

# Your guide to presenting at an Environment Effects Statement Hearing at Planning Panels Victoria

Information for submitters

**Planning  
Panels  
Victoria**

# Public Hearing process

## Public Hearing

The Hearing gives submitters the opportunity to talk about their submission and highlight or expand on any key points for the appointed Inquiry or Inquiry and Advisory Committee (IAC).

If you do not present at the Public Hearing your written submission will still be considered by the appointed Inquiry or IAC.

### Cutting through the jargon

**Directions** – the Inquiry or IAC’s instructions to people participating in the Hearing. These must be followed by the parties.

**Inquiry or Inquiry and Advisory Committee (Inquiry; IAC)** – an independent group of professionals appointed by the Minister for Planning to consider and advise on a Project in line with Terms of Reference provided by the Minister for Planning.

**Party/Parties** – a submitter who requested to be heard and participate in the IAC Hearing.

**Submissions** – can refer to either a written submission about the Project or a verbal presentation at the Hearing which explains a Party’s views.

## Advocates, experts and submitters

The Hearing will involve advocates, experts and submitters. Each have a different role.

### Advocates

Advocates act on behalf of a client. They generally run the case and may or may not call expert witnesses. They express a view about the proposal but do not provide evidence.

### Submitters

Submitters are those who wish to express an opinion about a proposal. They make submissions, but do not provide independent expert evidence.

### Expert witnesses

An expert witness has specialised knowledge and gives evidence in a field of expertise. Common areas of expert evidence include biodiversity, social impacts, traffic, economics and the like.

Any party can call expert evidence. Expert witnesses are independent, and their primary duty is to the appointed Inquiry or IAC, not the party who calls them.

Expert witnesses provide expert witness reports, which will be recorded by the appointed Inquiry or IAC on a list of Tabled Documents. The report contains the expert’s evidence in relation to the Project and its impacts.

Evidence usually includes facts relating to the Project and the witness’ opinions based on their expertise. Evidence can include modelling, photographs and other visual presentations as well as written opinions.

The appointed Inquiry or IAC may direct expert witnesses in the same field to meet to discuss the key issues and to identify (and if possible, reduce) areas of disagreement before the Hearing. These meetings occur without the parties or other observers in the room, to ensure the experts can discuss matters freely and state their independent opinions. A report from the expert meetings (a Joint Expert Statement) will be circulated to all parties setting out the outcomes of the meeting.

Expert witnesses will present their evidence at the Hearing (called ‘evidence in chief’) and will then be available for questions (called ‘cross examination’). Any party can ask questions of expert witnesses. The appointed Inquiry or IAC can also ask questions, and may regulate questions from the parties.

More information about asking questions is available below.

## Site inspection

The appointed Inquiry or IAC will undertake an inspection of the Project area. Site visits assist them in considering the Project’s impacts on the environment and on nearby properties and communities. Site visits also help the appointed Inquiry or IAC to understand the evidence and the submissions. Site visits can either be unaccompanied or accompanied.

## Main Hearing

The Hearing allows for:

- The Proponent to present evidence and submissions in support of the Project.
- Registered Aboriginal Parties and Traditional Owners to voice their views on the Project (if they wish to participate).
- The local councils, government agencies, community groups and individual submitters to speak to their written submissions and call evidence if required.

The Hearing is open to the public, and anyone can observe the Hearing.

## Time allocations

All submitters who requested to be heard will be allocated a time on the Hearing Timetable when they can present to the appointed Inquiry or IAC.

The Inquiry or IAC will prepare the Timetable based on the information provided on the online submission form or coversheet that you provided with your submission.

Depending on how many submitters want to be heard, the Inquiry or IAC may need to limit submissions times for parties, to ensure everyone gets a fair opportunity to have their say.

## What does presenting at the Hearing involve?

### How do I present?

It's up to you how you make your submission at the Hearing. You can present your submission verbally or in writing. Some submitters like to present PowerPoint presentations. Others simply read from written notes.

It helps the Inquiry or IAC if you have examples, photographs or plans that help explain your key points.

### What should I say?

You should clearly explain to the appointed Inquiry or IAC what is of particular concern to you about the Project, and why, and what (if anything) you would like changed about the Project.

You can also highlight conditions you think should be included on approvals for the Project, or comment about the Proponent's submissions or evidence, or the submissions of other parties.

