



What to Expect at an AOPA Hearing

Fact Sheet

An NRCB hearing under the *Agricultural Operation Practices Act* (AOPA) follows the quasi-judicial process below to ensure fairness and to allow everyone to have their say. Formality is kept to a minimum so that participants are as comfortable as possible.

Opening remarks

- The panel chair explains the purpose of the hearing, introduces the members of the panel and the NRCB staff who are present, then registers the participants.

Preliminary matters

- The chair asks participants for any preliminary matters to be addressed—procedural, legal, or otherwise.

Providing evidence/submissions (direct evidence, cross-examination, panel questions)

- Each party has the opportunity to present direct evidence, cross-examine other parties, and make a final argument. Although the panel determines the sequence of presentation on a case-by-case basis, the normal order of presentation is:
 - The NRCB approval officer/inspector (represented by the NRCB chief legal officer)
 - The CFO operator/applicant (may be represented by their own legal counsel if they choose)
 - Directly affected parties (as defined under AOPA)
- Parties must submit direct evidence in written form prior to the hearing. At the hearing, participants/witnesses provide a brief oral summary of their written submissions, emphasizing key messages. The court reporter will swear in each witness before they give evidence.
- Each directly affected party, whose interests are opposed to those of the witness, is given the opportunity to cross-examine witnesses who have presented direct evidence.

- The hearing panel, and panel counsel, may have questions for the witness. If so, this follows all cross-examination by the directly affected parties.
- The party presenting evidence has the opportunity to provide redirect evidence. Redirect evidence is limited to evidence that addresses issues that arose in cross-examination and panel questions. If a party enters redirect evidence, other parties may ask additional questions based on the redirect.

Rebuttal evidence (does not occur at all hearings)

- Once the evidence and submissions are complete, the CFO operator/applicant may submit additional evidence in response to new evidence that was entered by the directly affected parties who appeared after them at the hearing (often called “rebuttal”).

Final arguments

- Each party has the opportunity to provide their views, and the rationale behind those views, on the decision they think the panel should make. Although fairly uncommon in AOPA hearings, the panel may grant an opportunity for reply argument when it is appropriate and necessary.

Closing of hearing

- The chair announces that the hearing is complete and that the panel will aim to issue a decision within 30 working days.

Decision report

- The panel’s final decision and reasoning is issued in a decision report distributed to all participants and made available to the public on the NRCB website.

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