

19 October 2016

DMC Chair  
Environmental Protection Authority  
Private Bag 63002  
Waterloo Quay  
**WELLINGTON 6140**

By email: [TTRLApplication@epa.govt.nz](mailto:TTRLApplication@epa.govt.nz)

Dear Sir

**POSITION OF DR PHILLIPS**

1. You have requested a response from our client, Trans Tasman Resources Limited (TTR), in relation to whether there is any issue with Dr Phillips providing expert advice to Kiwis Against Seabed Mining (KASM) when she has a professional connection with Dr Kevin Thompson, a member of the EPA.
2. TTR understands that Dr Phillips has an important high level existing role within the Environmental Protection Authority (EPA). For this reason TTR considers the position of Dr Phillips and the wisdom, or otherwise, of her acting as an expert advisor to KASM is primarily a matter for the EPA. It would also appear to be a matter on which Dr Phillips will need to carefully reflect.
3. While it is clear that KASM may well benefit from having an expert advisor of the calibre of Dr Phillips it may be difficult to reconcile performing such a role for an avowed and vocal opponent, not just of a marine consent application by TTR, but all seabed mining in general – while also continuing to hold a prominent regulatory and advisory position within the EPA.
4. Regardless of the final position of Dr Phillips, TTR considers that the professional connection does not give rise to a conflict of interest that would in any way affect Dr Thompson participating fully in the process as a DMC member, and that there are no grounds which would warrant replacing Dr Thompson on the DMC.

Yours faithfully

**ATKINS HOLM MAJUREY**



Mike Holm  
**Partner**

**Direct dial:** 09 304 0428  
**Email:** [mike.holm@ahmlaw.nz](mailto:mike.holm@ahmlaw.nz)

**HELEN ATKINS**  
**MICHAEL HOLM**  
**PAUL MAJUREY**  
**TAMA HOVELL**

**ATKINS HOLM MAJUREY LIMITED**  
Environmental and Public Law Specialists  
PO Box 1585 Shortland Street  
Auckland 1140 NEW ZEALAND  
Level 19, 48 Emily Place, Auckland 1010  
PHONE +64 9 304 0294 FAX +64 9 309 1821