Advisor, Communications) on (04) 918 4813 or 021 976 853.
- Copies of relevant papers will be available from ERMA New Zealand beforehand, or at the hearing.
- No cameras (still or video) or tape recordings are permitted after proceedings are formally under way. (ERMA New Zealand staff can assist to set up for “scene setting” shots at the start or during the break.)
- ERMA New Zealand has a media policy for hearings, available on request or on the website. The Authority is a semi judicial body and therefore Committee members do not comment on applications. General enquiries about the application process can be directed to Sarah Kenward at the hearing. Interviews can be arranged with the Chief Executive at the ERMA New Zealand office in Wellington if required.

## Contact details

If you need to contact someone at the hearing please phone Samantha on 021 674 951.

The Grand Dining Room  
Wellesley Boutique Hotel  
2-8 Maginnity Street  
Wellington



## Housekeeping Details

- Coffee and tea will be available during the break. Parties are responsible for their own lunch arrangements.
- Cell phones should be turned off.
- No food or hot drinks will be permitted in the hearing room.
- No filming or photos of proceedings to be taken
- Please refer to the map for directions to the venue.

## Order of Business

Please note that these are approximate session times and are dependent on the length of questioning by the Committee and the appearance of submitters at the hearing.

### Monday 17 May 2010

#### Session 1: 9.30 a.m. – 11.15 a.m.

Introduction and explanation	Helen Atkins – Decision-making Committee Chair
Presentation of the application and update paper	Noel McCardle - ERMA New Zealand
Presentation of the Ngā Kaihautū Tikanga Taiao Report	Bella Tuau - Ngā Kaihautū Tikanga Taiao

Submitter	Organisation	Submission No.
Tina McIvor	New Zealand Council of Trade Unions PTE	101774
Ken Glassey	MAF Biosecurity New Zealand	101783
Tom Bachelor & Melanie Miller	Touchdown Consulting	101818

#### Session 2: 11.30 a.m. – 1.00 p.m.

Submitter	Organisation	Submission No.
Peter Silcock & Stephen Ogden	Horticulture New Zealand	101787
John Gardner	Ministry of Health	101638
Diane Davidson	New Zealand Forest Owners Association	101808
Kevin Nalder	New Zealand Fresh Produce Importers Association Inc	101786
Andrew McEwen	New Zealand Institute of Forestry	101796
Ken Fitzpatrick	Nordiko Quarantine Systems Pty Ltd	101797

#### Session 3: 2.00 p.m. – 4.00 p.m.

Submitter	Organisation	Submission No.
Sue Kedgley	The Green Party of Aotearoa New Zealand Inc	101761
Ian Shaw	University of Canterbury	-
Simon Terry	Sustainability Council of New Zealand	101802
Steffan Browning	The Soil and Health Association of New Zealand Inc	101803
Peter Bodeker	Wood Processors Association of New Zealand	100163
Neville Hyde & Karen Funnell	CentrePort Ltd	101806
Mark Ross	Federated Farmers of New Zealand Inc	101765

Final questions & hearing adjournment	Decision Making Committee
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## Advice to Participants in Hearings

Hearings are an opportunity for the Authority to be fully informed on an application, and for the parties to put before the Authority information which is relevant to the application under consideration. The emphasis should be on the effects, risks, costs and benefits of the application in the context of the statutory framework of the HSNO Act.

To help ensure that this is the case the following guidelines apply. These guidelines apply to both applicants and submitters.

1. Submissions and presentations at hearings should raise issues which are relevant to the application and are not simply of a general character.
2. Issues of a general nature previously dealt with by the Authority in decisions should only be raised in submissions if these contain new information, which helps to further develop the treatment of the issues relevant to this application.
3. The primary reference for the preparation of submissions should be the application. Submitters will be expected to be familiar with the application when making presentations to the hearing.
4. Your presentation should focus on the key points raised in your submission.
5. Submitters are entitled to bring witnesses who will speak to their submission. Witnesses should be able to bring expertise or special knowledge to bear on the matters raised in the submission.
6. At least 2 weeks prior to the hearing, submitters should provide a written list of the witnesses they propose to call, their areas of expertise, and the elements of the submission or application they propose to talk to. If this information is not provided the witness may only be called at the express leave of the Chairperson of the hearing.
7. Submitters and their witnesses are expected to pre-circulate to the Authority and to all other parties attending the hearing, copies of any information they intend to present to the hearing prior to the hearing. Parties should work on the basis that members of the Committee will have read the application, submissions and other circulated information prior to the hearing. It is therefore not necessary to read this information verbatim at the hearing. Parties should instead use their allotted time at the hearing to highlight their key points and be prepared to answer any questions which the Committee may have.

Submitters and their witnesses will normally have a maximum of 15 minutes to make their presentation to the hearing. This time includes provision for questions of clarification by members or by other parties. If any party believes they have good reason why they should have a longer time to make their presentation, this should be submitted in writing to ERMA New Zealand at least three weeks prior to the hearing. Any such extensions will be at the discretion of the Chairperson.

### **Note:**

The Chairperson has discretion to vary these procedural guidelines if special circumstances apply. For example, if there are a large number of submitters making very similar submissions e.g. copied from a pro forma on a website, and they all wish to appear at the hearing, the Chairperson may set an overall guide on the time for that group of submissions.

8. There will be limitations on questioning of submitters by the other submitters. Questions must be questions of clarification and must be asked through the Chairperson of the hearing. Other than this, responses, which are not genuine questions of clarification, will not be permitted.
9. Persons may present information to the hearing in Māori. Those who wish to do so should contact ERMA New Zealand at least two weeks in advance so that arrangements can be made for a translator.