



Speaking at a Resource Management hearing

This information sheet explains: how to prepare | representation and evidence | the hearing process

If you have made a submission on an application you have the opportunity to speak at the hearing.¹ What does that mean? How do you prepare?

What speaking at the hearing means

Speaking at the hearing gives you the opportunity to speak about your submission in front of a Hearing Commissioner(s) or Council, and to highlight the key points and concerns you have made in your submission. Speaking at the hearing also allows the Commissioner or Councillors to ask you questions about your submission.

You may be able to give a joint presentation with others who have similar concerns as you, or have someone speak on your behalf.

If you do not wish to speak at the hearing your written submission will still be considered.

How to prepare

Begin your preparation early and think about the key messages you want to make. Make sure these are covered in your presentation or speaking notes. The statement you make at the hearing should stick to the matters raised in your submission.

Say exactly what your concerns are, offer suggestions, and state exactly what you would like to happen.

Practice reading your presentation or speaking notes before the hearing.

More advice for speaking at a hearing can be found in a booklet produced by the Ministry for the Environment an Everyday Guide to the RMA, 3.3 Appearing at a Council Resource Consent Hearing.

[3.3 Appearing at a Resource Consent Hearing](#)

What happens at the hearing?

The Commissioner or Councillors will decide how the hearing will be run. The Commissioner or Councillors may also hold a meeting for the parties to explain how the hearing will run. This meeting is called a pre-hearing conference.

What is evidence?

The Commissioner or Councillors need good, solid facts to help them make a decision. Evidence is factual statements relating to the proposal. This can include photographs and other visual presentations.

Any person giving evidence is called a submitter.

Expert evidence is given by someone who is considered an expert because of their knowledge or experience in a certain field.

When you give expert evidence you must read, understand and be able to comply with your obligations under the Environment Court Code of Conduct for Expert Witnesses. As an expert witness you cannot act as an advocate for the submitter you are appearing for. [Expert Witness - Code of Conduct](#)

Expert witnesses must be independent and, unless approved by the committee, should not have made a submission on the same proposal. Expert witnesses can offer opinions only on matters relating to their field of expertise.

As a submitter, you can use an expert witness to present evidence.

Check the costs before you employ an expert witness. You may be able to share the expense with other submitters.

How does cross-examination work?

Cross-examination tests the evidence of the witness. Cross-examination is at the discretion of the Commissioner/Chairperson.

Purpose of cross examination

To obtain evidence from a witness called that is helpful to your case or, conversely, that damages the opponent's case.

The purpose of cross examination is not to damage your case or to help your opponent's case – it is important to decide at the outset what cross examination is likely to achieve your objective and what is not.

Testing parts of a witness's evidence

Not all cross examination is a challenge to the accuracy of the witness's testimony. Some cross examination may be directed to topics or matters that are likely to be in the witness's knowledge and which may be helpful to your case and which may not be easily provided by you by other means.

Limits on cross examination

Cross examination is (with one exception See Lawton LJ in British Rolled Steel [1986] Ch. 246, 309, 310) confined to topics or matters that are relevant as pleaded. A question that goes outside these limits is therefore open to objection.

Unfair, improper, misleading, complex, repetitive questions are not permitted – section 85 Evidence Act

1. Prepare for cross-examination; decide whether you should cross-exam.
2. Be civil and dignified in your questions and demeanour with the witness; take the "high road" on most endeavours.
3. Have two goals: First, try to have the witness provide favourable testimony or agree with your facts; Second, if needed, discredit the testimony of the witness, if absolutely necessary — be careful — generally play it safe.
4. Have a plan — what is the theory of your case and what facts do you need from this witness? There should be about three to four essential points to establish from the witness on cross — no more.
5. Don't argue with the party that is being cross examined.
6. Use short clear questions.
7. Use discovery questions.

8. Proceed carefully and in small steps — do not leap with one ultimate question.
9. Listen to the direct exam and cross exam answers and be ready to follow them.
10. Be confident, be natural, be courteous, be respectful.
11. If you do not have any questions, do not cross examine.

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