

## EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF (ENVIRONMENTAL EFFECTS) ACT 2012 (the Act)

### Trans-Tasman Resources Limited iron sand extraction and processing application

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M31 – Minute of the Decision-Making Committee – 3 March 2017

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#### Analysis of Submissions Report

1. The Decision-making Committee (DMC) has received a memorandum from counsel for Kiwis Against Seabed Mining (KASM) and Greenpeace raising concerns about the Analysis of Submissions report (“the Report”) provided to the DMC by the EPA.
2. The memorandum records the objection to the Report by KASM and Greenpeace, and their request that it be withdrawn, on the following grounds:
  - a) The Report implies the third party web based submissions did not comply with section 46 of the Act.
  - b) The Report fails to analyse comments included in those third party web based submissions, beyond the standard text.
  - c) The Report made an arbitrary distinction between third party web based submissions and those made via the EPA system.
  - d) The Report is misleading as it gives the impression there are more submissions in favour than opposing the proposal.
3. The DMC requested the Report from the EPA who provided it, so it is not open to the DMC to withdraw the Report. Nor does the DMC consider there is any reason for the EPA to do so. In the DMC’s view, there is nothing misleading about the Report. It is a non-statutory document that has been prepared to provide the DMC with a high level analysis of some key characteristics and themes contained in these submissions on the application. The DMC notes that these themes have formed a key focus of the proceedings to date.
4. The scope and limitations of the Report have been very transparently stated, and it does not attempt to suggest there were not a large volume of third party web based submissions that opposed the proposal.
5. This Report does not, and was never intended to, remove the requirement under section 59(3)(a) of the Act for the DMC to have regard to any and all submissions made and the DMC will be discharging this duty accordingly. In particular, while the Report does not analyse comments in

the third party web based submissions that are beyond the standard text, these submissions were identified for the DMC and will be considered by the DMC in its overall assessment and consideration of the application.

**For the DMC:**



Alick Shaw  
DMC Chair  
3 March 2017