

**Before Southland Regional Council
and Gore District Council**

In the matter of the Resource Management Act 1991

And

In the matter of the hearing of submissions on applications for resource consent
by Waikaka Gold Mines Limited to establish and operate a
mineral extraction activity (APP-20242608 and LU 24035)
(**Application**)

Joint Witness Statement in relation to Ecology

Dated 28 November 2025

Hearing Date 3 December 2025

Expert conferencing held on: 27 November 2025

Venue: Online (Microsoft Teams)

Attendance

1. The participants in this session were:
 - (a) Ross Dungey – ecologist for Waikaka Gold Ltd (**Applicant**); and
 - (b) Mark Hamer – ecologist for Environment Southland (**ES**);
 - (c) Jane Bowen – ecologist for Department of Conservation (**DoC**);
 - (d) Jacob Smyth – lay participant for Southland Fish & Game (**F&G**)

Basis of attendance and Environment Court Practice Note 2023

2. The participants agree to the following:
 - (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;

- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023 and this joint witness statement (**JWS**) has been prepared in accordance with clause 9.5 of that document;
 - (c) This statement is to be provided to the Hearing Panel following signing in accordance with the Environment Court Practice Note 2023.
- 3. The participants record that Mr Smyth is not an expert ecologist but has been employed by Fish & Game since September 2008, has knowledge of the fish and game values associated with the area, and Fish & Game's statutory responsibilities. The parties were made aware of Mr Smyth's attendance at this session in advance and agreed to it on the basis it would provide assistance to the Commissioners, particularly in terms of identifying and narrowing outstanding issues. He participated in the conference on that basis.

Key Information Sources Relied On

- 4. The following material has been reviewed by and/or relied on by the participants when coming to our opinions:
 - (a) The relevant parts of the Application;
 - (b) Submissions on the Application by the Director-General of Conservation and F&G;
 - (c) ES Officer's Report by Alexandra Smith;
 - (d) Evidence of Mark Hamer dated 5 November 2025;
 - (e) Evidence of Ross Dungey dated 19 November 2025;
 - (f) Evidence of Jane Bowen dated **[TBC]**;
 - (g) Evidence of Jacob Smyth dated 26 November 2025; and
 - (h) Evidence of Anita Collie dated 19 November, specifically the applicant's proposed conditions;
 - (i) **[other as needed]**
- 5. We have visited the Application site on the following occasions:

- (a) Mr Dungey – approximately 20 occasions (includes multi day visits) since summer 2021;
- (b) Mr Hamer – 31 October 2024;
- (c) Ms Bowen – 11 November 2025
- (d) Mr Smyth – visited Waikaka Stream between Waikaka Road Bridge and Mine Bridge mid 2009, and mid 2011

Matters considered at Conferencing - Agenda

- 6. The following matters were discussed at conferencing, with separate consideration to Waikaka Stream; Shepherd's Creek; affected farm ditches; and affected ponds:
 - (a) The existing environment and values;
 - (b) Effects of the proposal on the existing environment and values;
 - (c) Proposed approach to rehabilitation;
 - (d) Appropriateness of relevant conditions put forward by the Applicant (attached as **Appendix 2**); and
 - (e) Assessment of the proposal against the effects management hierarchy;
 - (f) Whether there is any issue not adequately addressed by the evidence.

Matters considered at Conferencing - Outcome

- 2. The outcome of the Conferencing is set out in the attached table at **Appendix 1**.
- 3. In summary:
 - (a) In relation to Waikaka Stream:
 - (i) High habitat value; some loss already; strong need for shading, monitoring, and robust rehab.
 - (b) In relation to Shepherd's Creek:

- (i) High ecological value despite earlier assessments; should be considered; similar rehab needs to Waikaka.
- (c) In relation to the farm ditches:
 - (i) Ecologically important for specific species, especially Gollum galaxias; translocation and careful habitat replication essential.
- (d) In relation to the affected ponds:
 - (i) Ecologically significant eel habitat; all will be lost; replacement ponds/wetlands must ensure no net loss and appropriate hydrology.

