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**TRANSCRIPT OF PROCEEDINGS**

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**MARLBOROUGH SALMON FARM RELOCATION ADVISORY PANEL  
PUBLIC HEARING**

**HELD AT  
CANVASTOWN MARAE  
ON 17 MAY 2017**

Appointed Panel Members:  
Professor Peter Skelton, CNZM (Chairperson)  
Mr Ron Crosby  
Mr Alan Dormer, MNZM

		[9.56 am]
	<b>KARAKIA</b>	[9.56 am]
5	<b>KARANGA</b>	[10.00 am]
	<b>MIHI</b>	[10.03 am]
10	<b>WAIATA</b>	[10.12 am]
	<b>MIHI</b>	[10.14 am]
	<b>HAKA</b>	[10.14 am]
15	<b>WHAIKŌRERO</b>	[10.15 am]
	<b>WAIATA</b>	[10.30 am]
20	<b>WHAIKŌRERO</b>	[10.32 am]
	<b>WAIATA</b>	[10.30 am]
	<b>WHAIKŌRERO</b>	[10.32 am]
25	<b>WAIATA</b>	[10.37 am]
	<b>KARAKIA</b>	[10.39 am]
30	<b>ADJOURNED</b>	[10.40pm]
	<b>RESUMED</b>	[11:21 pm]
35	MALE SPEAKER:	The birds cry out, the sea water and people cry Tihei mauri ora to the august Panel, to ladies and gentlemen and the people of this region, welcome. Welcome to this hearing, welcome to this house. So we hand over this talking stick to you, symbolising the hui is now yours. Thank you. Over to you.
40	CHAIRPERSON:	Tena koutou katoa. Thank you all for your very warm welcome to this marae today. We are privileged to be here and the three of us look forward very much to hearing from you and the views that you want to express to us about this particular proposal in relation to salmon farming in both Pelorus and Queen Charlotte Sounds.
45		Just a few matters of housekeeping, if I may, I understand that we're going to hear four presentations today. The first from Ngāti Kuia, then I think Ngāti Apa wishes to make a presentation, is that correct?

MALE SPEAKER: No.

5 CHAIRPERSON: No? No presentation. All right, Ngāti Toa? Is Ngāti Toa going to make a presentation today? I understood they might be. The answer is no? Then the Te Ohu Kaimoana Trust, Laws Lawson, I think, is going to say some words. So --

10 MR HIPPOLITE: Sir, and Ngāti Kōata, the Ngāti Kōata Trust.

CHAIRPERSON: Right, and you wish to make a presentation?

MR HIPPOLITE: Yes.

15 CHAIRPERSON: Thank you, Mr Hippolite, is it?

MR HIPPOLITE: Yes.

20 CHAIRPERSON: So will you follow Ngāti Kuia then? If you wish.

25 Now, we don't wish to rush this in any way at all and we are here to spend the day with you but we do have travel arrangements unfortunately and we will have to finish this hearing no later than 3.30 this afternoon. So I hope that that will give us enough time to be with you and to hear what you have to say.

30 As far as a break is concerned in that time, we will take our cue from whoever is responsible for kai as to when we break for the lunch adjournment and for protocol reasons the three Panel members will have their lunch alone. We will see how much time we have got for that.

35 The process that we are following, because this is a continuation of the Panel's public hearings that we have been conducting up until today in the Convention Centre in Blenheim, is that we invite the party or the commentators or submitters who wish to present to make their presentations. In this case if you are wishing to speak Te Reo, then of course you must do that and are welcome to do that. As you can see, we are all fitted with ear pieces, which is providing us with simultaneous English translation.

40 That translation will be part of the record of these hearings and will be placed on the Minister for Primary Industry's website as soon as it is available, along with all the other presentations that we have had over  
45 the last month or so. You can find the record of the proceedings there. There may also be a check on that against the Te Reo presentations for accuracy.

5 So the proceedings are being recorded because that gives us the record to work off when we make our report. As I think has been explained to you already, several times probably now, we are an independent Panel, although we are appointed by the Minister for Primary Industries we are independent of the Minister and we owe nothing to the Minister, and our function is to independently report to the Minister and to provide that Minister with our independent recommendations on this proposal. I want to make that very clear.

10 We expect at this stage to have those recommendations to the Minister somewhere about the middle of June. There may be a few days either side but that's our present intention.

15 Today is the final day of the hearings for those who made comments to the Ministry at the end of March. We have one more day of hearing next Monday in the Convention Centre in Blenheim, when we will be hearing from New Zealand King Salmon on some matters that we have asked question of them about. Our minute in relation to that is also on the website and is publicly available. We have some questions to ask  
20 some officers of the Marlborough District Council and then the final presentation on Monday will be a response from the Ministry for Primary Industries on matters that have been raised and on which we have sought responses during the hearings.

25 **[11.30am]**

30 So I hope that's clear to everybody and, of course, anybody who wants to know what is said at that hearing next Monday is very welcome to attend. Again, the transcript will be on the website.

35 So we come then to our presentations for the day and the first one is to be made by Ngāti Kuia and, I understand, Waihare Mason to be leading that. Tena koe.

35 MR MASON: Tena koutou te rangitira. (Māori content)

40 My name is Waihare Mason and I'm the current chairperson of Te Rūnanga o Ngāti Kuia Trust Board, a recognized iwi authority. I am retired from full-time work after spending years as a primary school teacher and principal, 45 years to be exact. I am a Member of the New Zealand Order of Merit. I am here to introduce the general parameters to our submission and in doing so establish what we believe to be a strong case that must be taken seriously.

45 As an aside the whero has been laid down at the powhiri today and I would ask that that kowhero be translated as part of the hearings process. Thank you.

5 The first point that I wish to make is that Ngāti Kuia is a principled people. Our submission is based on the principal of protection of papatuanuku, mother earth, that in all our endeavours on this earth we do no harm to the places and resources that have sustained from time beyond memory.

10 As you have heard Kaikai-a-Waro, our kaitiaki, is central to this kaupapa as well, keeping an ordered environment. This is central to all that Ngāti Kuia does.

15 Environment to us, that is to our Māori, and that includes the tangata, the people. I have to say that Kaikai-a-Waro runs deep in our veins and that we would protect the mana of Kaikai-a-Waro without hesitation. We are a planned people. Our strategies and plans have evolved from much thinking and planning, are shared by our iwi and are not ad hoc. So we come here to follow a clear pathway that focus on synchronizing developments across our (Māori content) and our strategic plan and that will be dealt with later but it indicates that we are a thinking people and we take this particular process with some seriousness.

20 Importantly, we are consistent in our stance on environmental protection and our entities must placate when that arises. Again, I repeat, we are not an ad hoc people. What is disturbing has been the proliferation as see as precedents being set in the protection of commercial ventures. There are many. Just the public works and the various financial companies being rescued. Only the day before yesterday the newspaper report of the Waipupu Springs where there has been sales for water is now receiving a colie from associated dairy farms. So these things we see as precedents and are disturbing. Yet, as a dichotomy to all this, these can be compared to slow responses to solving key environment issues such as Te Mana or Te Wai. I presume that you are aware of that, it's a nationwide effort to clean up our water and that is being led by the iwi.

35 Only now has government recognised that swimmable water quality is better than wadable. It's difficult to understand the mentality that originated the first idea. It's difficult to understand. There also appears to be favouritism towards commercial endeavour rather than consideration and protection being given to the natural resources of those commercial endeavours.

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5 Similarly disturbing is being ignored and being patronised, and having  
matters of creating well-being left to others, and this is littered  
throughout history since 1840. While the Treaty of Waitangi is  
receiving much more positive recognition today, we suspect that at  
times mere lip service to it is being played out. And in this instance  
where special privilege is being extended of the release of a proposed  
lease of water that was not available to iwi during the aquaculture  
settlement or the ongoing aquaculture settlement. That is today and, of  
10 course, we are well aware of the Hunt report which endeavoured to  
putting Māori off their lands into cities and therefore the demise of the  
culture was the outcome.

15 So, we are well aware of the negatives in the proposal. We are not  
being personal in this submission, there are matters of law that have to  
be addressed which takes personalities out of the scenario. It does not  
matter who is involved but wish to make it quite clear that our objection  
is based on quite simple facts and beliefs that, if ignored, will have huge  
ramifications for the well-being of our moana in the not too distant  
future. The not too distant future. Therefore, thank you for listening.

20

CHAIRPERSON: Do you wish to complete the statement by reading the passage that is  
in red on the written material or is that for somebody else?

25 MR MASON: No, that is at the end.

CHAIRPERSON: Do you wish to read that?

30 MR MASON: Keep that in until the end.

CHAIRPERSON: Oh, you are leaving that until the end?

MR MASON: Yes, thank you.

35 CHAIRPERSON: All right. Thank you. Just before the next presenter proceeds, sorry  
are you having difficulties? Just before the next presenter, and this is  
a form that we will follow, I will invite my colleagues if they have any  
questions of Mr Mason before we continue.

40 MR DORMER: No, thank you, sir.

CHAIRPERSON: No.

45 MR MASON: I'm a bit deaf today, as always.

CHAIRPERSON: We are just saying as each person completes their presentation if we  
have any questions of them about what they have said that is the time  
for us to do it.

MR MASON: Thank you.

CHAIRPERSON: All right, so do you have any questions, Ron.

5

MR CROSBY: Now that you have understood the question I regret to say I've got no questions of you.

MR MASON: I understood that very clearly.

10

CHAIRPERSON: I would just like to pursue one matter with you briefly, I'm not clear in my own mind how the present proposal that we are considering here has a relationship as you appear to be saying it does with matters like swimmable water quality and those kinds of things. Or are these just examples where you see government's failure or something like that. I would like to be clear how you link this proposal to the matters you raised with us.

15

MR MASON: As far as we are concerned, water is water, whether it is fresh or salty. It doesn't really matter. The mana of Te Wai extends throughout all water and the proposal is a direct attack on the water which you are all familiar with, the drinkable water, but it makes no difference. The negative effects of these farms is obvious even now. So there's the relationship. We don't want a continuance of the decision making that delays the decision we want out of this process.

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CHAIRPERSON: And what is that that you want out of this process?

MR MASON: We want no further degradation of Te Hōiere.

30

CHAIRPERSON: So you don't accept those parts of the proposal that seek to stage the development in a way that will provide for monitoring and testing to see if adverse effects are taking place?

35

MR MASON: That will be dealt with in a further -- but, however, the point is that if you establish further farms then the obvious outcomes will occur. So any further testing is not going to eliminate that. We know. We know, we have the information about the effect that these farms have on the moana. So if you establish them they will continue to do the same things as the ones are doing now. There will be no change.

40

CHAIRPERSON: I see.

MR MASON: So monitoring is too late.

45

CHAIRPERSON: Is that matter going to be discussed by another person who is presenting to us? Because if it is I will keep my questions for that person.

