

**BEFORE THE ENVIRONMENTAL PROTECTION AUTHORITY
AT WELLINGTON**

IN THE MATTER of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act)

AND

IN THE MATTER of an application for marine consent under section 38 of the EEZ Act by Trans-Tasman Resources Limited to undertake iron ore and processing operations offshore in the South Taranaki Bight

BETWEEN **Trans-Tasman Resources Limited**
Applicant

AND **Environmental Protection Authority**
EPA

AND **Fisheries Inshore New Zealand Limited, New Zealand Federation of Commercial Fishermen Inc, Talley's Group Limited, Southern Inshore Fisheries Management Company Limited and Cloudy Bay Clams Limited**
Fisheries Submitters

MEMORANDUM ON BEHALF OF FISHERIES SUBMITTERS

Dated: 14th February 2017

Regarding experts' attendance at hearing

Counsel Acting
ROBERT MAKGILL
BARRISTER

Instructing Solicitor

PETER DAWSON
DAWSON & ASSOCIATES

P 03 544 1967 F 03 544 1968 E peter@maritimelaw.co.nz
PO Box 3830, Richmond 7050, New Zealand

MAY IT PLEASE THE DECISION-MAKING COMMITTEE:

1. Counsel acts for Fisheries Inshore New Zealand Limited, The New Zealand Federation of Commercial Fishermen Inc, Talley's Group Limited, Southern Inshore Fisheries Management Company Limited and Cloudy Bay Clams Limited (**Fisheries Submitters**).
2. This memorandum:
 - (a) Refers to memorandum of Counsel dated 13 February 2017 regarding DMC Minute 24 and Australian based experts hearing attendance;
 - (b) Addresses the attendance of the Fisheries Submitters' offshore experts, Mr Joris Jorissen and Dr Greg Barbara at the hearing, and
 - (c) Seeks consent of the DMC for three of the Fisheries Submitters' experts to present their evidence via video-conference.

ATTENDANCE AT HEARING BY MR JORIS JORRISEN, DR GREG BARBARA AND MR DEREK TODD

3. At paragraph [7] of counsel's memorandum dated 13 February 2017, we indicated that Mr Joris Jorissen would attend the hearing on Monday 20 February 2017, and Dr Greg Barbara would attend for three days on Monday 20, Tuesday 21 and Wednesday 22 February 2017.
4. Mr Derek Todd is scheduled to appear at the hearing on Thursday 23 February 2017.
5. Mr Jorissen and Dr Barbara are based in Australia, and Mr Todd is based in Christchurch. The costs of travel and accommodation and the rates for attendance at hearing for each of these experts has proven to be substantial.
6. Counsel refers to paragraph [54] of section 2 of the Hearing Procedures dated 10 January 2017, and requests the consent of the DMC for Mr Jorissen, Dr Barbara and Mr Todd to attend their respective hearing days by

video-conference.

7. While counsel acknowledges that the date by which such a request must be made has passed (being 16 January 2017 as per Section 1 of the Hearing Procedure), the increasing costs to the Fisheries Submitters of their expert witnesses' involvement in these proceedings, including the time involved in travel, has required them to re-evaluate their further expenditure.
8. It is respectfully submitted that attendance by these experts via video-conferencing will not result in any material prejudice to any party, nor will it cause any interference with the hearing schedule.


ATTENDANCE BY COUNSEL

9. Counsel for the Fisheries Submitters proposes to attend the hearing in accordance with the hearing schedule hearing schedule (version date 8 February 2017) to:
 - (a) Present opening legal submissions on Thursday 16 February 2017;
 - (b) Accompany witnesses during the presentation of Fisheries Submitters' fishing evidence on Wednesday 22 February 2017; and
 - (c) Present closing submissions, and accompany the Fisheries Submitters' planning witness during the presentation of evidence, on Friday 17 March 2017.

DIRECTIONS SOUGHT

10. The Fisheries Submitters respectfully seek leave for the experts referred to under paragraph [3] and [4] to provide their evidence by way of video-conference.
11. For the avoidance of doubt, leave is no longer sought for Mr Jorissen and Dr Barbara to listen to the hearing via video-conference on 17 February 2017.

Dated this 14th day of February 2017



Robert Makgill / Peter Dawson
Fisheries Inshore New Zealand Limited, New Zealand Federation of Commercial Fishermen Inc, Talley's Group Limited, Southern Inshore Fisheries Management Company Limited and Cloudy Bay Clams Limited