Confirmed 28/11/25

Expert's Name	Party	Signature
Mark Hamer	Environment Southland	MPH
Ross Dungey	Applicant	RGD
Jane Bowen	Department of Conservation	JB
Jacob Smyth	Southland Fish & Game	<i>Jacob Smyth</i>

Appendix 1 – Conferencing Outcomes

	Matters of Agreement	Matters of disagreement	Comment / action
Existing Environment and Values			
Waikaka Stream	Good quality habitat, rates as high due to the fish species present Recreational angling value associated with the adult brown trout population	Noted recreational angling outside of MH & JB areas of expertise	General discussion on how to differentiate between different classes of habitat without using "low or high quality" as descriptors (not specific to Waikaka Stream) RD
Shepherd's Creek	The applicant has reported as low grade habitat, however if we look at the fish and vertebrates a more definitive assessment can be made. Has high ecological value due to fish species present, need to add Shepherd's Creek into conditions. No recreational angling value, juvenile brown trout are present. Agreed on a rapid habitat analysis could be done to gain more data, however concerns were raised whether it could be done in time.	JB & MH disagreed on habitat grade Habitat quality is disagreed upon, applying a poor quality value to the habitat is not agreed upon. Concerns were raised by JB of the limitations of this approach, RD stated if this was to go ahead, that further investigations would have be done noting there's not enough information currently	

Ditches	Great habitat for the fish present High ecological value With the understanding that the western drain is proposed to be connected to the L&M pond with the realignment, concerns there could be a predation risk to Gollum galaxias by perch, and this would need to be relooked at		Ecological health is different from ecological value. Habitat quality is based on the species which are using it.
Ponds	Water chemistry varies dramatically, water clarity varies dramatically, supports eels so ranks ecologically high, long fins are present so ranks ecologically high Ponds provide good habitat for short fin eels. Current understanding that post mining, there will be a loss of pond habitat More information would be needed from the final design as to how much and what will be lost.		Habitat quality is variable between each of the ponds due to depths sediment input and water quality (RD)
Effects of the Proposal			

Waikaka Stream	A good habitat exists post previous realignment, however a reduction of the extent of habitat has occurred. A good instream habitat exists. High degree of onsite vigilance and management will be required during construction of the rehabilitated & diversion channels RD There will be a lag in shading outcomes and therefore an effect that the stream/creek will be exposed to light and algal growth for a period.	MH & JB has concerns that post mining, habitats will not be satisfactory.	Potential for this project to be case study.
Shepherd's Creek	As above	As above	
Ditches	Loss of habitat for Gollum galaxias MH JB	Concerns around the process of creating new drains and translocation of Gollum galaxias MH JB	In particular, where will Gollum galaxias be translocated to? Will need to identify appropriate sites, as currently no appropriate sites have been identified JB
Ponds	Loss of pond habitat MH JB Ponds within the mine footprint are all proposed to be removed, so the effect is complete loss. When		

	creating new ponds, there should be overall no nett loss of area and connectivity.		
Rehabilitation			
Waikaka Stream & Shepherds Creek	Rehab will take a progressive approach. One diversion is in place for 2 years, the other for one year. Once rehabilitation is complete the intent is it should be as good, if not better than pre-mining, if habitat is recreated. Monitoring has not been proposed, need to ensure any issues will be picked up during diversions. Monitor habitat quality and features and its effectiveness and any fish species present. In the diversion channels but would be useful to measure ecological responses and fine tune/correct Rd No anticipation of any in-stream works during May to November	JB would recommend extending to end of December to not disrupt smaller Gollum galaxias larvae.	Need information of where the river will be which gives a better idea of the opportunity for some variation within the floodplain.

	Main stem channel diversion, 5m riparian zone is small relative to what is currently in place – assumed 30-50m between the fence margins. (this may differ for Shepherds Creek) From a habitat point of view, shade is critical to return this to good habitat. However uncertain as to the mix of species (native vs exotic) Happy with willows to be planted close to stream to provide shade, with natives planted in behind to provide opportunity for removal of willow in the future.	JB had concerns over the number of willows that will need to be planted verses what was presented in the planting plan, which presented indigenous species planted up to 15m widths either side Concerns over placing conditions post the length of the consent.	
Ditches	Translocation of Gollum galaxias when the ditches are moved and identification of suitable habitats elsewhere. Consideration would be required for those species that can't move to the new sites. Identification of suitable habitable sites and right for salvage	Concerns around the process of creating new drains and translocation of Gollum galaxias and that there is currently no identified site for release of salvaged Gollum galaxias	RD to check schedule of drain reconstruction/alignment

