

Planning and Environmental Appeals Division (DPEA) submission of 4 August 2022

PE1864/KKKKK: Increase the ability of communities to influence planning decisions for onshore windfarms

Newly appointed Reporters are provided with in-person training on legislative and procedural aspects of holding hearings and inquiries. As they broaden their experience and progress to take on casework that is likely to require a hearing or inquiry, further in-depth training is provided. They are also at that time encouraged to attend in-person hearings and inquiries to view more experienced reporters at work, and to view webcasts of previous hearings and inquiries.

In recent years it has also become common to co-appoint less experienced reporters jointly with more senior colleagues, in order to facilitate 'learning on the job' in conducting more complex inquiries, such as those relating to onshore wind. In addition, regular Reporter Training Seminars often touch on the conduct of hearings and inquiries. In this regard a recent seminar, conducted over two sessions, looked in detail at organising and chairing hearings and inquiries.

Reporters are advised to take particular care in ensuring that non-legally represented witnesses are able to participate fully in the hearing or inquiry. This includes providing additional guidance and support to the witness where that is needed.

To more fully address the point being made in the petition in regard to perceived bullying and intimidation of witnesses, our experience is that advocates by and large take care to treat non-legally represented witnesses with respect. In very rare cases, depending on the evidence presented by the witness, it may become necessary for the cross-examiner to ask the witness a series of detailed and sometimes searching questions in order to test their evidence. However, Reporters are advised to be alert to any overstepping of the mark and to intervene if they perceive that cross-examination is becoming overbearing or lacking in politeness and respect.

Reporters are encouraged to view webcasts of their own inquiries to reflect on their performance; webcasts are also used by DPEA management to assess the performance of Reporters.