

Minute from the Hearing Panel – regarding:

Fonterra Cooperative Group Ltd (Fonterra) seeking to file expert planning evidence (in relation to Table 3.11.1) late.

The Hearing Panel (Panel) has provided an opportunity for planning evidence to be filed (and heard at the Block 3 hearing) in relation to the Joint Witness Statement prepared by the experts who attended the expert conferencing session on Table 3.11.1. Any planning evidence was to be filed no later than the 12 July 2019¹.

Mr Willis, Fonterra's planning witnesses, filed evidence on the 16 July 2019.

Fonterra's legal counsel, Mr Matheson, sought leave to have this late evidence accepted². In that Memorandum, Mr Matheson stated³:

A short statement of evidence was prepared under urgency, and was filed on Tuesday afternoon, 16 July 2019. Pursuant to the Panel's directions, this evidence should have been filed on Friday, 12 July 2019. Accordingly, leave is sought to file that evidence 1.5 working days late.

In my respectful submission, leave is appropriate for the following reasons:

- (a) There is no material prejudice to any party, as the period for rebuttal evidence to be filed does not close until 19 July 2019 and the evidence filed in respect of the JWS is very short (only 4 pages of evidence). Accordingly, to the extent any party wishes to respond to that evidence by 19 July 2019, that will be easy for them to do.*
- (b) While the scope of matters lawfully able to be included within Table 3.1.1-1 at this stage in the process is primarily a legal question, in answering that question there will inevitably need to be an analysis of how the changes proposed to Table 3.1.1-1 fit within (or may be said to fall outside of) the broader planning framework of PC 1. Accordingly, planning evidence on this aspect will be of assistance to the Panel.*

The Panel agrees with the reasons set out above, and accordingly grants the leave application as requested.



Greg Hill

Chairman of the Hearing Panel.

17 July 2019

¹ Panel's Minute dated 25 June 2019.

² Memorandum dated 17 July 2019.

³ Paragraphs 1.6 and 1.7.