	and rehabilitation of any sites in relation to Gollum galaxias, Specific habitat types the fish were caught in would need to be surveyed, so the required habitats are recreated.		
Ponds	The pond with the best connection to the river is the one with the long fin eels (Big Pond and Pond 6) in to. Critical difference is a connection to the river and the water clarity and water chemistry. Potential for wetland creation upstream of Pond 6. Perhaps ponds with a wetland fringe would be easily created.	A recreated pond has habitat variability in terms of reach and depths and connection to the river. With a view to have similar or better habitat than currently in place.	
Additional comments	Habitats & hydrological regime should be comparable to what the habitats were pre-mining. So, water isn't lost to the newly created reaches to groundwater and risk drying out.		
Proposed Conditions (Appendix B, Evidence of Anita Collie dated 19 November)			
29	All agreed, as per an agreed fish management plan		

30	JB would like to see the period to extend to end of December. Update to: Works shall not be undertaken in the Waikaka Stream or Shepherd's Creek flowing channel during the period of 1 May to 30 November unless a suitably qualified ecologist confirms that there are no spawning sites present in the affected reach of the stream.	RD has offered to provide additional information/assessment, JB would have to think about this but is very firm on the exclusion needs to extend to 31st December	
31		(JB) include August to cover the full Gollum galaxias breeding cycle.	
32	MH would like some numbers to provide confidence. (JB supported) RD suggested maybe creating a few more riffles in place of runs. JS suggested increasing the riffle or net increase of riffle. Gentle meanders is supported. Ensure spawning areas are recreated like for like.	(MH) could be a missed opportunity that things aren't trialled within the temporary diversion channels.	Numbers of pools and riffles for eg. as opposed to % of each RD

33	Preparation of underlying plans support that Fish and Game and DoC will be consulted together with Hokonui and Rūnanga (JS) (JB support)		
34	a) 'Some' is vague – exclude a) i, ii, ii – is recognised will not be achieved in short term, but should be achieved in the long term or within the life of the consent		
35	Back waters are not included and should be included (MH) Point a) Should not be 5m – should be at least the current width		
36	Preparation of underlying plans support that Fish and Game and DoC will be consulted together with Hokonui and Rūnanga (JS)		
37	Addition of control monitoring sites (MH) to show if there is a reduction or increase. To be whole suite including temperature and suspended solids, shade.		Same parameters as in ecological assessment RD (RD) there might not be a control site for Shepherd's Creek due to dramatic changes in habitat upstream

38	(JB) add monitoring of the diverted drains – particularly Western Drain, in addition to Waikaka Stream and Shepherds Creek. Agreed that monitoring should be extended Expand monitoring parameters to include brown trout spawning surveys through the rehabilitated sections of Waikaka Stream – Agreed JS and RD. Add periphyton algal cover and deposit sediments. Update a) i). Length of undercut banks, or habitat installations or restorations. – to substitute lack of undercut banks in the short term.		annually for first 3 years post works then 3 yearly for life of consent (MH) (JS) concerns around the short 3 years monitoring period. JS suggests it should be minimum 5 years. JB suggest should be longer until it can show to achieve for 3 consecutive years – across all areas 1, 3 & 5 years for habitat quality. Survey annually for water quality, fish community and macroinvertebrates. Look through list to see and agree on what can be shown. Should other options be explored eg. Shade cloths to provide shade while the willows grow (MH)
39	Add the provision of monitoring report to Fish and Game and Doc (JS) MH wants in emphasise in getting it right, to reconnect the channel there		

	is a lot of restoration needed. Applicant to err on the side of caution. Within first paragraph, add lowland hard-bed threshold levels rather than comparing to the pre mining levels. Extend monitoring period to five years. Final rehabilitation report is provided at end of Year 5 – noting that it will take much longer than the proposed 3 years for the habitat to be established, and this should be taken into account throughout the wider consent and proposal to establish habitat. And there is likely to be a nett loss in the short term, implications for offsetting or mitigation.		
40	Preparation of underlying plans support that Fish and Game and DoC will be consulted together with Hokonui and Rūnanga (JS)		
41			Intent should be clarified by the planners
42			Intent should be clarified by the planners – as this is linked with c. 41
43	Upstream and downstream of the mine treatment pond – invertebrates		