MR MASON: Thank you. Kia ora.

CHAIRPERSON: Thank you. Kia ora, Mr Mason.

5 Right, David Johnston.

MR JOHNSTON: (Māori content)

10 My name is David Johnston, I'm the General Manager of Ngāti Kuia. I have several years' experience in New Zealand's banking and finance sector, mostly in senior management positions. I am currently responsible for overseeing the management of our Treaty settlement package, including our putea, our investments.

15 Our submission is not personal but based on well-developed principles of good faith and what is best long-term for the people and the environment in which we exist.

20 Our trustees have developed a 20 year plus strategic plan based on four po foundations. Ngāti Kuia tanga, our identity; te tangata, our people; te taiao, our environment; and te putea, our commercial assets. For our taiao po, it is about thriving and abundant biodiversity across all ecosystems, having the ability to manage and protect taonga such as the king shag and for the realm of Ngāti Kuia to sustain the people. We have serious concerns that the proposal plan change would allow for an ultimately result in adverse effects on our water, the wahi tapu of Blow Hole Point, the health and well-being of our taonga species and our ability to exercise customary rights and to undertake effective kaitiakitanga.

30 As a post-settlement entity, Ngāti Kuia have aspirations to revive those parts of our culture and traditions that have been lost since European occupation. The very marae we are in today, as you can see, has had significant investment and expansion as part of our strategy in moving forward post-settlement. And this is just the beginning.

**[11.45am]**

40 We implement the ethic of sustainability through all our commercial dealings in order to provide a healthy and prosperous future for Ngāti Kuia iwi. This involves the growth of our language, our environmental aspirations and the health and education of our people. We view the use of the environment through multiple lenses and over a longer term, and by one or two key assumptions and short term gains common in western resource management.

45

5 Ultimately it is the aspirations of Ngāti Kuia for Te Hōiere to be as beautiful and complete as it was when the deed of sale was signed in 1856. The environment has been constantly degraded with each generation as our knowledge of how it was and should be, the base line for which all activities should be measured has been eroded from generation to generation as we forget the memory of our tupuna.

10 When iwi signed the Treaty they could not have possibly foreseen the level of degradation that would occur in just 150 years. We cite the NIWA report 2017.

15 New Zealand King Salmon and MPI have not demonstrated that they have the skills required for guardianship of the Sounds as evidenced by the existing degradation from the farms and the comments made recently in the media which showed a complete lack of cultural understanding and professionalism in dealing with the interests, values and desires of the owners, public of the Marlborough Sounds.

20 Our submission is consistent with our philosophy on environment protection and our previous involvement in fish farming application and initiatives. Both our customary and commercial arms are united in support of our stance against the effects of such activities in our rohe. In closing, this bit, we believe these farms do more harm than good, the existing farms have failed and are unsustainable. The proposed new farms present an unacceptable risk for Ngāti Kuia and our environment. The justifications are based on a narrow set of assumptions being economic gains and national interests. Kia ora.

30 CHAIRPERSON: Do you have any questions?

MR DORMER: No, thank you, sir.

35 MR CROSBY: Mr Johnston, I'm just interested in knowing in terms of your putea, your capital funds, have there been opportunities for investment within Ngāti Kuia's rohe of a substantial nature, and when I say that, given the focus of what we are involved with today, in aquaculture at all. Have there been those opportunities?

MR JOHNSTON: We do have aquaculture investments but mainly with quota as part of the Treaty settlement. But as we've evolved more of our focus has been on other commercial investments which fit into our aspirations but also so that we are doing things environmentally and sustainably across our four pos. We look at through the four lenses. To give you an example of that, we have purchased 13 schools across the rohe. So (1) that gives us a connection back to the whenua, that gives us a connection to the community and the schools and also at the same time we're able to get some economic benefit in terms of the rental that we receive on the land. So it fits in with our -- we have what we call a statement of investment performance and objectives which every year we look at and we review how we do business. So not only what we invest in but how we do it and who we do it with.

15 MR CROSBY: I am not sure how long you have been in Te Tau Ihu and I've been out of the picture in terms of resource management cases for a long time now, probably more than 15 years really in terms of aquaculture, but certainly I do recall that there was a round of litigation in the Environment Court which led - I'm testing my memory now but probably in the late 1990s, early 2000s - to iwi entering into negotiations with the aquaculture sector as applications were made for new water space. I was aware that there were a number of joint venture arrangements that were entered into in recognition of the fact that the Environment Court had basically said unless you, the commercial area, recognise that there is an iwi interest in these waters you're not going to get the applications granted. There were a couple of decisions essentially along those lines. As a consequence, it seemed to me as an objective bystander and seeing what was happening that commercial entities were recognising the reality of that and negotiating joint ventures. Did that continue, do you know, or ...?

MR JOHNSTON: Well, I've been involved with Ngāti Kuia for about four and half years so one of my colleagues will be able to explain post that in more detail in our submission. What I can say personally is that we are a time of the context of the environment that we find ourselves in, as in now, and so if we think ten years ago, if we think five years ago what the land looked like, what the iwi looked like, what resources we had, we now have choices that we can make. Whereas before we didn't always have that choice. Now, we can see the errors, or the mistakes, or the lessons of the past. So we really need to think about the context of our times as we are moving forward and what that means.

So we have always had responsibilities, I know that, but now we actually have resources to stand up and be kaitiaki to its full extent.

MR CROSBY: The next question, again it may be well out of your area and I suspect it probably is but it was just occurring to me as you were mentioning in one of those responses the children coming on and I wondered is there any or are there Ngāti Kuia involved to any extent or being supported by scholarships or grants from your organisation in the aquaculture course that I think is being run by NMIT?

MR JOHNSTON: We have many scholarships and grants but not for that particular activity. Some of the grants that we do provide are back to school grants for all of our tamariki, that whakapapa to Ngāti Kuia on their first day of school. They get help with their uniform and their school books. We are very targeted. We have quarterly scholarships based on our succession planning and the development of our iwi members. Other iwi provide grants to some extent, many don't. At this point in time what they doing is they are trying to build their putea so they can then provide benefits to their members. But Ngāti Kuia had decided from day one with settlement that we would help our current iwi members now, at the same time building so we've got putea to be able to do that into the future.

MR CROSBY: I suppose the direction or the thrust of the questions that I have asked, as you will have appreciated, is that really that on reading some of the, I suspect, other iwi or the kaimoana comments that have been lodged with the Ministry there's a complaint that in essence with a challenge to the Crown how can you find now water space for these relocations where you weren't able to for our settlement purposes. So what I am just, by these questions, trying to tease out is whether there is an interest from the Ngāti Kuia people in having a stake in an aquaculture industry in whatever form it might be?

MR JOHNSTON: I'll leave that for others to respond, if that's okay.

MR CROSBY: Right, yes. Thank you.

MR JOHNSTON: And they will do that in detail.

MR CROSBY: Thank you, Mr Johnston.

CHAIRPERSON: Mr Johnston, you refer to -- that's all right, we will get the hang of it eventually. You refer to your 20 year plus strategic plan, that will be your business plan for the iwi presumably, or that is what I might understand as a --

MR JOHNSTON: No, it's our iwi plan. I have a copy.

- CHAIRPERSON: Well, I wanted to ask you because -- oh, okay, because the reason I ask you that is because under the Resource Management Act iwi, and many do, are entitled to prepare what are called iwi management plans, which are a RMA instrument. You are nodding so I take it you are familiar with that. That is important to us. If this is what you are referring to then we are required to take it into account for the purposes of our decision-making and reporting. But I don't understand this plan that you are referring to to be an iwi management plan, am I wrong about that?
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- 10
- MR JOHNSTON: No, you're correct. This was just to put context in terms of our iwi as a whole. Our governors right through to our iwi members. So this has been endorsed through roadshows, through hui with all of our iwi members across all of our organisations, both commercial and cultural, and so this is our plan for the next 20 years plus. We do have -- and our technical expert on iwi management plans and environment, that will come out throughout the course of this presentation to you.
- 15
- CHAIRPERSON: Oh good. Good, that's fine, thank you. So we have that to come.
- 20
- MR JOHNSTON: Yes.
- CHAIRPERSON: You refer in your statement, in the third paragraph, to the wahi tapu on Blow Hole Point and I wondered if you, for my benefit anyway, just expand on that a bit, the importance of Blow Hole Point in wahi tapu terms? Someone else is going to do that?
- 25
- MR JOHNSTON: Yes, someone is going to go into that in great detail so I will leave that for them.
- 30
- CHAIRPERSON: All right, I will look forward to that.
- MR JOHNSTON: It's coming, thank you.
- 35
- CHAIRPERSON: Yes, on the second page of your evidence you refer to the NIWA report of 2017 and I just want to be clear, because there has been several NIWA reports - I don't want to see it - I just want to know which one it is that you are referring to.
- 40
- MR JOHNSTON: April 2017.
- CHAIRPERSON: What's the topic that's being reported on?
- MR JOHNSTON: A 1,000-year history of sea bed change in the Pelorus Sounds/Te Hōiere, Marlborough. We have got a spare copy if it you need it.
- 45
- CHAIRPERSON: Was that prepared for this process? It wasn't? Well, if you could let us have a copy of that I would be grateful.

- MR JOHNSTON: Absolutely.
- 5 CHAIRPERSON: Is that the copy you are going to let us have? Thank you very much for that.
- MR JOHNSTON: You are welcome.
- 10 CHAIRPERSON: Yes. Thank you, Mr Johnston.
- MR JOHNSTON: Thank you.
- CHAIRPERSON: Peter Meihana.
- 15 DR MEIHANA: Kia ora tatou.
- CHAIRPERSON: Kia ora.
- 20 DR MEIHANA: My name is Peter Meihana. Through both my maternal grandparents, (Māori content) I whakapapa to the various hapū that would over time coalesce under the mana of Ngāti Kuia. So if you just take a look over there above the box, that's my grandmother and grandfather, Haromi and Martin.
- 25 I've been involved in the political life of the tribe since 1997 and I am a current trustee of Te Rūnanga o Ngāti Kuia Trust. I am familiar with the whakapapa, oral traditions and history of the Kurahaupo tribes of Te Tau Ihu. I have a doctoral degree and presently teach history at Massey University.
- 30 CHAIRPERSON: What is your degree in?
- DR MEIHANA: It is a PhD in philosophy but history.
- 35 CHAIRPERSON: PhD in philosophy.
- DR MEIHANA: But history.
- CHAIRPERSON: History? New Zealand history?
- 40 DR MEIHANA: Of course.
- CHAIRPERSON: Yes. Well, there are others.
- 45 DR MEIHANA: Are there? Yes.
- CHAIRPERSON: All right, PhD in history, thank you.

