

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

Trans-Tasman Resources Limited iron sand extraction and processing application

M19 – Minute of the Decision-Making Committee – 3 February 2017

Request from Trans-Tasman Resources Limited (TTRL) in regards to responses to submitter evidence

1. The Decision-making Committee (DMC) on 27 January 2017 received a memorandum from TTRL which seeks leave to file evidence in response to submitter evidence.
2. TTRL wishes to submit brief statements from TTRL experts in response to issues raised in submitter evidence. These statements would respond to claims that TTRL's expert evidence contains incorrect, incomplete or uncertain information. TTRL states this will assist the DMC in evaluating the validity of such criticisms; and ensure the DMC has the best available information.
3. The DMC has considered TTRL's request and has accepted its request to allow each of TTRL's witnesses respond to the key issues and matters raised in submitter evidence. The DMC considers it will not compromise the timetable that has already been set by the DMC nor will it give rise to material prejudice on the part of any other parties as the responses will be made available before expert conferencing and the hearing.
4. The DMC notes that the responses to submitter's evidence should be no more than 5 pages in length and should be submitted by **12pm 10 February 2017** (not 5pm as requested) so that they can be made available on the EPA website before expert conferencing.
5. Any questions that arise from TTRL's responses can be submitted to the EPA by **5pm on 15 February 2017**. The DMC will consider these questions and those that are approved will be asked of witnesses during the hearing.

Request from KASM and Greenpeace for Cross Examination

6. On 30 January 2017 the DMC received a memorandum from Kiwis Against Seabed Mining (KASM) and Greenpeace regarding its decision not to permit cross-examination of experts. KASM and Greenpeace request that the DMC review this decision which is set out in the hearing procedures.
7. The DMC notes that the questioning process set out in the Hearing Procedures is in line with the process followed in other hearings under the Act. It does not limit parties' effective participation in the hearing and it is consistent with the provisions of the Act. It will contribute to ensuring

questioning is focussed on ensuring the best available information. Provision is made in the hearing procedures for follow up questions to be made through the Chair.

8. The DMC does not consider a change to the hearing procedures is warranted, and the process will be further clarified at the Pre-Hearing Conference on 10 February 2017.

For the DMC:

A handwritten signature in blue ink, appearing to read 'Alick Shaw', written in a cursive style.

Alick Shaw
DMC Chair
3 February 2017