	(acid mine drainage index standards) and algae, fine sediments (ES standards) (MH)		
Other	Should add provision of involvement with Fish & Game or DoC to work collaboratively and constructively. New condition – a bond specific to the stream restoration rather than just the overall site and be tended to Southland Regional Council rather than Gore District Council to ensure the habitat is reinstated and cover the full costs of remediation.		
Effects Management Hierarchy			
Avoidance	Effects could be avoided if the proposal did not go ahead or had a different location.		
Minimisation	Staged diversion reduces the scale of the impact and gives opportunity for some kind of recovery.		
Remedies	Stream rehabilitation		
Are residual adverse effects more than minor?	For the first 5 years there will be temporary loss of habitat. The ongoing residual effects will depend on the quality of the rehabilitation.		
Potential for biodiversity offsetting	Increase in quality and quantity of habitat available at the site and		

	include but not limited to: the addition of backwaters, increases in channel sinuosity, increase of riffles (with suitable spawning gravel)		
Potential for biodiversity compensation	Check for availability of suitable offsite, in the event of onsite is limited, particularly with regard to Gollum galaxias habitat		
Additional Matters			

* Drafting note – reasons for any conclusions to be included.

Appendix 2 – Relevant Conditions

Section 2 – River Diversion Condition Set

25. This consent authorises:

- a. The entry into and passage across the bed of the Waikaka Stream and Shepherd's Creek by vehicles and machinery, and any associated bed disturbance.
- b. Placement and use of a dam and undertaking earthworks in the bed of the Waikaka Stream and Shepherd's Creek, for the purpose of creating five temporary diversions of the entire flow into temporary diversion channels, and reinstating the flow back to its original course.
- c. The excavation and disturbance of the bed of the Waikaka Stream and Shepherd's Creek for the purpose of rehabilitation of the channel.
- d. The introduction and planting of plants in the bed of the Waikaka Stream and Shepherd's Creek channels.
- e. The taking, use, damming and diversion of surface water in the Waikaka Stream and Shepherd's Creek for the purpose of creating five temporary diversions of the entire flow and return of the flow to the same waterbody.
- f. Discharge of the entire flow of the Waikaka Stream and Shepherds Creek and resultant entrained sediment, via the temporary diversion channels, to re-join the existing Waikaka Stream.

26. The activities authorised by this consent must be carried out in accordance with the Master Condition Set included in Section 1.

Construction and operation of diversions

27. All temporary diversion channels and reconstructed sections of the Waikaka Stream and Shepherd's Creek must have sufficient capacity to contain a 1 in 20 year AEP flood event.

28. Diversion channels and rehabilitated stream channels shall be constructed, as far as practicable, in dry working conditions and stabilised prior to diverting surface water flow therein. The Consent Holder shall ensure that all reasonable steps are taken to minimise the release of sediment to water.

29. The Consent Holder shall ensure that fish passage is not impeded by the works, and that fish are not left stranded in pools and channels. Fish in diverted reaches of streams, ponds and ditches shall be relocated to a nearby alternative suitable habitat by a suitably qualified person.

30. Works shall not be undertaken in the Waikaka Stream or Shepherd's Creek flowing channel during the period of 1 May to 30 November unless a suitably qualified ecologist confirms that there are no spawning sites present in the affected reach of the stream.

31. Works shall not be undertaken in ditches between 1 September to 31 December.
32. Diversion channels shall be constructed to include habitat features including, but not be limited to:
- a. pools and shallow riffle areas;
 - b. larger boulders to create hydraulic variation;
 - c. gentle meanders;
 - d. in-channel fish-shelter elements such as securely anchored large woody debris.
33. Prior to the construction of any diversion channel, the Consent Holder shall prepare, in consultation with a suitably qualified ecologist, river engineer and Hokonui Rūnanga, a detailed design for the diversion channel and habitat features. The design shall be provided to Environment Southland 20 working days prior to constructing the diversion channel, for certification that the design complies with condition 32 of this consent.

Rehabilitation of Waikaka Stream and Shepherd's Creek

34. Rehabilitated reaches of the Waikaka Stream and Shepherd's Creek shall be designed and constructed with the objective of achieving a net gain, but in any event no net loss, in the ecological value of the rehabilitated stream reach within three years of completing the rehabilitation works. For the purposes of this condition, 'net gain' means:
- a. some or all of the monitoring parameters listed in condition 38 exceed the pre-mining baseline; and
 - b. a professional ecological judgement confirming that the stream ecological value is greater than the pre-mining baseline.
35. At a minimum, rehabilitated reaches shall include:
- a. a planted riparian margin at least 5 metres wide on each bank comprising native species and hybrid willows for bank stability and provision of shade;
 - b. erosion protection on outer bends sufficient to maintain channel stability and minimise sediment discharge;
 - c. an approximately even distribution of pool, riffle, and run habitat types;
 - d. a cobble and gravel substrate in the low flow channel; and
 - e. habitat variability, including features such as larger boulders, gentle meanders, and in-channel fish-shelter structures such as securely anchored large woody debris.