**[12.00pm]**

DR MEIHANA: This part of the Ngāti Kuia submission is intended to provide the Panel with an overview of Ngāti Kuia's association with what we call Te Hōiere, and the area where, if the proposed plan change is successful, King Salmon plan to establish more salmon farms.

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The approach I have taken here essentially is to speak to the whakapapa. Through the retelling of some of our oral traditions it is hoped the Panel might leave here today with an inside into a world view and a perspective that too few New Zealanders, and evidently foreign business interests, have been unable to grapple to simply refuse to grapple with.

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Before proceeding it is important to consider that since the advent of British colonisation, Māori oral tradition and the intellectual whakapapa that underpins and orders those traditions, that is to say whakapapa, have been subjected to European analysis. The impact of such analyses on Māori has been profound. Oral traditions were constructed within a particular spatial and temporal context. To separate space and time, the characteristic of western approaches to the past produces a history. To subject oral tradition to such treatment consigns it to the realms of myth and therefore without legitimacy. This has, of course, been central to colonisation here and overseas. In New Zealand the taking of land was nearly always proceeded with attempts at undermining Māori views of reality. Consequently those peoples were deemed irrational without reason and could therefore be justifiably dispossessed.

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Recent comments made in the media aptly demonstrate the colonising ethos. In Ngāti Kuia's relationship with Kaikai-a-Waro, the tribal kaitiaki whom I will discuss in a moment, cannot be reduced to comparisons with Christianity. Indeed both Ngāti Kuia and Christians would baulk at such a crude analysis. Ngāti Kuia's relationship with Kaikai-a-Waro does not rest on faith nor does it require an expression of worship analogous to Easter or Christmas. What the relationship between Ngāti Kuia and Kaikai-a-Waro does require is what we have here today. It is about responsibilities and obligations.

5 Having dealt with these preliminary issues, I would like to briefly  
 identify the sources of whakapapa and oral tradition relating to Te  
 Hōiere. During the 19th century tribal elders committed to the written  
 word whakapapa that linked that generation to Te Tau Ihu's founding  
 10 ancestors. Scribes such as (Māori content) Tweedie(?) McDonald were  
 fortunate in that they had access to learned men of the previous  
 generation. These men include Hohepa Te Kiaki described in  
 European narrative as the last Tumatakokiri. Pirimoana Pokeke(?)  
 15 whose father had also been described as the last Tumatakokiri the  
 leader of a formerly conquered tribe who would nevertheless sign Te  
 Tiriti o Waitangi in June 1840 at Horahora Kakahu.

15 So if I can just direct the Panel to this end of the whare. So if you take  
 a look at the portrait at the top, that's Meihana Kereopa, if you come  
 down the left --

CHAIRPERSON: Top right, is it, for us?

20 DR MEIHANA: The very top. That's Meihana Kereopa, and if you come to the left that  
 Kipa Hemi Whiro, who I'll talk about in a minute and above the door  
 is Po Hemi Whiro and Tahuariki Meihana.

25 I highlight the fact that these elders were described as the last  
 Tumatakokiri and conquered because it is an example of how European  
 observers interpreted pre contact Māori society. In this instance last  
 and conquered is reflective of a view of the past in which Te Tau Ihu  
 was conquered and settled by waves of migrating tribes that  
 dispossessed the previous inhabitants. Ngāti Kuia whakapapa shows  
 30 that this is demonstrably untrue. For instance, Ngāti Whare and  
 Rangitāne contributed significant sums of money to fight the Ngāti  
 Mamoe Waitaha claim. Why? Because their ancestors were Ngāti  
 Mamoe. Ngāti Kuia carved and name waka after Ngāti Tumatakokiri  
 35 ancestors. Why? Because their ancestors were Ngāti Tumatakokiri.  
 Ngāti Kuia whanau have retained in their possession a number of  
 whakapapa manuscripts, the oldest is the Meihana manuscript written  
 by Tahuariki Meihana whose father, Meihana Kereopa represented the  
 Kurahaupo tribes during the first sittings of the native land court. The  
 Hemi manuscript, also known as Kohi Book 1, had a number of  
 40 authors, including Po Hemi Whiro and his son, Irawhera Po Hemi.  
 Another important manuscript was written by Tweedie McDonald.

Whakapapa performs a number of functions. It is not simply a family tree showing vertical and horizontal familial relationships. Whakapapa is a system of knowledge. An epistemology that can explain the world around us. Whakapapa also legitimates rights to resources, the bestowing of ancestral name and islands and waterways, for instance, gave descendants a foundation upon which rights could be nurtured and grown over time. The following whakapapa - so the Panel has it in front of them but here's a copy up here - is taken from Tweedie McDonald's book. One can see here ancestral names such as Puangiangi, Nukutawhiti and Hopei. All of which are islands in the Marlborough Sounds. The importance of Nukutawhiti can be seen in the fact that in 1883 when the native land courts sat in Te Tau Ihu for the first time Ngāti Kuia elders, Ihaka Tekateka and Ruku Whiro(?) sought title to them and it would transpire the court, on advice Alexander McKay, would only consider claims to three land blocks. McKay's view and that of the court was that the 1856 Ngāti Kuia and Rangitāne deed of sale had extinguished Ngāti Kuia's customary rights to Nukuwaiata.

The next whakapapa from the Meihana and Hemi books represents an early migration of Kurahaupo peoples into Te Tau Ihu. One of these migrants, Te Kakaho, would be remembered in the naming of an island at the entrance of the Pelorus Sound. As with Nukuwaiata, title to Te Kakaho was sought by Ngāti Kuia elders, Hamuera Te Kawenga, Te Mutini, Te Oka and Te Mani Hirimaihi(?). Again this claim was never heard. Nukuwaiata and Te Kakaho are today known as the Chetwode Islands.

Despite the Native Land Court's refusal to recognise Ngāti Kuia's claims to Nukuwaiata and Te Kakaho, four generations of Ngāti Kuia invested time and money seeking their return. Nukuwaiata, Te Kakaho and Motungarara were important sources of food particularly for titi. When Pakeha New Zealand discovered a conservation ethic at the turn of the 20th Century, the islands slipped further from Ngāti Kuia each being reserved under various pieces of conservation legislation. Nevertheless the islands remain part of our whakapapa.

Nukuwaiata and Te Kakaho sit on a body of water known as Te Hōiere. Te Hōiere consists of Te Āwaiti, its fresh water component, and Te Awanui, its salt water component. Te Hōiere also includes those bodies of water that flow out to Raukawakawa Moana. In Ngāti Kuia oral tradition Te Hōiere was the waka that brought Matua Hautere guided by the kaitiaki Kaikai-a-Waro into the Pelorus Sound. This whakapapa taken from the Meihana and Hemi books highlights the connection between Matua Hautere and the children of Harata and Hemi Whiro. Next one, please.

So looking at this whakapapa, at one level this whakapapa and associated oral tradition is a migration story. At another level, however, it reveals a deeper association to Te Hōiere, one that goes beyond the mana tangata. What this whakapapa also shows is a connection between the natural world and living human descendants, that is to say the mana atua. Fundamental to this view of the world is Kaikai-a-Waro and the nature of the relationship between Ngāti Kuia and their kaitiaki.

Ngāti Kuia were the first of Kupe's descendants to settle in Te Tau Ihu. Following his pursuit and the eventual killing of Te Wheke o Maturangi at Kura-te-au, Kupe set about exploring the area, indeed Te Tau Ihu and Te Upoko o te Ika are replete with placenames that testify to Kupe's visits and deeds. Some of these places include Te Ope-a-Kupe, Te Taonui-a-Kupe, Arapāoa, Nga Whatu Kaipono and Whatutipare. These landmarks stand as navigational aids for those that would follow Kupe.

According to Ngāti Kuia oral tradition, Kupe brought with him three kaitiaki: A Kawau, Anaihi(?) and A Rupe. Te Kawau-a-toru, whose job it was to test ocean currents, would in the end be killed at Te Aumiti or French Pass. The descendants of Te Kawau-a-toru still reside here, they being the king shag. Rupe, a two-headed wood pigeon, took up residence at Tuapaka between here and Havelock. It is fitting therefore that we are expressing our concerns today inside this whare, Te Rupe-o-Ruapaka.

Another task undertaken by Kupe was to whakataka te hau with the māuri or whakatou te māuri. That is to say, Kupe instilled or put in place the protective energy necessary to sustain life, the wahi tapu at which this took place was Kaimahi. This is a practice that Māori continue to this day, for instance when we commence the building of wharehenui and for Ngāti Kuia in more recent times when commencing the development of our te reo me ōna tikanga strategy. Upon his departure Kupe instructed Kaikai-a-Waro to remain behind at Kaimahi. Generations later Kupe's descendants, having been inculcated with the knowledge acquired by their ancestor, returned to Kaimahi where the tohonganua manu(?) proceeded to whaka aki-i-te(?) māuri or awaken the māuri. Again, this is a practice that Māori continue, for example when we open wharehenui.

5 So this map here is copied from a little book called Pelorus Jack: the  
 White Dolphin of French Pass and that book is based on an interview  
 between James Cowan and Kipa Hemi Whiro, so I've pointed to Kipa  
 there. So, the account is really good, it is an example of how Europeans  
 interpreted Māori tradition. However, it can be deciphered. But the  
 point to note here is the location of Kaimahi. So this map locates  
 Kaimahi very near to the site of a proposed salmon farm. If we take  
 the proposition that māuri is vital to the health of our environment as  
 Ngāti Kuia does and I assume all other iwi do also, then it must be said  
 10 that effluent near a wahi tapu such as this should evoke a united Māori  
 response.

15 By way of a conclusion I'd like to take us back to 1997. In that year Te  
 Tau Ihu iwi, a grouping of all eight tribes of the northern South Island:  
 Ngāti Apa, Ngāti Kuia, Rangitāne, Te Ātiawa, Ngāti Tama, Ngāti  
 Kōata, Ngāti Rārua and Ngāti Toa Rangatira, with the assistance of Te  
 Ohu Kaimoana, the Māori Fisheries Commission, filed an application  
 with the Māori Land Court seeking a determination that the foreshore  
 and seabed of the Marlborough Sounds was Māori customary land. All  
 20 of us here today know the outcome of what that application was.

25 Some of us may have forgotten that that application was based on  
 customary evidence gathered from kaumātua that articulated Te Tau  
 Ihu's relationship with the foreshore and seabed of the Marlborough  
 Sounds. Much of that customary evidence included in the statement of  
 facts was a retelling of the Ngāti Kuia's relationship with Kaikai-a-  
 Waro. All Te Tau Ihu iwi have benefited from Kaikai-a-Waro it seems  
 only right that Te Tau Ihu iwi repay that debt. Kia ora.

30 (off mic conversation)

DR MEIHANA: I thought so.

35 CHAIRPERSON: Just relax, Dr Meihana.

MR CROSBY: I probably shouldn't say but I benefited from the presentation by Dr  
 Mason on Sunday at Noho Marae, so this fills that out even further. At  
 paragraph 11 you just referred to Motu Ngarara and I'm just trying to  
 remember, where is that?