You don't need to read your original submission that you lodged during the exhibition period out, as the Inquiry or IAC will have already read it.

### Keep it relevant

The appointed Inquiry or IAC is only able to assess and advise on the Project's impacts on the environment.

The appointed Inquiry or IAC Terms of Reference provide information on the scope of the IAC's inquiries. Familiarise yourself with these before you prepare your submission.

### Will I be asked questions?

The Inquiry or IAC may ask questions of clarification to make sure they fully understand your submission. Other parties can only ask you questions if the Chair allows it. You will not be cross examined in the same way an expert witness is cross examined.

## Can I get someone to present for me?

You may wish to have someone else present on your behalf such as a family member, friend, neighbour or professional representative.

## How to prepare for the Hearing

### Consider writing down what you want to say

It is a good idea to prepare speaking notes, to guide you through your presentation or to read out at the Hearing. That way, you won't forget any of the points you want to bring to the Inquiry's or IAC's attention.

Writing down what you want to say will help you present your key messages in a logical order. It will also give you a document you can provide to the Inquiry or IAC.

### Practise, and time yourself

Practising will make sure you don't run out of time, and you can present your submission looking calm and confident. Be mindful of the time and speak within the time allocated to you. Extensions of time are generally not possible, as there will be other submitters following you.

### Observe another hearing

You can observe any Planning Panel Victoria (PPV) hearing beforehand to see how a hearing works. Current hearings and links can be found on the PPV website: <https://www.planningpanels.vic.gov.au/>

## Presenting on the day

Part of the appointed Inquiry's or IAC's role is to hear from submitters and get an understanding of how the Project may affect them. You don't need professional representation to explain that to the Inquiry or IAC.

Some people get nervous presenting to the Inquiry or IAC. Remember that the Inquiry or IAC members often hear from people who are not familiar with these types of processes. They are not expecting you to present like a lawyer or a planner.

You can expect the Inquiry or IAC to treat you with respect and to try to put you at ease. You should also treat them and others in the Hearing with respect.

### What do I call the members and other participants?

The Inquiry or IAC members will introduce themselves at the start of the Hearing and how you should address them.

When making your submission or asking the Inquiry or IAC questions, refer to the members as 'Member Last Name' etc. They will have name plates.

When referring to other parties or witnesses, refer to them as 'Ms Smith, 'Mr Jones' etc.

## Screen sharing

The Inquiry or IAC prefers parties to present material electronically, using screen sharing. This will allow you to display your material on the screens in the Hearing Room, and to online observers.

You can screen share from your own wifi enabled laptop or tablet, or from the Hearing Room laptop. If you want to use the Hearing Room laptop, bring your material on a USB stick so it can be uploaded to the Hearing Room laptop.

If you are using your own device, you will need to firstly log on to the wifi and then into the Hearing. The Hearing Room laptop will already be logged in.

If you've not used the screensharing function in MS Teams before, you might want to have a practice before the Hearing so you are confident with the tools by the time you come to present.

PPV staff will be available to assist you.

Any material you present at the Hearing needs to be circulated to the Inquiry or IAC and the parties the day before you present. See more below on documents.

## When should I arrive?

Make sure you arrive and/or log in with plenty of time on the day you are scheduled to present.

If you want to present using the Hearing Room laptop, arrive by 9am with your material on a USB stick, so PPV staff can help you load the material onto the laptop before the Hearing starts. Then you will be ready when it comes to your turn.

**TIP:** The Public Hearing allows the Proponent to speak about its Project. It gives people who made a submission the chance to talk about their submission and expand on any key points to the appointed Inquiry or IAC.

**TIP:** If you are delayed or cannot make it for any reason it is important that you contact PPV as early as possible, so we can inform the Chair and ensure any delays to the Hearing are minimised.

The Chair will invite you to speak when it's your turn.

## What if I run out of time?

You must finish your presentation during the time allocated to you. If you run out of time, the Inquiry or IAC will likely need to ask you to finish, as there will be other submitters following you.

