

2 July 2014

Media Release

EDS will oppose Trans-Tasman Resources High Court appeal

Trans-Tasman Resources (TTR) is appealing the decision to reject its marine consent application to mine ironsands in the South Taranaki Bight. EDS will join the High Court proceedings in opposition to TTR.

“The EPA’s Decision-Making Committee (DMC) agreed with EDS (and other submitters) that TTR’s case was underdone and uncertainties of the effects on the environment and existing interests meant it was required to favour caution and environmental protection. It also decided that the proposed adaptive management approach was not sufficiently certain or robust to give ‘the degree of confidence’ needed to be able to grant consent,” says EDS Executive Director Gary Taylor.

“Under the EEZ Act, rights to appeal are limited to questions of the law. TTR chief executive Tim Crossley has stated that the company believes it has ‘strong grounds on certain points’.

“But EDS is in the dark as to what those grounds might be. The DMC made clear findings of fact regarding the uncertainties and inadequacies of the information available. Those findings are not capable challenge on appeal. The EEZ Act is clear in its requirement for caution and environmental protection to be favoured in the face of uncertain or inadequate information.

“It seems as if Mr Crossley does not properly understand the limitations of the appeal process and might be throwing good money after bad. In our view he’d be better off doing the additional work needed to bring the project up to standard.

“Nevertheless, this will be an important test case as it will set binding High Court law on how the EEZ Act is to be applied.

“EDS has engaged Robert Enright, Barrister, to represent EDS in these proceedings. Mr Enright also represented EDS in the recent *EDS v King Salmon* Supreme Court case.

“EDS needs support from the public to enable it to participate in this High Court appeal. We will be investing a large amount of our resource into this case and no funding is available from the Environmental Legal Assistance Fund,” Mr Taylor concluded.

To support EDS’s case, visit our website www.eds.org.nz and make a donation.