40 DR MEIHANA: So Motu Ngarara is just out from Titirangi. So, all of these islands had  
 particular names but Nukuwaiata, Te Kakaho and Motu Ngarara, at one  
 point in time they were collectively known as the Titī Islands but then  
 at some point in time Motu Ngarara became Titī Island and I think that  
 45 was because it was the closest island to Ouokaha and Poko(?) where  
 our people were.

MR CROSBY: I see. Yes, indeed I see it on that map. Thank you. And the source of that map again? I'm sorry I was making another note when you mentioned that. It's a rather valuable book. You don't know the year by any chance, do you, Dr Mason?

5

MR MASON: I think it's 1907 it was published.

MR CROSBY: Thank you I'll give you that back.

10

[12.15 pm]

(off mic conversation)

CHAIRPERSON: What was the question, please?

15

MALE SPEAKER: You were talking about an island.

DR MEIHANA: Yes, Mr Crosby just asked me where Motu Ngarara was, Motu Ngarara's here but the important part is Kaimahi here which is right here. Can you see it?

20

MALE SPEAKER: Thank you.

MR CROSBY: That location of Kaimahi, have you looked at that on modern topographical maps at all, by any chance, or not?

25

DR MEIHANA: It's Oke rock.

MR CROSBY: It is Te Oke rock, is it? Right, thank you. And the final question I've just got, for clarification really, Dr Mason, is Te Kawau-a-Toru is definitely the king shag?

30

DR MEIHANA: According to our traditions and I'm pretty sure Ngāti Kōata's traditions too.

35

MR CROSBY: All right, okay. Thank you very much.

CHAIRPERSON: I asked Mr Johnston about the wahi tapu of Blow Hole Point. Is that what you were referring to in paragraph 16 or was it something else?

40

DR MEIHANA: Yes.

CHAIRPERSON: That's what you were referring to?

45

DR MEIHANA: Yes.

CHAIRPERSON: Right, okay. Can you just describe to me what the practices are that continue to this day, please?

DR MEIHANA: So, for example, we ... 30 March 2015. This place has changed quite radically from when I was a kid, it was just this building here and so the iwi decided that we were going to build a wharekai and refurbish this place. So the first thing that we were required to do according to tikanga was to lay a maūri stone at the front of the building here. And so the idea with that was that the maūri is laid, there's a tapu there and there are restrictions until the opening when through incantations, karakia, that maūri is lifted and then it is made safe and appropriate for people to come here. So it happens in lots of instances really to provide spiritual protection.

CHAIRPERSON: Yes, but how does that relate to Blow Hole Point? Excuse my ignorance of this.

DR MEIHANA: So when Kupe arrived -- so he was a navigator, he came here, he looked at the place and he instilled the maūri at Kaimahi and so that was the place where when Matua Hautere came later, he knew where to come. He came here, the tohunga rua manu(?) then whaka aki'd the maūri and from that point onwards Ngāti Kuia have resided in the Hōiere. So it was, I would say, other than a place called Pareuku, it's one of Ngāti Kuia's most significant sites. Yes, so it's important to us.

CHAIRPERSON: Obviously, yes. Thank you very much, Dr Meihana.

MR CROSBY: Just a couple of questions, Dr Meihana. Pareuku is the location opposite the mouth of Kenepuru Sound, have I got that right or wrong?

DR MEIHANA: No. So, when Matua Hautere arrived he came into Te Hōiere. He explored the upper limits, Kaikai-a-Waro tried to force his way through to Whakatu and so the meandering part of the Hōiere where the salt and the fresh water meet, that is the part where Kaikai-a-Waro attempts to dig out or dig a way through.

MR CROSBY: Right.

DR MEIHANA: Then they came back and Matua Hautere then pulls the waka, Te Hōiere, up at a place called Pareuku, which is now -- people will know it because it's opposite the Havelock sewage ponds.

MR CROSBY: Indeed, and I remember you demonstrating that. So that's Pareuku, it's the cliffs of clay.

DR MEIHANA: Yes.

MR CROSBY: Yes, that location.

- DR MEIHANA: It was so important that my grandfather called his best pig dogs Cliff and Clay.
- 5 MR CROSBY: Right. The other question that arose out of your answers to the Chair was, it just occurred to me, the name Oke Rock, or I'm not sure whether it's Te Oke Rock, it's cut off on my copy of this map but I'll check that. Do you know where that name came from, the Māori name?
- 10 DR MEIHANA: No. We've always known it as Kaimahi.
- MR CROSBY: Thank you, Dr Mason.
- DR MEIHANA: Thank you very much.
- 15 CHAIRPERSON: Now, Raymond Smith.
- MR SMITH: (Māori content)
- 20 INTERPRETER: Greetings, August Panel, ladies and gentlemen, to the people of Te Tau Ihu o Te Waka-a-Māui, Ngāti Kōata, Rangitāne, Ngāti Kuri and to the many iwi connections, greetings. My name is Raymond Smith, I work in the environment. Te Hōiere is a taonga handed down.
- 25 MR SMITH: This requires the Crown and its agencies to give recognition to and make provision for the exercise of kaitiakitanga by whānau, hapu, iwi who are operating within the Māori customary paradigm. Legal and regulatory policies are increasingly having to incorporate the requirements of indigenous communities that fall within the ambit of the territorial authority, and in New Zealand those requirements are specified in the Treaty of Waitangi as kāwanatanga, rangatiratanga and kaitiakitanga principles.
- 30
- 35 Marlborough Sounds as a taonga tuku iho te tangata whenua Ngāti Kuia require a long-term multi-generational approach.
- CHAIRPERSON: Would you just pause for a moment, please, Mr Smith? I'm sorry to interrupt you but we have two pieces of paper with your name on it and they're not the same. You're reading at the moment from this, page 14, not the copy that I've got.
- 40 MR SMITH: Right, excellent. The secondary copy, the smaller copy with my name on it is the one that I'm reading from.
- CHAIRPERSON: Which in the papers that I've got, is a separate piece of paper.
- 45 MR SMITH: Yes. I made some amendments to it last night.
- CHAIRPERSON: Right. So you want us to take --

MR SMITH: Yes, the one with my name on it.

5 CHAIRPERSON: So, we substitute this for what's in the collection of papers that we were given earlier, right?

MR SMITH: Yes.

10 CHAIRPERSON: All right. Just let me make a note of that. I'm sorry to trouble you but I wonder if you'd mind beginning again, please?

MR SMITH: The same, what I've said is on both pages anyway but yes, I certainly will start again.

15 CHAIRPERSON: Thank you.

MR SMITH: As you see in the picture there I've got a few pictures that go along with this presentation.

20 So, Te Hōiere a taonga tuku iho te tangata whenua Ngāti Kuia, guaranteed by the articles of the Treaty of Waitangi. This requires the Crown and its agencies to give recognition and to make provision for the exercise of kaitiakitanga by whānau, hapu and iwi who are operating within the Māori customary paradigm. Legal and regulatory policies are increasingly having to incorporate the requirements of indigenous communities that fall within the ambit of their territorial authority. In New Zealand those requirements are specified in the Treaty of Waitangi as kāwanatanga, rangatiratanga and kaitiakitanga principles.

30 The Marlborough Sounds, as a taonga tuku iho te tangata whenua Ngāti Kuia, requires a long-term multi-generational approach to preserve the special values of the region. We call this global approach to a local level management kaitiakitanga. The elements of our kaitiakitanga framework have maūri at its centre as a life force that binds and animates all living things. The secondary layer are mana and tapu. The loss of maūri results in the loss of mana and tapu. The indicators and control mechanisms associated with use rights are taniwha, atua, tohunga, rangatira, kaitiaki, karakia, rāhui, muru, tuku.

40 The management framework is called tikanga which evolves accordingly to the sustainability needs as indicated by appearances of tuhu(?) known only to kaitiaki. Only tangata whenua can control maūri or fertility of their region by virtue of their descent from the atua from whom mana is derived. Tangata whenua are identified by whakapapa not kaupapa or tari.

45

Ngāti Kuia take the moral and ethical high ground when addressing kaimoana sustainability issues in Te Hōiere even at the expense of our commercial interests. We continued to support rahui on taonga species in recent years as allocation rates from all sectors, recreational, commercial and customary, was unsustainable. We have removed lines from our mussel farms when growing rates slowed down while other farmers increased. Our ability to undertake kaitiakitanga in Te Hōiere is constantly being eroded by increased pressure and reduced responsibilities from the wider community.

The ongoing practices of increasing the intensity of harvest from Te Hōiere continues to go against the principles of kaitiakitanga which this Panel must have particular regard to when making their recommendation under section 7(a) of the Resource Management Act. The failure of salmon farm stocks at sites within the Sounds, such as Bulwer at Waihināu, is proof of the lack of skills and commitment for managing those farms within acceptable environmental limits. If the present farms cannot be sustainably farmed while making a profit for their shareholders then their exercise does not meet the requirements of section 5 and they should be removed. The quadruple bottom line process must take into account the whole customary context and apply them to any type of consideration and the weighting should be directed there.

New space for old, new car for old, pristine space for polluted. Sounds like something out of Aladdin's Lamp. The new space sought in this plan change is just that, new space. The plan change seeks to allocate additional space to one member of the fin fish farming industry. If this Panel are of the mind that this does not -- if this is not new space then the following analogy should be applied to provide context. Imagine the activity was to take place on land. The existing salmon farms are on land that has been cleared of native forests, as all farm lands in the Sounds have been, the land has been occupied by a farm and now contains waste from the farming activity.

Consider, the waste sludge from the farm is so thick that nothing else can grow on the land except algae, microbes and it is spread on to the neighbouring native forest covered land which is owned by the public. Similar. The farm can no longer operate because the sludge is having adverse effects on the surrounding environment and that is seen as socially irresponsible and environmentally unsustainable and unacceptable. The sludge is suffocating the soil to the point where it can no longer sustain aerobic life and the farm is suffering from regular mortalities relating to the warming of temperatures.

5 In order to mitigate their adverse effects the farmer wants to shift to a new site so even more trees are removed from the land at the new site. The waste sludge at the new site can be dispersed over a larger area of land, they say. Pivot irrigators and degradation at a greater intensity of waste and farming with a wider area of adverse impact. The old site is still contaminated and nothing will grow there.

10 Now, there may be an argument that because the pivot irrigators spread the waste over a forested area that can break down the bio accumulated waste that the impacts are reduced and mitigated. There is a reason why human waste discharges in the Marlborough Sounds must be to land and not to sea. Land-based bio-processing is more effective than ocean-based. As what happened down in the Sounds in that picture is what happens when you add fertiliser to the environment, and you've received the recent report.

