

**Before a Decision-Making Committee  
Of the Environmental Protection Authority**

**APP203660**

**Under** the Hazardous Substances and New Organisms Act 1996

**In the matter of** the modified reassessment of methyl bromide

**By** **Stakeholders in Methyl Bromide Reduction Inc**  
Applicant

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**10<sup>TH</sup> MEMORANDUM OF COUNSEL FOR THE APPLICANT**

**27 March 2020**

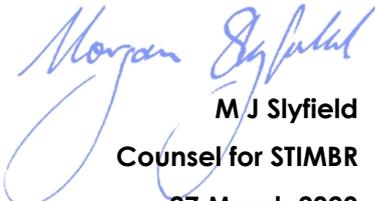
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1. On 3 March 2020 STIMBR requested a direction from the Decision-making Committee (**DMC**) on whether the DMC has jurisdiction to issue an interim decision to alter the recapture deadline (9<sup>th</sup> Memorandum of Counsel). This was because of a concern that the recapture deadline would start to impact on payments for log exports to India from 1 May 2020.
2. On 10 March 2020 the DMC stated that even if it did have jurisdiction, it would be very difficult at this time to make such a decision (Direction & Minute WGT010). The DMC requested advice from the EPA whether there are any other available statutory options for addressing the issue.
3. On 26 March 2020 the EPA provided that advice (Memorandum from Phillipa McKenzie to members of the DMC). The advice is that if the DMC were to receive an appropriate application from STIMBR (and subject to various other procedural requirements), the DMC could potentially waive the recapture deadline and, in effect, create a new recapture deadline.
4. STIMBR is grateful to the DMC and the EPA staff for the prompt attention they have given to this matter. STIMBR has carefully considered the DMC's Direction and Minute WGT010 and the EPA advice.
5. Since 3 March 2020 STIMBR has also continued to investigate with its industry stakeholders the issue concerning payments for log exports to India. As a result of those investigations, and taking account of Direction and Minute WGT010 and the EPA advice issued yesterday, STIMBR has decided not to pursue any application to address this issue in advance of 1 May 2020.

  
**M J Slyfield**  
**Counsel for STIMBR**  
**27 March 2020**