36. Prior to diversion of any section of Waikaka Stream or Shepherds Creek, the Consent Holder shall prepare, in consultation with a suitably qualified ecologist, river engineer and Hokonui Rūnanga, a detailed design for the channel and habitat features. The detailed design shall include incorporation of any improvements identified from previous diversions. The design shall be provided to Environment Southland 20 working days prior to constructing the diversion channel, for certification that the design complies with condition 35 of this consent.
37. The consent holder shall undertake annual ecological monitoring of stream sections to be diverted for baseline purposes for at least 3 years prior to the planned commencement of each diversion.
38. The consent holder shall undertake ecological monitoring of the rehabilitated stream reach for a period of three years following diversion of flow back into a mined section of the Waikaka Stream or Shepherd's Creek. Monitoring shall be undertaken annually by a suitably qualified and experienced freshwater ecologist. The following parameters shall be monitored and reported:
- a. Habitat Quality:
 - i. Length of undercut banks
 - ii. Riparian vegetation cover
 - iii. Effective shading of the channel
 - iv. Diversity and variability of habitat types, including the proportions and distribution of pool, riffle, and run habitats
 - b. Water Quality:
 - i. Water temperature
 - ii. Total suspended solids
 - c. Fish Community:
 - i. Species present
 - ii. Relative abundance
 - iii. Size distribution
 - d. Macroinvertebrates:
 - i. MCI
 - ii. SQMCI
39. A Monitoring Report shall be submitted to the Consent Authority and Hokonui Rūnanga within two months of each round of annual monitoring required by condition 38 and shall include all results, comparison to pre-mining baseline values, and an assessment of ecological trends.

If any Monitoring Report indicates that the rehabilitated reach is not on track to achieve at least no net loss within the three-year rehabilitation period, the consent holder shall implement additional rehabilitation measures within the following year. These shall be appropriate to the identified deficiencies and may include, but are not limited to, supplementary riparian planting, additional habitat enhancement works,

erosion protection improvements, or measures to improve fish passage or instream cover.

At the end of Year 3, the consent holder shall provide a Final Rehabilitation Report confirming whether ecological net gain objective has been achieved. If the objective has not been met, the consent holder shall prepare and implement a Remedial Action Plan at the next appropriate season and shall continue annual monitoring and reporting until ecological net gain is demonstrated, unless otherwise agreed in writing by the Consent Authority.

Stream Diversion Management Plan

40. Prior to the creation of any temporary diversion channels, the Consent Holder shall prepare a
Stream Diversion Management Plan (SDMP).
- a. The objective of the SDMP is to demonstrate how compliance with the conditions of this consent will be achieved.
 - b. The SDMP shall include at a minimum the following information, as relevant to both temporary diversion channels and rehabilitated stream channels:
 - i. The relevant conditions of consent and how compliance with these will be achieved.
 - ii. Detailed channel design.
 - iii. Construction methodology and procedures for the diversion of surface water from the stream to the diversion channel.
 - iv. Fish salvage procedures;
 - v. Mitigation measures to minimise erosion and entrainment of sediment in surface water during construction and diversion.
 - vi. Suspended sediment monitoring protocols.
 - vii. Planting specification and monitoring plan for rehabilitation channels only.
 - c. Prior to undertaking any mining activity authorised by this consent, the Consent Holder must submit the SDMP to Environment Southland for certification that the SDMP is consistent with the conditions of consent.
 - d. If the Consent Holder has not received a response from Environment Southland within 15 working days of the date of submission for certification, the SDMP must be deemed certified.
 - e. If the response from Environment Southland is that they are not able to certify the SDMP, such a response must include detailed reasons with reference to the conditions of consent that Environment Southland consider the SDMP does not meet. The Consent Holder must consider any reasons and recommendations provided by Environment Southland, amend the SDMP accordingly, and resubmit the SDMP for certification to Environment Southland. If the Consent Holder has not received a response from Environment Southland within 10 working days of the

date of resubmission for certification, the management plan must be deemed certified.