15 The NIWA report shows the marked change in growth rates of bivalves in Te Hōiere with the addition of superphosphates and its toxic legacy of cadmium contamination. The cumulative adverse effects of additional nutrients into the waters of Te Hōiere could spell another significant ecological disruption that could threaten the entire ecosystem of Te Hōiere with collapse. Should shit occur in the foreseeable future, or even many years after the term of any subsequent resource consents, it would be a further loss of the rights of our iwi to have their waters and fisheries under the Treaty - hold on, where am I - would be a further loss of rights to our iwi to have the waters and fisheries under the Treaty.

20 Our marine environment 2016 report to the Marlborough District Council's Environment Committee says that the environment both in Marlborough and nationally is getting close to crisis. We now have the scientific proof so we must act in the way of our environment and our culture.

25  
30  
35 **[12.30 pm]**

40 Currently the existing farms operated by New Zealand King Salmon do not meet the best practice guidelines with the deep sludge accumulating under each farm highlighting that issue. New Zealand King Salmon have not made any on-site adaptations to address their pollution issues and are expecting that dilution in the waters of Te Hōiere will be the solution to their pollution. This will not address the problems at the current sites and the net loss of environmental integrity that would result if the new sites are granted.

Ngāti Kuia are represented by two key taonga species: ihei metikau(?) and these farms are particularly located at Kaimahi, at the entrance of Te Hōiere, which puts additional stress on these species. Previous ihei mortalities are not forgotten by Ngāti Kuia, we remember when the mother and baby was caught and killed in the Bulwer Waihinau farm. The nationally rare Duffers Reef King Shag, New Zealand has international obligations to protect genetic biodiversity as signatories to the United Nations Convention of Biological Diversity 1992 along with our own legislation including namely the Wildlife Act 1953 and the Marine Mammals Protection Act 1978.

Protection of their habitats, however, relies almost solely on the RMA section 6(c). Most indigenous seabird species are threatened with or at risk of extinction in New Zealand. New Zealand has 92 resident indigenous seabird species and sub-species, which is the highest number of endemic seabirds in the world. Thirty-two of our indigenous resident seabird species or sub-species are threatened with extinction; 12 of these are classified as nationally critical, another 51 are at risk of extinction. Between 2005 and 2011 the risk of extinction increased for seven species of seabirds while it improved for one species: the Chatham Petrel.

The ongoing work of Rob Schuckard is extremely valued by Ngāti Kuia in this area and we very much appreciate all the work you do and it's really great to see Rob here today. Kia ora, Rob. Tapu no utu(?) are critical tools for protection of habitat and biodiversity.

The Environmental Protection Agency. Protection, yes. By-passing the Marlborough District Council and Regional Council process enabled King Salmon to achieve three new sites. The EPA decision in 2012 and ruling established a threshold of a maximum of two farms at Waitata and Richmond. In the Waitata - it was conditional upon monitoring of course - this renewed application process disregards the entire previous expert witness tribunal process and decisions in the judge's ruling that an expert panel conducted effective monitoring regime has to be put in place to assess baselines and any adverse effects on the Marlborough Sounds environment and that thresholds are set to trigger remedial actions before the effects become damaging and that possible effects can be remediated before they become irreversible.

5 As kaitiaki Ngāti Kuia have participated in groups with interests in the Sounds including the Salmon Working Group, the Tangata Whenua Panel, Peer Review Panel. The Salmon Working Group, which was facilitated and directed by MPI, was set up to address the discrepancies between best practice and actual practice for the existing farms. It is recommended that three of these sites now in the proposed plan change should not be progressed, being the two at Blow Hole Point and the one at the entrance of Te Hōiere, mid-bay. These are inappropriate for cultural, social and environmental reasons, it's against the recommendations of the working group. MPI is now pursuing those sites, it appears the ministry will continue to take advice until it hears what the minister wants to hear, which in this case appears to be whatever King Salmon wants to hear.

15 The principal obligation of kaitiaki is to protect pātaka kai and all that we rely on to survive and thrive in all its concepts for present and future generations; the Takutai Moana foreshore and seabed customary entitlement and customary protected rights. As was said before, Ngāti Kuia initiated the foreshore and seabed debacle. We're still feeling the effects from that but Ngāti Kuia initiated it in defence of its local -- against the local council, the Environment Court and Government and this was after our own application had been refused. And now we're worried about overseas interests with Government support.

25 Ngāti Kuia have applied for coastal customary marine title and protected customary rights for Te Hōiere under the Takutai Moana Act in order to be able to exercise kaitiaki and protect the habitat of the Sounds from further degradation if we can. Under the customary title section 62 rights conferred the following specific rights are conferred by and may be exercised under the customary title order or an agreement on and from the effective date, rights to protect wahi tapu and wahi tapu areas, rights in relation to marine mammal watching and the process of preparing, issuing, changing, reviewing or revoking the New Zealand Coastal Policy Statement.

35 So it applies if a person's making a resource consent, a permit or approval in relation to a part of a common marine and coastal area in respect of where no customary marine title order or agreement applies or an applicant group has applied to the court under section 100 for the recognition of customary title and notice has been given in accordance with section 103.

40

Ngāti Kuia have a mataitai, it's on the thing there. Our mataitai proposal site starts and stops at Anakoha, around the coastal pass at Allen Strait to Pariwhero, out around including Titi, Motungarara to the island pā on Alligator Head. Along the coast of Koea(?), along Titirangi, Okoha Point back into the bay. These tools are very important for maintaining the cultural understanding of Ngāti Kuia. The principle of kaitiakitanga is sustainability in many forms. Maintaining the in-depth understanding of the natural environment, which is all-encompassing, based on long-term association and iwi Māori aspiration.

The well-being of the people is inherently linked to the well-being of the environment in which they live. To consider our environment as separate from our people is to consider our people to be separate from Papatuanuku and Ranginui io mi te kuri(?). We all know we cannot maintain in a culture, in a vacuum of space as te kuri, or thrive on our land and seas that does not recognise the importance of our tikanga (Māori content). We do not live in isolation from the consequence of our actions of tapu and utu and ignoring those consequences is only becoming harder and harder to do as we place our environments under increased pressure.

This has recently been presented in the latest NIWA report in the Marlborough Sounds and the national state of our waterways. Placing existing farms in high flow areas would amplify the already skewed monitoring and reporting set-up as less impacts will result under high flow farms and consequently more adverse effects being externalised upon the receiving and unmonitored wider Sounds environment resulting in proliferation of harmful algae blooms, the collapse of native fish stock and spawning grounds, the overabundance of anoxic sludge worms on the cages, proliferation of plankton feeding jellyfish elsewhere, the collapse of the Sounds life supporting capacities. Tipping points are becoming more identifiable right across our waterways and increased unrealistic discharges, pollutants, can only become a burden for the future generations; our children, our mokopuna.

Kaitiaki projects in line with our strategic plan. As has been stated we have our obligations to provide a thriving and abundant biodiversity. Our kaitiaki have the capacity to manage and protect our taonga, tukupinga akoia(?) sustains the people. We are very much involved in our environmental protection, right across the Te Tau Ihu o Te Waka-a-Māui and on national forums. Our mataitai a te orangea(?) just passed the confluence of whakamarino, just over here, is our fresh water mataitai. In between our fresh water mataitai and a proposed salt water mataitai will be half a dozen salmon farms polluting our waterway.

5 Titi monitoring sustainability, we're very much involved in that. Mammal stranding protocols, we're involved with those. With the marine protected acts review, we're right in there and the Ngāti Kuia environmental unit has been created so that Ngāti Kuia has the capacity to try and deal with these extremely high level proposals and at times attacks on our natural environment. The Marlborough Sounds Integrated Management Trust, which has been formed by the community, Ngāti Kuia have a trustee on there which is trying to protect the Marlborough marine futures.

10 The Recreational Fishing Park Workshop, we're on that. Trustee of Tui Nature Reserve, we're still considering our position on there due to some of the latest issues that have been raised. Around Te Kopi, which is an area that is looking to be reinstated as a wildlife reserve, which is at the area that was identified before, Kaimahi. We're looking at being involved in the Zip Foundation work which has happened in the Mahau Sounds and is now happening in Bottle Rock which will possibly take on a wider range of environmental protection. We're on Tawhitinui around tawhitinui wasp control and around Pakeka(?).

20 Pelorus Bat Project, which is just up the road here, protecting the other of our biodiversity projects which is on this waterway, and these bats use this waterway to travel in between colonies. Estuary monitoring; we're very much involved in the estuary monitoring to see what degradation has happened and it's really timely that this thousand-year report has come out highlighting very much the last 160 years of degradation specifically. We certainly know that economic exploitation was behind all of that.

30 Within the government, local government, Ngāti Kuia have a representative on the local council in the Environment Committee which is a pan-iwi representative, and on the local Sounds Advisory Group. We have DoC representation and we're part of the Te Tau Ihu alliance which takes in the three councils: Tasman, Nelson, Marlborough and Department of Conservation and iwi, very much looking at environmental issues right across the top of the South Island. Te Tau Ihu is all-encompassing for us. Ngāti Kuia are lucky enough to hold the ground in the middle, in the heartland.

40 We work very closely with the Ministry of Conservation, Biodiversity New Zealand and have lately been working with Sustainable Seas Challenge, which, I suppose, if they had have started the Sustainable Seas Challenge a couple of years ago this would have been right in the middle of it, along with our kaitiakitanga matauranga. The kaitiakitanga matauranga -- kaitiakitanga exists because of our relationship with our natural environment and the knowledge that was shared by our ancestors and is still being shared by our ancestors in the revitalisation of our understanding of our land, our reo and our tikanga.

[12.45 pm]

5 Rohe e Te Hōiere. The rohe e Te Hōiere, e Te Waka o Matua Hautere. So, Te Hōiere is the waka, it is named after the waka of Matua Hautere which brings -- like we've got Te Waka Katoa in there which is really, really important. In the next couple of years, 2019, 29 November to 3  
 10 December, we plan to have not only the Endeavour replica from Australia over here but eight or nine waka hourua that will be navigating around the Marlborough Sounds. I'd hate to think that coming into the entrance there'll be a big blockage right in the middle of that. These are sailboats and these were maintained under traditional understandings of tide and wind and not big obstacles in the middle of  
 15 entrances. This is the re-navigational pathways of Kupe, of Matua Hautere. When Cook turned up in 1770 it was our iwi that were here, Ngāti Kuia, Rangitāne, Ngāti Apa along with our close relations of (Māori content). So a long history of association here.

20 Te Waharoa Te Hōiere is an extremely beautiful and important place. It would be a pity and would be more than a pity for us if something was placed right in the middle. Lucky enough to have been a trustee of Tui Nature Reserve that has seen at times a big salmon farm sitting in the middle of that bay flushing and cleaning out the fish from  
 25 mortalities when they're having troubles on the farm, sitting right out in the middle of the bay. Blight on our rohe.