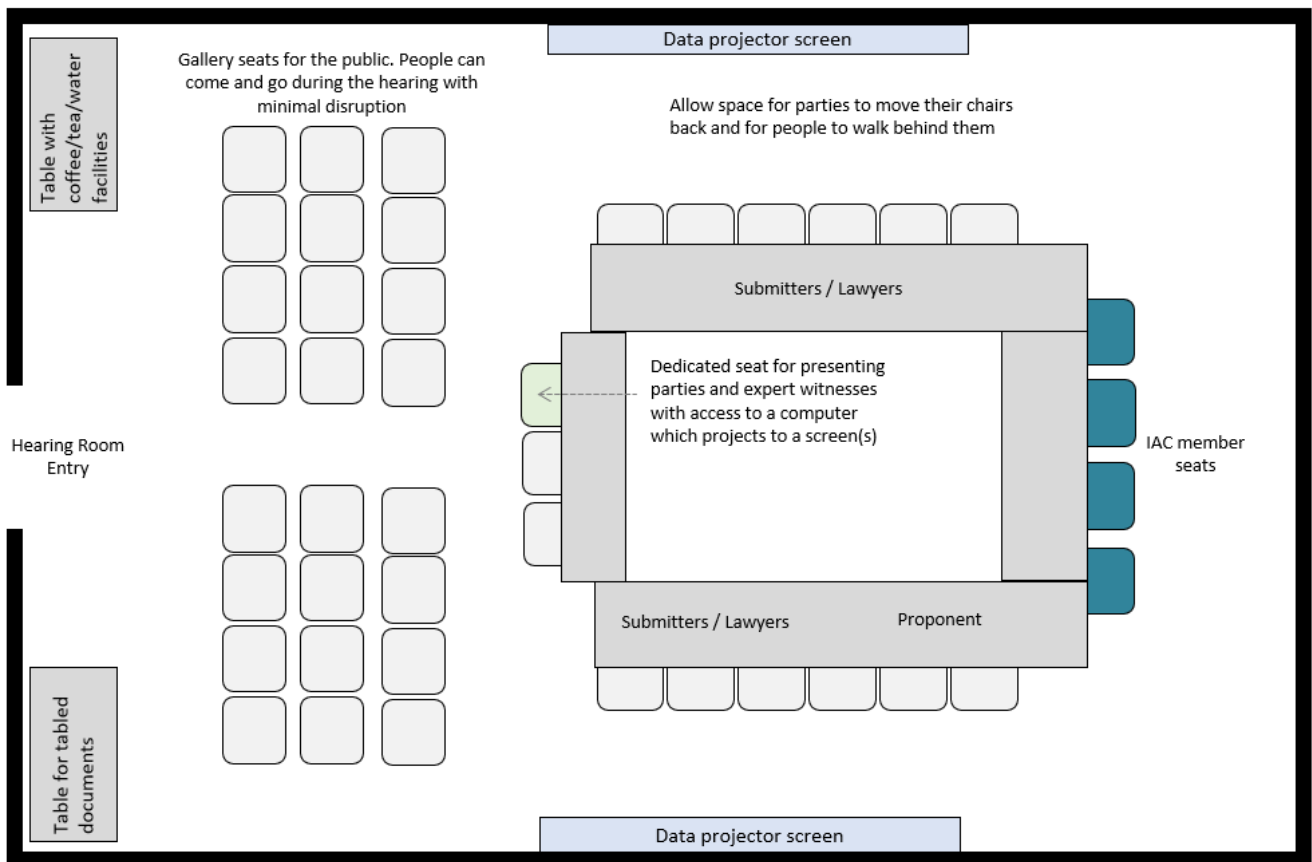
If you run out of time, you can provide the Inquiry or IAC with any written material you didn't get to present.

## Checklist for presenting at the Hearing

**The Hearing provides submitters with a chance to have a say and participate in the planning decision-making process. Keep the following points in mind when making your presentation at the hearing:**

- ✓ Begin your preparation early and think about the key messages you want to make.
- ✓ Practise reading your presentation or speaking notes before the hearing. Make sure you can present within your time limit.
- ✓ Arrive at the hearing in plenty of time.
- ✓ Speak slowly and clearly.
- ✓ Introduce yourself and/or your organisation. If you are representing an organisation, explain what your role is in the organisation, and the organisation's objectives, activities and membership base.
- ✓ Keep to the point. Clearly state your concerns and provide information to support your point of view.
- ✓ Speaking to two or three key points can be better than trying to rush through many issues. The less important issues can be dealt with in your written material.
- ✓ Speak from your notes and written submission if you are nervous or not used to speaking in public.
- ✓ Avoid repeating what others have said but acknowledge where you agree with it.