41. The Consent Holder may amend the SDMP at any time, in a way that is consistent with the conditions of this resource consent, to take into account:
 - a. Any positive measure/s to ensure the stated objectives of the management plan are achieved.
 - b. Any changes required to further reduce the potential for adverse effects;
 - c. Any required actions identified as a result of monitoring.
42. If the SDMP is amended, the amended version must be provided to Environment Southland for re-certification in accordance with Condition 40.c. The activity may continue in accordance with the previously certified version of the SDMP, until the revised version is certified by Environment Southland.
43. Subject to any other conditions of these consents, all activities associated with the stream diversions must be undertaken in accordance with the latest version of the certified SDMP.

Extract from Practice Note [Can be deleted from final statement]

9.4. Duty to confer

- (a) To enhance the efficiency of the hearing process the Managing Judge may direct expert witnesses in a proceeding to confer through an expert conference. Any such conference may be held in person or remotely or by some combination of methods.
- (b) Except as expressly authorised by the Managing Judge, only experts (being persons who have specialised knowledge or skill based on training, study, or experience) may attend an expert conference. Parties and counsel will normally not be authorised to attend. Lay observers may be authorised to attend where that is in the interests of justice being seen to be done.
- (c) An expert conference is confidential to the experts who participate in it. There shall be no communication of what took place during the expert conference or of its outcome other than the joint witness statement produced by the experts.
- (d) The Court's preference is for the Managing Judge to appoint an Environment Commissioner to act as facilitator for an expert conference. No fee is payable for this service. In some circumstances, parties may wish to proceed with expert conferences with alternative or no facilitation. The Court is to be advised accordingly and these Practice Note provisions apply.
- (e) An expert conference may occur at any stage of a proceeding, including at the direction of the Court during a hearing, but the expectation is that conferencing will occur prior to a hearing.
- (f) Where an expert conference occurs before the exchange of evidence-in-chief in a particular case the Managing Judge may direct that it proceeds based on "will say" briefs being exchanged beforehand. Except as otherwise directed by the Court, that is expected to be by way of an expert witness:
 - i. confirming any evidence given at an earlier hearing in relation to the same matter; or
 - ii. as a minimum:
 - 1. setting out the key facts and assumptions relied upon;
 - 2. identifying the methodology and standards used in arriving at their opinion; and
 - 3. clearly explaining the opinion arrived at.

- (g) An expert witness must comply with any direction of the Court to:
 - i. confer with another expert witness;
 - ii. try to reach agreement with the other expert witness on matters within the field of expertise of the expert witnesses, to narrow any points of difference between them and to identify any remaining points of difference; and
 - iii. prepare and sign a joint witness statement addressing the matters listed in section 9.5 below.
- (h) In conferring with another expert witness and in preparing a joint witness statement, an expert witness must exercise independent and professional judgment and must not act on the instruction or direction of any person to present an opinion or to withhold or avoid agreement.
- (i) An expert conference is an evidential process and not an ADR process. While the experts participating in the expert conference may agree on matters within their fields of expertise, their agreement will not bind any party to a particular overall outcome or to the wording of any condition.

9.5. Joint witness statements

- (a) A joint witness statement must include confirmation that, in producing the statement, the experts have read and complied with the Code of Conduct for Expert Witnesses.
- (b) A joint witness statement must also include the following matters so far as the experts and the facilitator consider they may be relevant to the expert conference:
 - i. identification of all material regarded by the experts as primary data;
 - ii. the key facts and assumptions that are agreed upon by the experts;
 - iii. identification of any methodology or standards used by the experts in arriving at their opinions and any reasons for differences in methodology and standards;
 - iv. identification of published standards or papers relied upon in coming to their opinions;
 - v. the issues that are agreed between the experts and the reasons for those agreements, including an assessment of their level of confidence in the likelihood of any outcome or conclusion in those agreements;
 - vi. the issues on which the experts cannot agree and the reasons for those disagreements;

- vii. identification of any issue which the experts agree is not adequately addressed by the evidence lodged to that point in the proceeding and the reasons for that inadequacy; and
 - viii. any reservation by any expert about a matter of substantive law or procedure on which they are uncertain (for example, the application of any permitted baseline).
- (c) The joint witness statement produced from an expert conference should be completed, signed and dated on the day of that conference or as soon as possible after that.
- (d) The Court may limit cross-examination of experts on the matters agreed to at the expert conference as recorded in a joint witness statement and may restrict the calling of any further evidence, particularly where a witness attempts to introduce an issue or issues which the participants in the conference agreed did not need to be considered.