30 Te Anau Kaikai-a-Waro, which has been talked about before, is the cave of Kaikai-a-Waro at Kaimahi. This is the knowledge, this is the matauranga that needs to be carried on. Tawhitinui, tawhitiroa, tawhiti pamamao. Tawhitinui Reach is probably where the photo is taken when you were on that aeroplane. We'd just flown over Tawhitinui that connects us back to the islands, to the Pacific islands, to Raehitira. It connects us directly to those tawhitinui, tawhitiroa, tawhiti pamamao.  
 35 Our rohe around there that associated with our Kupe, (Māori content) and our SILNA lands.

40 SILNA lands was, I suppose, considered to be the cruel hoax to our people. It was mentioned. It was an allocation of lands for us giving up this beautiful place. Well, we didn't give up those islands but they were taken from us. Us giving up those places; the Crown was supposed to give South Island Landless Natives land back. Some of our cousins and some of our cousins that are sitting here today, the Crown gave them land on Stewart Island but they couldn't find land  
 45 there which seems to resemble the aquaculture game where the land's been found for others and not been found for us when there's really precedence and historical similarities which really, we don't want to see again.

5 (Māori content) over at the back. They were the islands that were supposed to be our homes. They were the islands that were not supposed to be part of the settlement. They were the connection to these specific places that we're talking to right now. The mamai and the herd are still there. The settlement was taken, and I'd like to say with a grain of salt, for the betterment of the country to move forward. We gave up a lot for this country and this sort of scenario was supposed to be ours and it's not. So, Ngāti Kuia have given, given, and now we don't want to give it to someone who's not looking after it.

10 The awa: Te Hōiere is the biggest awa in this region. It has the biggest ... back the other way I think. Here, we have Te Hōiere. Oh, no, back one. Yes. So that's how much water can come down through here. You'll see all of that brown type of water comes from one of those things that the United Nations identified back in, I think, 1992 around deforestation and sedimentation. What we see here is an attack from both ends of Te Hōiere, one from this end, up the top end from forestry, one from the other end from aquaculture. The stuff in the middle is not looking good and that's our food basket, that's what we eat. So that's our pataka within those areas, because that's where the salt water meets the fresh water right there, so within these areas our (Māori content).

25 INTERPRETER: From the fisheries of Ngāti Kuia. The language --

MR SMITH: Is the cornerstone to the understanding of what's happening. We did notice, or some of us noticed at the start; we're speaking a different language at our pohiri. We understand English so we can talk to the world. We try and understand science, it's really hard and I think I've seen some of the looks on your faces when I hear some of the science with all the technical data that flows through that in a totally different language, we have to understand. So there's three languages that we're trying to understand here: English, Māori and science. So our matauranga, our indigenous matauranga is a science.

35 So te reo me ōna tikanga must be able to be maintained and grown encompassing mana aroha and mana. Wānanga. Yes, back one. Our wānanga and titirangi, that's titirangi there. For years we've been maintaining our connection to the islands. The islands that we've got a statutory acknowledgement over in a kaitiaki protocol, motu ngarara. So that is now the cornerstone of our connection into the Sounds. A little few words on a protocol is now what gains us access to what used to be, we considered, ours, what we considered taken. It is now the place where we go back to every year and considered one of the most key wānanga that we have.

5 We go out there, we understand the islands. We go out in the boats,  
we go all around that rohe. We're going out in boats, we're  
reconnecting with our rohe and this reconnection is only a revival that's  
happened in this post-settlement world. As you could clearly  
appreciate it was really hard back in the 1970s and the 1980s for any  
of our people to reconnect with these places down here. There was no  
legislative acceptance. It was too hard for us to reconnect with our  
settlement, our treaty settlement, Te Whakatau. We've got land back  
10 in there, we've got statutory acknowledgements over other things,  
we've got deferred selection and we've got right to the first refusal.  
We'll be back out there one day in numbers.

15 We want it to still be in a good condition to take our mokopuna there.  
So our wānanga were all about introducing all of us back into this area  
that is ours, that is significant. It is our obligation as kaitiaki of Ngāti  
Kuia to maintain the knowledge and to pass it on for future generations.  
That's what our wānanga are all about. Within Te Whakatau we had  
many different areas and just to name some of them: (Māori content)  
the kaitiaki instruments and the statutory acknowledgements. Some of  
20 the tools from Te Whakatau, we named our settlement. Our settlement  
is called Te Whakatau.

25 Some of those things, and our settlement was very important and it was  
really -- we took what the minister said, we took what this government  
said to be true. We'd given up a lot to settle, two cents in the dollar.  
I'm sure Southern Finance wouldn't have accepted that in their  
settlement. I've noted down a couple of things but some of the things  
within the apology and the one on 3.15:

30 "The Crown regrets and apologise for the cumulative effect of its  
actions and omission which have had a damaging impact on the social  
and traditional tribal structures of Ngāti Kuia, their autonomy and  
ability to exercise customary rights and responsibilities and their access  
to customary resources and significant sites. The Crown unreservedly  
35 apologises to Ngāti Kuia for the breaches of the Treaty of Waitangi and  
its principles. Through this apology the Crown seeks to atone for those  
wrongs, restore its honour begin the process of healing. The Crown  
looks forward to building a new relationship with Ngāti Kuia that is  
based on mutual trust, co-operation and respect for the Treaty and its  
40 principles."

45 I'd like to read them all but they're all along that flavour and I think  
you've heard some of the things that we expect the minister to take from  
the report that you'll be writing.

So community leadership, and one thing that's come up lately with our  
involvement in Marlborough Marine Futures is there's things. I'll just  
read this:

"Our environment 2016, the Marlborough District Council Environment Committee's saying that both the Marlborough and nationally are getting close to being in crisis."

5

It's scary stuff, crisis, about where we get our food from, where we get our mana from, our manakitanga of our kaimoana, and our pleasures of being in there; the Sounds: beautiful. The Marlborough District Council consider this place to be the jewel in the crown of Marlborough. The report from the Ministry for the Environment has revealed excess sedimentation and that's the key for you. Seabed trawling, dredging and marine pests are threatening the country's waters and it's happening here.

10

15

There are world-wide initiatives and they are initiatives that I have been considering to be very close to what the principles of Ngāti Kuia are doing. The hypothesis of this study that was done by comparing experience of involving communities and protecting and restoring areas of marine environment; generally applicable lessons could be found that could enhance New Zealand's capacity to be effective in marine protection. There's four well established models around the world: Australia's Great Barrier Reef, Nova Scotia's the Gully Marine Reserve, the east coast USA's Chesapeake Bay and the Monterey Bay Marine Park.

20

25

The British Columbia's co-governance of the marine environment with indigenous people was added after the initial itinerary was set. There's some real good -- even our neighbours are working pretty good with the Barrier Marine Reef. It displays world best practice. Not just best practice, world best practice. Creating and refining very large multiple use marine protected areas. Despite this it is failing to achieve its core purpose due to factors beyond its boundaries and those are things like climate change and the other really important one, nutrient input. It says from land but nutrient input is nutrient input.

30

35

This shows that it is critical to understand and include the full context that affects the formation and management of marine protected areas if the objectives for which they are formed are to be achieved with any degree of certainty. This means going beyond what we think can be tackled to what we really need to tackle. We've found we have joined the world in looking for solutions and they cannot come from a moving democratic process and community concerns by implementing section 360(a) government intervention for economic short-term benefits. It seems to be the same rhetoric of previous governments of keeping a fatherly eye on the natives. Some of the things that have been said to us before: "We can look after it."

40

45

Just a couple of key points. This proposal is contrary to the cultural aspirations of Ngāti Kuia. There are no environmental benefits increasing the amount of space available for introduced salmon farming at the proposed sites.

5

[1.00 pm]

The best management guideline must be adopted now on existing sites and the benefits must be proven across the four po with taiao as a priority. Ngāti Kuia have been disregarded enough in the development of the fin fish farming monopoly.

10

Finally, I would like to encourage the board of inquiry to look through our cultural lens, to feel the ihi me tawihī(?) of our cultural connection and our obligation to take your decision into the future as kaitiaki of our rohe, our history and our culture. Kia ora.

15

MR CROSBY: They really run from page 3 and 4 I think. That sustainable seas challenge, can you just explain that a bit more to us?

20

MR SMITH: The government, through the Ministry of Business and Innovation, has looked to, I suppose looked for scientific solutions to increase GDP for the government at this time. They've started a project that goes from the Taranaki Bight down to Titi Aurere, out to the Chatham Rise. So within this whole area, representative area, they're looking at how they can extract income and resources for the GDP, within environmental limits, I suppose, yes, based on scientific evidence.

25

MR CROSBY: Right. Are you involved in that process?

30

MR SMITH: We've been involved in it for quite some time. They failed for some reason to take into consideration this little area where these things are happening.

35

MR CROSBY: I wonder whether we could have the image of te kupenga, the mataitai image that you had up. I'm just intrigued by the yellow box; what did that represent?

MR SMITH: That's sort of secret stuff.

40

MR CROSBY: Is it? It's not relevant to us.

MR SMITH: I think it's just me and you, Ron. We've started mapping this area for species.

45

MR CROSBY: I see, right. Thank you.

- MR SMITH: Yes, so the yellow box means there's nothing there. Yes, but we've mapped it in different areas so each area will have a name and different species are incorporated into those names.
- 5 MR CROSBY: Right, and could you just help me, the Māori name for Alligator Head on the north-eastern corner there of Titirangi Bay?
- MR SMITH: Te pau o powhakarewarewa(?).
- 10 MR CROSBY: Right, okay. I was trying to remember.
- MR SMITH: Alligator Head obviously was named after the warship that blasted Taranaki.
- 15 MR CROSBY: Yes, familiar with that.
- MR SMITH: They were really good at naming stuff.
- MR CROSBY: Yes, and down at Kaikai-a-Waro, is that actually on Kaimahi, on the  
20 rock itself?
- MR SMITH: It's in that area.
- MR CROSBY: Right. On the landform though rather than on the rock?  
25
- MR SMITH: Yes.
- MR CROSBY: Right. And adjacent to the rock, or is it further south towards the rock  
30 on the entry to the Sound?
- MR SMITH: It's right by the rock.
- MR CROSBY: Right, okay. Thank you. Just a couple of species that you referred to  
35 under iix on that same page, if you would. I recognise, I think, all of them except what's tipa and rawaru. What are those ones?
- MR SMITH: Blue cod.
- MR CROSBY: Sorry, which is blue cod?  
40
- MR SMITH: Rawaru.
- MR CROSBY: Rawaru, right. Thank you, and Tipa?
- 45 MR SMITH: Tipa's scallops.
- MR CROSBY: Scallops, okay, thank you. No. Thank you very much.