## Hearing Room layout



## Cross examination and asking questions

### When should I cross examine a witness?

Questions in cross examination might be about how the witness formed a particular view, what assumptions the witness based their opinions on, or how they verified any facts they have based their on.

You should cross examine a witness if you think the witness may have 'got it wrong', for example because the witness made a key assumption that you think is not sound, or if they have not considered something you think they should have considered.

Cross examination is about testing the expert's evidence. It is not an opportunity to generally educate yourself about a particular subject matter.

If you disagree with the witness' opinions, but you don't have particular concerns about the way they have formed their opinions, that is better explained to the Inquiry or IAC through your submission rather than through cross examining the witness.

### How to cross examine

#### If you want to cross examine a witness, you must:

- be present for the whole of the evidence of that expert witness
- ask clear and relevant questions, directed to matters of fact or professional opinion
- allow the expert witness time to explain their answer.

Cross examination must be respectful, and productive. It is not an opportunity to argue with the witness.

#### When cross examining you should avoid:

- making a submission or providing your opinion about the project
- giving extensive comment or context as an introduction to your question
- asking questions that are unrelated to the evidence
- commenting on the expert or the evidence (as opposed to asking questions)
- asking questions that have already been asked.

## Keeping to time

The Inquiry or IAC may ask how long you think you will need for your cross examination. You need to keep to your time estimate and should aim to complete your questioning as concisely as possible.

## What to expect

Cross examination needs to be about the matters before the appointed Inquiry or IAC, and useful to them in assessing and weighting the evidence. The Inquiry or IAC may ask you to move on if the line of questioning is not useful to them.

## Documents

### Documents are public

All information received by the Inquiry or IAC during the Hearing is treated as a public document and will be published on the Inquiry or IAC Engage Victoria website.

Please don't include any personal information that you are not happy to be made public, or any personal information of others (such as photographs of faces) unless you have the person's consent.

### Can I present information confidentially?

The Inquiry or IAC can hear submissions or accept material on a confidential basis, provided this would be fair to the Proponent and other parties to the Hearing. If you want to make your submissions or provide material confidentially, you will need to ask permission from the Chair in writing and provide reasons why the Inquiry or IAC should treat your submissions or material confidentially.

### Document sharing

Depending on the size of the Environment Effects Statement matter, the appointed Inquiry or IAC will decide if a document sharing platform is required. The document sharing platform is a place where parties can upload documents so that the Inquiry or IAC and parties have access to them during the process, including at the Hearing.

The Proponent will be asked to host and manage an online document sharing platform and provide instructions to all parties on how to use it.

## Report

After the Hearing is over, the Inquiry or IAC will provide a report with recommendations and advice to the Minister for Planning.

### What will be included in the Report?

The Inquiry or IAC Report will assess the Project's impacts on the environment, having regard to the associated technical material, the public submissions,

and further submissions and evidence presented at the Hearing.

The Report may provide recommendations on how the Project's impacts might be further minimised.

### When will the Report be provided to the Minister?

The Terms of Reference will outline when the Inquiry's or IAC's Report must be provided to the Minister for Planning. Typically Reports' are due within 30 or 40 business days from the last day of the Proceedings.

### How will the Report be used?

After receiving and having regard to the Inquiry's or IAC's Report, the Minister will assess the Project's impacts on the environment. The Minister's Assessment will inform decisions about approvals for the Project.

### Will the report be available to the public?

The Minister for Planning will decide whether and when to release of the Inquiry or IAC Report to the public.

## Keeping you updated

All updates about the Inquiry or IAC Hearing process are provided on the dedicated Inquiry or IAC Engage Victoria website at <https://engage.vic.gov.au>.

This will include:

- the Directions of the Inquiry or IAC and any updated or new directions
- the Hearing Timetable
- all Tabled Documents
- latest updates on the Hearing, confirming who will be appearing and any delays or changes to the published Timetable
- recordings from the Directions Hearing and Hearing (if directed).

### Questions or further information

If you have any other questions, please contact Planning Panels Victoria:

[Planning.Panels@transport.vic.gov.au](mailto:Planning.Panels@transport.vic.gov.au)