

# Hearing Procedures

## **Bendigo-Ophir Gold project Hearing under section 57 of the Fast-track Approvals Act 2024**

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### **Issued by the Bendigo-Ophir Gold project Expert Panel:**

- Hon Matthew Muir KC (Chair)
- Gina Sweetman
- Philip Barry
- Roger MacGibbon
- Tim Mulliner
- Peter Kensington
- Douglas Johnson

### **Date: Issue 1**

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### **Purpose of the hearing procedures**

The Bendigo-Ophir Gold project Expert Panel (the Panel) makes these Procedures to set the principles and rules by which the hearing for the Bendigo-Ophir Gold project under the Fast-track Approvals Act 2024 (the Act), will run in a manner that is appropriate and fair in the circumstances and avoid unnecessary formality as required.

The purpose of the hearings is to ensure the Panel has sufficient information on which to base its decision for the Bendigo-Ophir Gold project application.

### **Amendments or updates to the hearing procedures**

Should any party wish to deviate from any requirement identified in these procedures, a written request shall be made to the Panel via the Fast-track Team by email at [bendigoftaa@fasttrack.govt.nz](mailto:bendigoftaa@fasttrack.govt.nz).

Any such request must contain a full explanation of why the deviation is requested.

Amendments or updates may be made to these procedures as directed by the Panel. Parties will be notified of any changes via the Fast-track website here:

<https://www.fasttrack.govt.nz/projects/bendigoophir-gold-project/conferences,-workshops-and-hearings>.

## Revision Notes

Issue 1: First issue dated – 20 April 2026

### Communications from/to the Panel

1. The Panel will communicate via the Fast-track Team at the EPA or by way of the issue of a Minute which will be uploaded on the Fast-track website.
2. All communication with the Panel must be made via the Fast-track Team using the contact details provided in these procedures.
3. Email: [bendigoftaa@fasttrack.govt.nz](mailto:bendigoftaa@fasttrack.govt.nz)

**Note:** Generally, all correspondence to the Panel will be made available on the website, unless it is of a purely administrative nature. The Fast-track team will redact certain contact details from the correspondence, in particular a person's personal email address and phone number but will not redact a company's or a parties legal counsels contact details.

### Hearing

4. There is no requirement under the Act for a panel to hold a hearing on a substantive application, and no person has an automatic right to be heard.
5. Any rights to appear and be heard arise only where the Panel, in its discretion, decides to hold a hearing and invites persons or groups to participate under section 57 of the Act. In its discretion the Panel has decided that hearings are necessary because the nature of the subject matter in this case, the volume of comments received, the range of views expressed, and the intensity of local, including mana whenua, interest render it desirable that invited submitters (and the applicant by way of response) have the opportunity to engage directly with Panel members.
6. The hearing will be limited to matters regarding the substantive application and the comments received on it, with invited submitters asked to provide a high-level overview of their positions, including summarising any relevant legal submissions and expert evidence rather than calling experts in person.
7. The hearing will be open to the public for observation only.
8. Only those persons or groups whom the Panel has invited, in its discretion, may appear and be heard. Members of the public may observe the hearing but may not participate.
9. Parties identified above must confirm in writing to the EPA no later than 5:00pm on Thursday 23 April 2026, their availability to appear, the number of people whom they will have representing them and the name and title of their representatives/witnesses.
10. All evidence shall be provided to the EPA in electronic form, as per the requirements set out in these procedures.
11. The hearing will be a public hearing, with access to the public available at the following link: <https://www.fasttrack.govt.nz/projects/bendigophir-gold-project/conferences,-workshops-and-hearings>

This link will be live at the start of the hearings.

12. The Panel can consider limiting circumstances for a party to speak or call evidence where there is likely to be excessive repetition.
13. No person, other than the chairperson or members of the panel, may question a party or witness unless the Panel gives permission to cross examine a witness.
14. All participants are expected to conduct themselves respectfully and in a manner that assists the Panel to understand the issues.
15. The Chair may intervene at any time to manage the conduct of the hearing, maintain order, or ensure the hearing proceeds in a fair and efficient manner.

**Note:** *Only those who the Panel, in their discretion, have invited be heard can speak at the hearing. Members of the public can only view the hearing.*

### **Health and Safety for in-person hearings**

16. Parties are responsible for ensuring their own health and safety at the hearing.
17. The Fast-track Team will take all reasonable steps to ensure the safety of all parties attending the hearing. If you have concerns about your safety at the hearing, please raise it with the Fast-track Team.
18. Hazards or potential hazards should be raised with the Fast-track Team as soon as practicable.
19. In the event of an emergency during the hearing, parties are to adopt the emergency procedures specific to the venue and follow instructions of the Fast-track team or venue staff, should evacuation be required.

### **Hearing schedule**

20. A Hearing Schedule will be produced and updated as necessary. This will be made available on the Fast-track website and will contain the dates, order of speakers on each day with approximate timings. Speakers will be emailed a dedicated link to the hearing no more than 24 hours in advance of the hearing.
21. The Hearing Schedule is subject to change. Parties are expected to keep up to date with progress of the hearing on the day they are to appear and be ready to speak at any time. It is suggested that parties arrive at least half an hour before their assigned speaking slot.
22. The order of parties appearing at the hearing will be in general accordance with that set out in **Appendix 1**.

