

# AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

## FACT SHEET

### Fact Sheet 4 – Mediation

Date: 10 August 2015

**This fact sheet has been developed to assist those participating in the hearings process for the Proposed Auckland Unitary Plan (the Plan). Please note that it is only a summary of the information contained in the Auckland Unitary Plan Hearing Procedures document. Please refer to the Procedures document at [www.aupihp.govt.nz](http://www.aupihp.govt.nz) for more detail.**

**The hearings process is a requirement of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) and will be carried out by an independent hearings panel that has been appointed by the Minister for the Environment and the Minister of Conservation.**

The use of pre-hearing meetings, expert conferences and mediation is an important feature of the Unitary Plan process. The aim is to clarify or work through issues in a more collaborative and less formal way than is possible in a hearing. This is expected to result in better solutions and to reduce the amount of time required in formal hearings.

This fact sheet provides information on **mediation**.

#### What is mediation?

Mediation is a voluntary, informal and confidential process that brings people together to agree a common approach. The outcomes of mediation can also help the Independent Hearings Panel to understand the issues to be heard.

In the Independent Hearings Panel process, mediation can do three things:

- Bring together people with similar views to see if a common position can be agreed and if a single representative can present these views at the hearing;
- Bring together people with differing views to narrow down the things they disagree on so that less time is needed at the hearing;
- Confirm where people are in agreement on some matters.

#### Why undertake mediation?

Mediation can streamline the hearing process by:

- Reducing repetition at a hearing;
- Avoiding the need at the hearing to deal with matters that have been agreed;
- Reducing the need for submitters to attend or be represented separately at the hearing;

- Reducing the time involved in attending a hearing.

The Panel makes its recommendations following any hearing - the recommendations do not get made at mediation.

### **When will mediation occur?**

Mediation can be recommended by the Panel at any time during the hearings process. Mostly mediation will occur before the formal hearing sessions. Mediation may be recommended in the Parties and Issues report as the best way to progress a particular issue.

If there is mediation for your hearing topic, we will send you an invitation. This will tell you where and when the mediation will take place.

### **Who will attend mediation?**

Every submitter who wishes to be heard will be invited to attend. This will include submitters and/or their representatives, council officers, experts and the mediator. The council is required to take part in mediation. Panel members do not attend mediation.

### **Do I have to attend mediation?**

Mediation is voluntary – if you are invited you do not have to attend.

### **Do I need a lawyer, expert witness, or other representative to take part in mediation?**

No. However, if you do send someone else to represent you, you will need to make sure that they have full authority to settle or resolve the issues to be discussed during the mediation.

If you or a representative is going to attend mediation, it is important that you let us know beforehand. Please follow the instructions in the invitation.

Mediation will not be open to members of the public (including the media) who are not submitters on the hearing topic. This is so that matters can be talked about openly by the people involved and, if needed, that information can be shared that the parties would only share in confidence.

### **What can I expect at mediation?**

The Panel will appoint a mediator to oversee the mediation. The mediator is independent of the Panel and will treat the parties in an even-handed way. The mediator will ensure the mediation runs efficiently, that everyone has an opportunity to speak, and that the mediation starts and ends on time.

The mediator will report the outcomes of mediation. However, all discussions that take place in mediation are confidential and material will not be included in the report without your consent.

The outcome of mediation will be a joint statement signed by all participants of the mediation. This will include who attended, what they agreed (and why) and things that are still outstanding.

The timeframe for mediation is set by the Panel. Adjournments and extensions are unlikely to be granted.

### **What happens after the mediation?**

The joint statement produced through mediation will be made available on the hearings page.

Before the hearing the Parties and Issues report will be updated on the hearings page to show what happened at mediation.