

Kasm

kiwis against seabed mining

UPDATE, DECEMBER 2017

- In August 2017 the Environmental Protection Authority granted consent for Trans Tasman Resources to go ahead with mining black sand off the seabed of the South Taranaki Bight - 50 million tonnes a year for 35 years.
- a record 13,700 people objected to the proposal, especially people from the North Island's West Coast, where opposition to seabed mining has been a strong thread throughout our communities.
- The decision itself was controversial, as the EPA's decision making committee had been pared down to four people (there were five on previous committees), and the Chair, Alick Shaw, had been given two votes - including his casting vote. Two members of the committee, the Maori issues expert Gerry Coates and the most qualified scientist on the committee, Dr McGarry, were against giving TTR the go-ahead. The second half of the decision listed all their reasons why the mining should not go ahead.
- KASM is appealing the decision to the High Court, with Greenpeace on our appeal, alongside Ngati Ruanui (the mana whenua - Iwi based in Patea), a group of some of the country's largest fishing companies, Te Ohu Kaimoana (the Maori Fisheries company), the local conservation board and Forest and Bird.
- The appeal against the decision can only be on points of law. KASM has found 15 different points of law on which we think there are grounds for appeal.
- The appeal will be heard over 4-5 days around mid-April.
- The decision may take a few months to come out. If we win, it will go back to the EPA to decide how to address the points of law we won on. We have requested that the judgment actually set the decision aside altogether. Whatever the decision, the outcome of the High Court is likely to be appealed by whichever side didn't win - and could end up in the Supreme Court.

Can the seabed mining progress with all these court cases on?

No. Under the EEZ legislation, nothing can progress until all the appeals have been settled.

There are a lot of conditions under the decision – what do they mean?

The first thing the company has to do is undertake two years of monitoring the local environment – what is called “baseline monitoring” so that they can find out more about precisely what is in the local environment. This is so that the EPA can monitor how much it’s affected by the seabed mining.

One thing that is NOT in the conditions – anywhere – is any provision that would trigger the EPA withdrawing the permit and stopping mining. If Blue Whales are dying, they just have to do an autopsy and try to minimise further deaths.

What about the new Government – will this change things?

Any new policy on seabed mining is unlikely to be able to be invoked retrospectively, ie have an impact on this particular EPA decision. We hope that we can win this in the courts, so that we can give the Government a clear run at imposing a ban, a moratorium – or, as the Greens have proposed, a Blue Whale Sanctuary in the South Taranaki Bight.

We are determined to continue to push for policies that will put a stop to seabed mining in New Zealand. We will be asking the new Government to review the EPA and how it operates – it was set up under the National Government, and has been changed to be even more pro-industry, so hopefully this can be rolled back.

Finally...

We cannot presume what the court will think but we think we have a strong case. We have a great legal team - the same lawyers who recently won the Ruataniwha Dam case in the Supreme Court. But we need money to pay them, and to continue our quest to educate New Zealanders about the threats posed to our coastlines by seabed mining.

What KASM needs:

- **Money to fund our appeal – people are best to go online to do that – KASM.org.nz**
- **Sign up to mailing list and get regular updates**
- **Become a member (\$10)**
- **Give us a recurring donation (say \$10 a month)**
- **Buy a T-shirt**

www.kasm.org.nz