- CHAIRPERSON: Just following on from Mr Crosby's question to you about the sustainable seas challenge project, is that a project that is taking place in what we know as the exclusive economic zone for New Zealand?
- 5 MR SMITH: Yes, it's within the EEZ, yes.
- CHAIRPERSON: Yes, it's all within the EEZ. Yes, not within the -- it's not inside the territorial waters of New Zealand.
- 10 MR SMITH: It just goes from Taranaki round through to the fjords but through Cook Strait out just to the Chatham Islands.
- CHAIRPERSON: Yes, but these are mineral exploration things you're talking about, aren't they?
- 15 MR SMITH: I think it's any way to impress GDP. It seemed to have been a knee-jerk reaction to the EPA's decision to stop the mining of phosphate out on the Chatham Islands.
- 20 CHAIRPERSON: Yes, thank you. You refer, and I haven't got a page number, but under the heading of Environmental Protection Agency you refer to the previous Board of Inquiry decision. It's a matter of law, of course, about whether they decided a threshold or not and that's a matter that we are alive to and we will be considering in the course of our deliberations. But the question I wanted to ask you about those three farms, are you aware of the very recent reports that have been provided by the Cawthron Institute on the first year's monitoring of those three salmon farms and the outcome of that monitoring that's contained in those reports? They were only published I think about 8 or 9 May.
- 25
- 30 MR SMITH: I was aware that they were out.
- CHAIRPERSON: You weren't.
- 35 MR SMITH: I was aware that they were out but I hadn't gone through in depth. One thing at a time.
- CHAIRPERSON: Yes, of course. Believe me, we understand that very well. You may find them interesting reading, I think. We haven't had a chance to study them directly yet but the executive summary of them tends to show that the conditions upon which those farms were established are actually working from a water quality point of view amongst other things. I am not asking you to comment on that. I'm just suggesting that you look at those reports. They are of course, done by a reputable organisation that's entirely separate from both King Salmon and Marlborough District Council.
- 40
- 45

MR SMITH: Yes. What I mean is I didn't give it enough consideration. I didn't look at it in depth enough. I've certainly seen some areas within that report that showed that there were elevated levels and if I had the report here I'd probably be able to find it but I didn't give it enough consideration to really use it as evidence. But I did see some increased elevated nutrient levels.

CHAIRPERSON: The other question I wanted to ask you was your reference on the top of again an unnumbered page but it's under a heading, "Section 62 rights conferred by customary marine title". That's a reference to some of the Resource Management Act sections that talk about customary marine rights and so forth. Do I understand you to be saying, and this is something I wasn't aware of until you raised it, that once applications have been made like your iwi has made an application, then in the resource consent process after that date these matters have to be taken into account by a decision maker, the fact that you've made the application even though it may or may not be successful?

MR SMITH: It will be successful. We've got --

CHAIRPERSON: Leaving that to one side, are you suggesting that because the applications have been made then in the resource consent process that might follow from this plan change those matters would have to be taken into account by a decision-maker?

MR SMITH: That is my understanding. Once the application is lodged there must be some consideration taken to that. That is my understanding.

CHAIRPERSON: Yes. All right. Thank you very much for that and thank you very much for your contribution to these proceedings. Kia ora.

MR SMITH: Kia ora.

CHAIRPERSON: It is now 1.10 pm and I am not sure what the position is about the kai but is now an appropriate time? You have two more people to come, haven't you? You've got two more people to come, I think, haven't you?

MR SMITH: Two more people. I did say 1.30 pm to the kitchen.

CHAIRPERSON: Did you? Right, we'll work on that basis.

MR SMITH: Okay.

CHAIRPERSON: Yes, so we can go back to the economic considerations by David Johnston. Economic assumptions, page 24; is that right?

MR JOHNSTON: Yes. Kia ora ano.

CHAIRPERSON: Proceed.

5 MR JOHNSTON: Corporate responsibility: the New Zealand King Salmon Investments Limited corporate governance code dated 19 October 2016 states the following company objective:

10 "Section 2.1 Company Objective: the objective of the company is to generate growth, corporate profit and shareholder gain from the activities of the Group."

15 This is New Zealand King Salmon's sole overarching purpose and that is absolutely appropriate for that company. We get it. So, let's have a look at those shareholders. A shareholder search on the New Zealand Company Office records show that the Oregon Group Limited, Malaysia, the Tiong family, own 40.26 per cent as of 31 December 2016. It was previously 50.88 per cent as of June 2016. China Resources, 9.99 per cent shareholding as at February 2017. That is a total of at least 50.25 per cent offshore so essentially this is a foreign 20 company with New Zealand in the title.

25 While profit to shareholders is important, just as important are other considerations such as our environment, our people and our culture. This ensures we have a good balance and will enjoy sustainability for our future generations. We share the same four po in our strategic plan, as the RMA does in assessing sustainability. Many global companies are now adopting triple or quadruple bottom lines. New Zealand King Salmon should do this too if it seriously seeks to be a sustainable 30 business in New Zealand waters.

35 Economic performance: information obtained from the Company Office records on the historical financial performance of New Zealand King Salmon make indifferent reading. The track record of the consolidated financial performance of the company as a journey shared may be indicative of future performance. 2012, loss of \$9.5 million; 2013, profit of \$2.6 million; 2014, loss of \$1.5 million; 2015, profit of \$5 million. This included one-off items, a decision to spend interest on shareholder loans. 2016, \$231,000 profit.

40 For New Zealand King Salmon to generate the claimed benefits of tribes in export dollars it must be a profitable and financially sustainable business over the long term. Based on historical financial performance we are concerned New Zealand King Salmon will not be able to deliver sustainable outcomes over the long term. In our view 45 this information indicates that it is vulnerable to financial and environmental shocks.

5 It is our view that this proposal is being driven for short-term profits and over the long term will have major consequences on our environment, social, economic and cultural wellbeing. There are so many unanswered questions still. If you are closing down one salmon site and replacing it with another where are the new jobs and significant economic benefits?

10 New Zealand King Salmon has offered an alternative potential solution, saying that in ten years they will have technology to farm offshore in deep water far from land. We think it's prudent for them to wait and just do that.

[1.15 pm]

15 Adverse social effects: we challenge the key assumptions that are driving this plan change process, firstly, the assumption that economic gains from the company will benefit the Marlborough and Nelson regions or even nationally. These two regions currently have New Zealand's lowest unemployment rates at approximately 2 per cent as opposed to the national average of 4.9 per cent as of November 2016. The recognised seasonal employment scheme, RSE, will now bring in 20 10,500 workers in 2017-18, an increase of 1,000 on last year.

25 The wine industry in Marlborough alone needs permanent and short-term accommodation for another 189 homes plus 600 beds by 2020. With the lowest unemployment rate in the country any new jobs New Zealand King Salmon would need to operate will have to be filled by people outside the region. With the housing and accommodation crisis already in play the adverse social implications of an additional 450 jobs 30 that are mooted could be immense, with people already paying over \$100 per person per week for a bed in a shared room, a highly common occurrence.

35 The rate of working but homeless people will only increase. In addition, the majority of profits made by the company will go to overseas shareholders. We therefore argue that the assumption that the economic benefits touted by New Zealand King Salmon will have significant adverse social effects on towns or even basic infrastructure is already under stress.

40 CHAIRPERSON: Thank you very much.

MR JOHNSTON: Kia ora.

45 CHAIRPERSON: The final presenter for Ngāti Kuia I think is Julia Eason. Is that correct?

MS EASON: It is. Mine might be a little bit longer. I'm just wondering if now might be a good time.

- CHAIRPERSON: Well, let's see how we go.
- MS EASON: Get started.
- 5 MS EASON: Let's see how you get on.
- MS EASON: Kia ora. So, my name is Julie Eason. I have a bachelor's degree in environmental management and planning from Lincoln. I am a qualified commissioner for the current chair's endorsement. I am a member of the New Zealand Association of Impact Assessment and I'm currently a policy and environmental advocacy planner employed full-time by Te Rūnanga o Ngāti Kuia.
- 10
- CHAIRPERSON: Where is your degree from, please?
- MS EASON: Lincoln.
- CHAIRPERSON: Lincoln University.
- 20 MS EASON: Lincoln University.
- CHAIRPERSON: Thank you.
- 25 MS EASON: The proposed plan change must be considered against Part 2 of the Resource Management Act 1991 and the relevant policies of the Coastal Policy Statement, which by now you are well aware of. The CPS does set out the national policies for applying the requirements of Part 2 within the coastal environment and the coastal marine area and therefore it is not anticipated that there would be any contradiction between those two documents.
- 30
- 35 There are some arguments you did raise earlier and I might just address those to start with. The first one was the link to the iwi management plan through the strategy that is in front of you. That was a question you put early on. The brightly coloured document on the table there; you questioned -- so we are in the process of creating an iwi management plan.
- 40 CHAIRPERSON: You are in the process of creating one.
- MS EASON: Yes, and it is in that long-term strategy. It fits within the taiao strategy, the implementation.
- 45 CHAIRPERSON: You haven't got one at the moment.

- 5 MS EASON: We have a taiao strategy, which is the process we are going to go through for the creation of an iwi management plan. So, this document, this strategy, is the foundation for the guiding principles within the iwi management plan so that's all we need there and we're just going to be developing on that. We do have an iwi management plan but it's for pakohe, the argolite.
- CHAIRPERSON: For the what?
- 10 MS EASON: For pakohe, so we are Te Iwi Pakohe. Our pakohe is similar to mudstone, argolite.
- CHAIRPERSON: Oh, yes.
- 15 MS EASON: Chief Ohari(?) has a beautiful piece around his neck at the moment. So, that is one iwi management plan that we do have but we don't have currently one relevant for --
- 20 CHAIRPERSON: From our point of view the important point, I think, Ms Eason, here is whether there is an instrument that we are required to take into account and because you haven't got one then the answer must be "no" to that.
- MS EASON: We have one at an aspirational level but not yet at a policy level.
- 25 CHAIRPERSON: That's not what the Resource Management Act says.
- MS EASON: The Resource Management Act, if we go and delve into that a little bit further, does not stipulate what must be included in an iwi management plan.
- 30 CHAIRPERSON: But there has to be one.
- 35 MS EASON: Yes. And an iwi management plan in itself, as it is not defined and as there is no structure that is required for an iwi management plan, can be widely interpreted in many different ways, particularly if that is relating to the objectives. If we were to say the objectives of the strategy we have for the taiao would be the objectives that would be and are in the proposed iwi management plan. So, we haven't got to a policy level or a rule level but we certainly do have the objective level, if that makes sense if you were to apply it to a regional plan.
- 40
- MR DORMER: It makes sense.
- MS EASON: Thank you.
- 45 MR DORMER: It makes sense but you can't be in the process of creating an iwi management plan and have an iwi management plan.

MS EASON: No, and I understand that, and I haven't referred to an iwi management plan in the evidence here for that reason.

