

# AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

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

## FACT SHEET

### Fact Sheet 5 – Attending a hearing

Date: 23 November 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.**

This fact sheet provides information on **attending a hearing**.

#### What is a hearing?

Hearings are an opportunity for you as a submitter to present your views on the particular hearing topic.

The hearings on the Proposed Auckland Unitary Plan will be run by an Independent Hearings Panel. There will be at least two panel members at every hearing.

#### Where will the hearings be held?

Most of the hearings will be held in the Panel's hearing rooms on level 16 at 205 Queen St. Occasionally a hearing may be held in another location. Please check the details in your hearing notice or on the hearings page.

#### Who can attend a hearing?

Anyone may attend a hearing as these are open to the public (including the media). However, you can only speak at a hearing if you have made a submission or further submission and said on your submission that you wished to be heard. You can speak yourself or have someone else speak on your behalf.

Please note you do not need to have a lawyer or expert to take part in the hearing.

#### When will I be heard?

If you have said in your submission or told the panel office that you want to be heard, the panel office will send you a notice well before the hearing to let you know the date, time and location of the hearing. You can book a time to attend by following the instructions in your hearing notice.

You will need to book into a session rather than a specific time. There are usually four sessions a day. If you have to leave by a particular time you can let the hearing administrator know at the time of rsvp'ing.

Sometimes the hearing schedule or your session booking may change at short notice. The final decision about scheduling and the order of speakers lies with the Panel. The hearing administrator will contact you as soon as possible if there is any change to the day or time you are required to attend.

Notices of the hearing for each topic will be available on the hearings page, as well as all the reports and evidence for that hearing.

### **What do I need to do before a hearing session?**

It is a good idea before the hearing to make a list of the main points from your submission, and any supporting evidence, that you want to get across. You will not have time at the hearing to read out your submission or evidence in full, or for your witnesses to read their evidence.

You do not have to provide any evidence in support of your submission if you feel that your submission already makes your views clear.

Before the hearing you should also check the hearings page to read the latest version of the Parties and Issues report and all the evidence relevant to your hearing topic.

If you or your representative wants to question a witness brought along by another submitter then you need to make this request to the hearing administrator before the hearing by the due date (the hearing notice will tell you how to do this). This is known as cross-examination.

### **What happens at the hearing?**

The hearing is a formal process and is similar to going to court. At all times the Chair of the hearing session will be referred to as either Mr Chair or Madam Chair. When Judge Kirkpatrick is chairing, he will be referred to as Judge or Your Honour.

At the start of the hearing session, the Chair will introduce the Panel and then he/she will briefly explain what will happen at the hearing.

Before the hearing session, the Panel will read submissions and any evidence provided. This will mean less time is needed in the hearing to present information and ask questions.

The Panel will limit your speaking time.

The Panel will call you forward when it is your turn to speak. You will be invited to tell the Panel your key points if you have provided written evidence. You will not be asked to read out your submission or evidence in full.

After you (or your representative) have presented your views, members of the Panel may ask questions to clarify the information presented. Cross-examination, usually of expert witnesses by other parties, may be allowed provided a notice to cross-examine has been lodged and approved within time. Please see cross-examination and questioning below for further detail on this.

When all the speakers for that hearing session have been heard, the Chair will close the hearing and everyone leaves the room.

### **Witnesses appearing at hearing sessions**

All expert and non-expert witnesses must attend hearing sessions in person. The Chair will ask all witnesses to confirm that their evidence is true and correct.

All witnesses will need to present a brief summary of their evidence.

If a witness is unable to come to the hearing session, they will have to contact the hearing administrator to make other arrangements.

### **What is cross-examination and questioning?**

This is where the Panel asks further questions of witnesses or allows questioning from other parties in the hearing to clarify the information presented. Any submitter wanting to be heard (or their representatives) can make a request to cross-examine.

Cross-examination or questioning of a witness will normally only be permitted where:

- The witness is an expert; or
- It helps the Panel to better understand an issue; or
- Conflicting evidence needs to be put to the witness.

If you want to cross-examine a witness at the hearing, you will need to tell the hearing administrator and the party who will be calling the witness. You will need to say who you wish to cross-examine, the aspects of their evidence you want to question and how long this might take. You do this by sending a "Notice of Cross Examination" (under "Hearing Schedule Documents" on the hearings page) at least three working days before the hearing. This is explained in your notice of the hearing.

The Panel will make all notices of cross-examination available on the hearings page.

### **How can I find out what happened at a hearing?**

You can attend the hearing session in person, or you can request a copy of the audio record of the hearing or go to the [hearings](#) page of the website to see what evidence was provided at the hearing and the record of who attended.

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