### **Opening the hearing**

23. The hearing may open with a mihi whakatau and an opening statement from the Chairperson of the Panel.

### **Witnesses appearing at the hearing (providing evidence)**

24. The Panel has earlier indicated (see [Minute 6 of the Panel](#)) that although parties have a statutory right to call evidence, including expert evidence, at the scheduled hearing, competing expert positions are, in its view, more appropriately addressed in the expert conferences and “hot tub” sessions which it intends to convene in May and early June 2026
25. In respect of any witnesses who are called, they will **not** be sworn or affirmed but must ensure that the statement of evidence they have produced is true and correct. Expert witnesses are required to abide by the Environment Court of New Zealand Practice Note 2023: <https://environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>.
26. Witnesses will not read their evidence at the Hearing unless requested to do so by the Panel. Witnesses may, at the direction of the Panel:
  - a. present a concise summary of their evidence; this summary should cross reference back to the evidence;
  - b. explain relevant figures, plans and tables;
  - c. outline and highlight any corrections in the evidence; and
  - d. summarise any changes to their evidence as a result of pre-hearing meetings or expert conferencing.
27. The Panel intends to place limits on the time allocated to each party who wishes to be heard. These are set out in **Appendix 1**. These time limits include time allocated to the hearing of any witnesses.

### **Presentation/electronic media requirements at the hearing**

28. All evidence shall be provided to the EPA by 5:00pm on Thursday, 23 April 2026. This will be made available on the Fast-track website.
29. During the Hearing, parties may be required to share screens.
30. Any person intending to use electronic media (e.g. Power Point) as part of their presentation must advise the EPA by 5:00pm on Thursday, 23 April 2026.
31. EPA systems at the hearing will enable the viewing of PDF documents, PowerPoint presentations, picture files and video files (using a standard .mp4 or .wav video format).
32. Intentions to use electronic media should include the type of electronic media to be used, and whether any specific system or software requirements are needed.

### **Presenting in Te Reo / Sign Language**

33. Any person may speak in Te Reo Māori at the hearing. The EPA must be informed of the intention to use Te Reo Māori so that an interpreter can be arranged.

34. Any karakia, pōwhiri, or mihi will not be translated into English unless this is specifically requested before the hearing. To aid the Panel, an English interpretation of the karakia, pōwhiri or mihi may be provided by the presenter.
35. Any person may provide their written evidence or a representation in Te Reo Māori, in which case an English version is to be provided by them.
36. Any party, representative or witness may present in New Zealand Sign Language at the hearing. The EPA must be informed of the intention to use New Zealand Sign Language so that an interpreter can be arranged.
37. Notification of the intention for use of Te Reo Māori and New Zealand Sign Language must be received by the EPA by 5:00pm on Thursday, 23 April 2026.

### **Record of proceedings**

38. The EPA will have the hearing proceedings recorded. The recording will be made available on the Fast-track website, as soon as reasonably practicable following the close of the hearings.

### **Role of Fast-track Support Staff**

39. The Fast-track Team will make the arrangements for the hearing on behalf of the Panel and will attend the hearing to assist the Panel with the administration of the hearing.
40. The Panel will also be supported by the Fast-track Team to assist with document management and to manage the hearing schedule. The Fast-track Team can be contacted using the arrangements outlined on page 2 of these procedures.
41. All communications to the Panel shall be via the Fast-track Team via email at [bendigofaa@fasttrack.govt.nz](mailto:bendigofaa@fasttrack.govt.nz).

### **Media requirements**

42. The hearing will be open to the public (except to the extent that any protection of sensitive information applies). Representatives of the media are free to attend and report the proceedings.
43. At an in-person hearing cameras, video-recorders and audio recorders can only be used by media or any other person in the hearing, with prior permission from the Panel Chair. Applications for permission to record can be made to the Chairperson of the Panel in advance by emailing the Fast-track Team on [bendigofaa@fasttrack.govt.nz](mailto:bendigofaa@fasttrack.govt.nz).
44. Media interviews are not allowed in the hearing room. The Panel are not available for media interviews. The EPA will be available to provide process information to the media. All general media enquiries should be directed to the Fast-track Media team at [media@fasttrack.govt.nz](mailto:media@fasttrack.govt.nz) or +64 27 293 4448.

45. The Panel will operate under the Media Guide for Environment Court In-Court Media Coverage Guidelines 2011, which can be found on the Ministry of Justice website at:  
<https://www.justice.govt.nz/about/news-and-media/media-centre/media-information/media-guide-for-reporting-the-courts-and-tribunals-edition-4-1/appendices/10-4-appendix-d-environment-court-in-court-media-coverage-guidelines-2011/>.

## Appendix 1 – Hearing order and time limits for appearances

### Order of Appearances at the Hearing

The hearing will generally be scheduled in the following order:

1. Welcome and introductions
2. Administrative and procedural matters
3. [order of appearances – TBC following responses]
4. Closing

Indicative time allowances for presentations

<b>Presentations by single party invitees/ submitters</b>	Invitees will present their submission, note any corrections or updates to their evidence and call any witness(es)  Questions of the invitee by the Panel	20 minutes inclusive of Panel questions
<b>Presentations by multi-party invitees/submitters</b>	Invitees will present their submission, note any corrections or update to their evidence and call any witness(es)  Questions of the invitee by the Panel	20 minutes or such further period up to 45 Minutes as the Panel allows on application inclusive of Panel questions
<b>Consolidated Applicant response at conclusion of all invitee submissions/evidence</b>		90 minutes