

House of Representatives  
Supplementary Order Paper

Thursday, 16 August 2012

Exclusive Economic Zone and Continental Shelf  
(Environmental Effects) Bill

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*Proposed amendments*

Moana Mackey, in Committee, to move the following amendments:

*Clause 50*

Replace *clause 50(2)(b)* (lines 10 and 11 on page 46) with:

- (b) if there is no hearing, before the EPA decides the application; or
- (c) where the person who conducts the meeting or mediation and all persons who were at the meeting or mediation agree to a different time, at that agreed time.

*New clause 52A*

After *clause 52* (after line 5 on page 47), insert:

**52A Time limit for hearing**

- (1) A hearing must be completed not later than 40 days after the first day of the hearing.
- (2) The time limit in **subsection(1)** may be extended—
  - (a) by the EPA where exceptional circumstances of the hearing mean that 40 days would be insufficient; or
  - (b) by agreement of every submitter on the application who the EPA has allowed to be heard under **section 54** and the applicant.

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**Explanatory note**

The Bill was introduced with a clause that required parties to report on the outcome of mediation or a meeting prior to the hearing beginning or the EPA making

a decision. The Minister has proposed removing the requirement for the report to be before the hearing. This amendment proposes that the report back must be before the hearing, or the EPA making a decision, except where there is agreement of all parties.

The Minister further put forward an amendment to set a time limit of 40 days on a hearing. While it is very unlikely a hearing would need to be 40 days long, this time limit is too inflexible. If a case is particularly complex it is better that the hearing is able to continue and properly consider all of the information available. Accordingly the amendment proposes a more flexible time limit where there is a default of 40 days, but this may be extended in exceptional circumstances or by agreement of both sides giving evidence at the hearing.

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