

17 June 2024

Stephen Prendergast

fyi-request-26448-16970b10@requests.fyi.org.nz

Tēnā koe Stephen

Thank you for your request to the Department of Conservation, received on 17 May 2024, in which you sought additional clarification on the hearing panel appointment process associated with Pure Tūroa Limited's concession application.

We have considered your request under the Official Information Act 1982.

Context

We have previously provided you with information on various aspects of the Pure Turoa Limited concession application, including the role of the Decision Maker and documents related to the hearing process. This response provides further clarity around the hearing appointment process.

Your questions and our responses are listed below:

1. *Can you please clarify the process for the appointments of the hearings panel?*

According to the briefing to the Minister this concession was of such significance that the advice was he should not delegate the decision.

A verbal appointment scenario for the hearings process appears incongruent with this advice.

The Director-General or their delegate is responsible for the hearing process under section 49(2) and 49(3) of the Conservation Act 1987. The Director-General is responsible for providing a submitter or objector the opportunity to speak to their submission and they are also responsible for determining any hearing procedure. The outcome of the hearing process is a written report for the Decision Maker.

Regarding the Briefing advice you reference, this was in relation to the decision to be made on Pure Tūroa Limited's concession lease/licence application. It was not in relation to the Hearing Chair. The Hearing Chair role is different to that of the

Decision Maker and is undertaken by a different delegate. The Hearing Chair makes a recommendation to the Decision Maker, who considers the recommendation when making their decision on the application. The Hearing Chair's recommendation is one of many documents the Minister (as Decision Maker) considered when making his decision to grant Pure Tūroa Limited a concession.

There is no specific process for appointing a Hearing Chair and panel for a concessions hearing. We can also confirm that there is no requirement for the Hearing Chair or panel members to be appointed via written appointment letter.

2. *Does DOC not have procedural documents covering the appointment and instructions for concession panels?*

The Department's procedural document for hearings is the Concession Hearing Guidance document, which is followed when undertaking hearings for concession processes. The process undertaken for Pure Tūroa Limited concession application followed guidance outlined in this document. This document does not specify how Hearing Chairpersons should be appointed and rather notes that appointing a Hearing Chair is one of the responsibilities of the Permissions Manager. More specifically it states that the responsibility of the Permissions Manager is "*leading the hearing process or appointing an appropriate Chair of the hearing*".

Please note that this letter (with your personal details removed) and attached documents may be published on the Department's website.

Nāku noa, nā



Stacey Wrenn
Director Regulatory Authorisations
Department of Conservation
Te Papa Atawhai