

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

Trans-Tasman Resources Limited iron sand extraction and processing application

M32 – Minute of the Decision-Making Committee – 8 March 2017

1. On 28 February 2017, the DMC issued Minute 28 inviting parties to provide further comment on the scope of the definition of the adaptive management approach as set out in section 64 of the Act and in particular, comment on the distinction – in a legal and/or practical sense - between conditions '*that together amount or contribute to an adaptive management approach*', and conditions that do not.
2. The DMC requested comments from parties by 5pm on Friday 10 March 2017 and noted that imposition of a deadline in no way restricts any legal submissions that parties may wish to provide in closing submissions.
3. On 7 March 2017, the DMC received a Memorandum on behalf of the Fisheries Submitters requesting that they be:
 - a. permitted to address the issue of the adaptive management approach in closing submissions; and
 - b. allocated 1.5 hours to make closing statements on 20 March 2017.
4. As already indicated in the Minute, counsel are welcome to address the issue of the adaptive management approach in closing but the DMC wishes to note that the reason for setting the earlier deadline was to enable the DMC, if they wish, to ask parties who respond to Minute 28 to appear and discuss the matter further in the hearing before closing submissions are made. Parties will be advised of timing if this is to be required.
5. In respect of the request for an extended time for closing submissions, the DMC considers that 1 hour would be appropriate in order to be consistent with the time period that had been allocated to counsel for KASM and Greenpeace for their opening submissions. To this end, the same time limit is also offered to counsel for KASM and Greenpeace for their closing submissions.

For the DMC:



Alick Shaw
DMC Chair
8 March 2017