

## RUSSELL McVEAGH

### NOTES FOR IHP CONFERENCE 3 OCTOBER 2014

1. Process and Procedures:
  - (a) Before any discussions, mediation, conferencing, evidence must:
    - (i) Confirm if attending hearing
    - (ii) Specify witnesses
    - (iii) Request additional hearing time
  - (b) If do (ii) must:
    - (i) Attend pre-hearing meeting
  - (c) If do (iii) must:
    - (i) Prepare extensive documents
    - (ii) Attend pre-hearing meeting
  - (d) If want simple recoding must attend pre-hearing meeting
  - (e) Could all be done by email with no attendance
  - (f) Three minor points:
    - (i) Coding of submissions:
      - (aa) Receive notice of pre-hearing meeting if lodged **any** further submission on a primary submitter who is coded that topic
      - (bb) Process for further submitters requesting recoding of primary
      - (cc) Process for recoding as "out of scope" if not identified as such
    - (ii) Uploading of documents to IHP website
2. Council's position:
  - (a) Time did not allow "feedback" to be considered as originally expected
  - (b) Plan as notified not as polished as originally expected
  - (c) Many submissions raise minor sensible amendments that unlikely to be contentious
  - (d) Submitter and Panel time and effort should not be wasted on such matters

- (e) Priority task: Council advising:
  - (i) Submission points that acceptable
  - (ii) Red-line version it will be supporting at hearing
  - (iii) Evidence that addresses all submission points
- (f) Most efficient process:
  - (i) Council position in advance of mediation
  - (ii) Council position following mediation and conferencing
  - (iii) Submitters confirm which points continuing to pursue
  - (iv) Then advise if attending, calling witnesses, require additional time

### 3. Timetable:

- (a) Appreciate constraints of statutory timeframe
- (b) Profession aware from start that simply not achievable, with 1 of 3 years already passed before Panel able to take control
- (c) Committed to working with Panel to:
  - (i) Use time as efficiently as possible to make as much progress as possible within next 2 years
  - (ii) While achieving fair hearings for all
- (d) Top down approach:
  - (i) Only real option
  - (ii) But cannot be rushed
  - (iii) RPS provisions pivotal
  - (iv) Timetable must allow time for:
    - (aa) Council to consider requests
    - (bb) Council to respond with red-line version
    - (cc) Parties to consider response and confirm points to pursue
- (e) Compressed timetable:
  - (i) Compromises settlement discussions and quality of thought on matters
    - (aa) Council unable or unwilling to meet
  - (ii) Results in extensive evidence being required (at cost to all)
  - (iii) Results in more matters requiring hearing time (and longer hearings)

- (f) Should be:
  - (i) Mediation on all matters, or at least meetings with Council
  - (ii) Sufficient time for discussions and thought, once Council's position is known
  - (iii) The opportunity for parties to confirm whether points are to be pursued, following those mediations / discussions and sufficiently prior to evidence so that effort is not wasted
- (g) Evidence:
  - (i) Deadline of 12 noon has no merit
  - (ii) Council must go first
  - (iii) Submitters must have adequate time for rebuttal, given focus will be on other submitters' evidence

4. Hearings:

- (a) Goal is that Panel:
  - (i) Receives benefit of full argument/presentation on issues
  - (ii) Not left in position of trying to resolve provisions without assistance
- (b) 10 minutes acceptable starting point provided:
  - (i) Process not onerous for requesting more
  - (ii) Requests are made **after** mediation, conferencing and confirmation of remaining points
  - (iii) Requests are considered on merits and not driven by time allocated in schedule
  - (iv) Does not include:
    - (aa) Any cross-examination
    - (bb) Questions from Panel

5. Over-riding objective

- (a) Less time spent on process issues, more on substance
- (b) Working together, achieve the goal of a good quality plan.