CHAIRPERSON: That's all we want to know.

5

MS EASON: The question was raised so I thought I would clarify where it is and what the foundation is and how we treat our strategy as that basis.

CHAIRPERSON: We understand that, thank you.

10

MS EASON: The other issue that was raised, and I have put it in here is arguments not addressed and that is the topic of new space in terms of the settlement and whether or not this does classify as new space or not. We are going to let you make that decision but we do support the submission of Ngāti Apa ki te Rā Tō and their submission as to the determination that this is new space for old. That discussion is then delved on a bit more by Laws behind me here in the submission of Te Ohu Kai Moana but we've only briefly touched on that matter. There's no point doubling up here.

15

20

So, we do support the submission also of Friends of Nelson Haven, the joint submission on 8 May, particularly with the application of policy 11 of the Coastal Policy Statement with the interpretation of the word "avoid" in policy 11(a). We do believe it should be applied in the same way the Supreme Court determined in the interpretation of how it should be applied in policy 13(a) and 15(a) in the original King Salmon decision 2014.

25

30

King shag are a threatened species that are also taonga to Ngāti Kuia, which you have heard. I don't know -- have we brought up the emblem? There's that one but.

FEMALE SPEAKER: Which one?

35

MS EASON: Just because it's something that has been missed so far and it is worth bringing in. Perhaps, Raymond, would you mind just describing what this is? Just because it is an assumption obviously from a Ngāti Kuia perspective we know what it is but for your knowledge this is the emblem that we all wear as our representation. Perhaps you can point out the king shag, Kaikai-a-Waro and Te Hōiere.

40

MR SMITH: Kaikai-a-Waro is also in the middle here on the top of Te Kawau-a-Toru, which is the king shag and the waterways here are the waterways of Te Hōiere.

45

CHAIRPERSON: Thank you.

MS EASON: So, in terms of context the identity as pictorially and spiritually is well and truly entwined into the --

5 CHAIRPERSON: We understand that, thank you. I think you're down about, "As has mentioned previously the New Zealand Government is required ..."

10 MS EASON: To protect biological diversity in all its forms, regardless of whether it's actually native or not. Any adverse effect must be avoided in order to meet the requirements of policy 11(a). We also argue that a poor judgment approach cannot be applied which would allow adverse effects on the king shag when the term "avoid" is used in this context as it does not allow for any degree of effect.

15 For any weighing of this effect against any other perceived effects of the proposal, so you must meet those objectives.

CHAIRPERSON: We have heard a lot about king shag.

20 MS EASON: I'm sure you have. King shag aside --

CHAIRPERSON: So, we can move through that quite quickly, I think.

25 MS EASON: -- other types of species there as well. We do support the expertise of Rob Schuckard. Hence why that was things we weren't going to cover. So, the process known under -- you are probably well and truly sick of hearing about section 360(a) by now. It's something new to everybody's vocabulary but you've heard by the benefit of one operator within an industry is an application of the Act that should be subject to scrutiny through the judiciary.

30 It is the belief of Ngāti Kuia that the process used by the Ministry effectively constitutes a contemporary breach of the principles of the Treaty of Waitangi -- I'll go on to those later. The Treaty and principles set to give all Māori the rights, privileges and responsibilities of British citizens at that time. The right to justice through a fair judicial system would have been seen to represent a key right and responsibility. But adopting a process that denies Ngāti Kuia the ability to have their case heard through a judicial process, the section 360(a) process is flawed and unconstitutional. I understand, of course, this is not an area to give advice on at this stage.

CHAIRPERSON: Actually, it is.

45 MS EASON: It is? Fantastic.

CHAIRPERSON: You're a very brave person to say that an Act of Parliament is unconstitutional.

- MS EASON: The lawyer and I had a great discussion on this.
- CHAIRPERSON: Well, you are not the lawyer, are you?
- 5 MS EASON: Pardon?
- CHAIRPERSON: You're not a lawyer.
- 10 MS EASON: No, the lawyer unfortunately is at his son's graduation today. But the reason for that is when you look at the Parliament set-up and the constitutional process that we go through, unwritten constitution, basis for it, da-de-da, it get a bit --
- 15 CHAIRPERSON: I still say you're a very brave person to say an Act of Parliament in this country is unconstitutional.
- MS EASON: It's not the Act itself. It's the process that's been applied to it, so the section 360(a) does allow the Ministry to come up with the process and it's the process that they've chosen to take.
- 20 CHAIRPERSON: But how can that be unconstitutional?
- MS EASON: Denying the right to appeal. Can you describe how you believe that might be constitutional?
- 25 CHAIRPERSON: Well, that's what Parliament has said, hasn't it?
- MS EASON: This is why the judiciary and Parliament should always be kept separate, though.
- 30 CHAIRPERSON: Okay. You and I can have an interesting discussion about that.
- MS EASON: Ron knows all about it. We've had some great conversations.
- 35 CHAIRPERSON: We'll move on.
- MS EASON: So, we do not believe that the advisory -- I mean, I can take that out if you do believe you are in a position to make that determination on the legality of the --
- 40 CHAIRPERSON: No, we're not making a determination.
- MS EASON: No.
- 45 CHAIRPERSON: We're advising the Minister.
- MS EASON: So, you're not in a position to make that determination.

- CHAIRPERSON: And I can tell you that we have sought for the purposes of next Monday's responses to have advice given to us by a barrister independent of the Ministry and the Minister. His name is Richard Fowler. He's a Queens Counsel.
- 5 MS EASON: I know Richard well.
- CHAIRPERSON: And Richard Fowler will address us on the legality on these legal issues next Monday and you are welcome to come and listen.
- 10 MS EASON: I've actually got a dentist's appointment on Monday but I would love to make it, I really would. I need some time off, boss. No, I would love to catch up with Richard on that. I'd be interested to know.
- 15 CHAIRPERSON: I make the important point that Queens Counsel is independent of the Minister and the Ministry.
- MS EASON: Yes, I'm aware of that.
- 20 CHAIRPERSON: Right, so perhaps we can move on because --
- MS EASON: So, we do believe it would be in the interests of all New Zealanders.
- CHAIRPERSON: -- we understand the point you're making.
- 25 MS EASON: So, you can go down to Part 2 considerations. Section 5 of the Act clearly sets out the considerations when determining if something is sustainable. It does not allow for degrees of sustainability but a clear determination as if an activity is or is not sustainable as required. The Act clearly adopts the definition of sustainability from the Brundtland Report to the United Nations in 1987. That report seeks to ensure that human economic development, da-de-da, does not come in --
- 30 CHAIRPERSON: It doesn't do that at all. The Brundtland Report talked about sustainable development. This Act talks about sustainable management and they're different.
- 35 MS EASON: It is when you're comparing the Brundtland Report to the school of Rome thinking as the growth of limits versus the state of limits --
- 40 CHAIRPERSON: Don't forget, Ms Eason, that I was an Environment Court judge for 30-odd years.
- MS EASON: I have heard.
- 45 CHAIRPERSON: Oh, you have heard.
- MS EASON: I have heard.

- CHAIRPERSON: That's good, but I can't let you get away with that because that's not correct.
- 5 MS EASON: It doesn't add a definition but it's the basis. When you're looking at the four po --
- CHAIRPERSON: I don't think it's even the basis if you read the reports. They shied away from it. They understood the concept of sustainable development but our Parliament shied away from that and went for sustainable management.
- 10
- MS EASON: Yes, and I do --
- 15 CHAIRPERSON: You understand that.
- MS EASON: Yes, the difference, of course, is whether you're looking at whether solutions will come in the future or where there's a growth to limits or whether the limits are set, whereas the RMA does tend to border on the more growth of limits approach. Even if it's not the intention of the Act it's how it's been applied. Whereas other models of sustainability set the limits of that growth at the start and work within that, the RMA is probably --
- 20
- CHAIRPERSON: We must be guided by the statute that Parliament has passed.
- 25
- MS EASON: Yes, I understand that completely.
- CHAIRPERSON: Right, thank you.
- 30
- MS EASON: So, whether the RMA, as I was saying, through process and practice, has achieved the outcome that was intended by section 5 we do sometimes place that in doubt, particularly when Māori and iwi considerations have been applied or not been applied. So, Dave Johnston has explained how the economics of the proposal have potential adverse social effects while the assumed benefits are more likely to go offshore.
- 35
- 40 The second consideration is the use, development and protection of natural and physical resources. So, we argue that the proposed plan change focuses on the short-term assumed benefits of using and developing the CMA while not protecting the longer-term quality of the coastal resource for other current and future uses.

5 Thirdly, the cultural wellbeing and health of the safety of communities, the proposed sites at Blowhole Point particularly, kai Māori, and the interest to Te Hōiere would fundamentally erode the cultural wellbeing of Ngāti Kuia due primarily to the insult of having a farm right at the entrance to the rohe. It is similar to if someone put a dairy cow at the end of your driveway.

10 Lastly, section 5 seeks to preserve the life-supporting capacity of air, soil and ecosystems while also requiring avoidance, remediation and mitigation of adverse effects on the environment. In short, Ngāti Kuia are of the view that salmon farming in the Marlborough Sounds has not been able to find a remedy for the existing adverse effects on the environment, particularly sediment from the feed and faeces. As this sediment smothers the benthic environment its affect is more than  
15 minor and long-lasting.

20 Of course, Ngāti Kuia understands that the purpose of this proposal is to mitigate this effect and New Zealand King Salmon acknowledge that they are unable to avoid or remedy it at their current sites. But the existing farms aside, it is the effects on Te Hōiere from the placement of large commercial farms and the associated discharge of pollutants into the wider environment that will contribute to the prolonged and significant degradation of Te Hōiere. It poses a risk to the life-supporting capacity of benthic environment and threatens the resilience  
25 of existing sensitive ecosystems.

[1.30 pm]

30 CHAIRPERSON: The magic time of 1.30 has arrived.

MS EASON: It has.

35 CHAIRPERSON: And I imagine it would be important from the point of view of those preparing the kai that we should adhere to a time limit and you are not going to finish in the next few minutes.

MS EASON: No.

40 CHAIRPERSON: If you're happy with that --

MS EASON: Absolutely.

45 CHAIRPERSON: -- we will adjourn this hearing now and we will resume at 2.00 pm. Thank you.

**ADJOURNED**

[1.31 pm]

**RESUMED****[2.05 pm]**

CHAIRPERSON: Yes, all right. We're going to resume now. You were down to it's not being treated as property. Yes.

5

MS EASON: It's not to be treated as property. A crucial assumption of New Zealand King Salmon is perhaps due to the policy 8 of the CPS which states that a Regional Coastal Policy statement, which, in this case, is included into the Marlborough Sounds Resource Management Plan and the proposed NEP, all coastal plans must have provision for aquaculture activities in appropriate places is that aquaculture, particularly their business, has a right to be there regardless of the economic viability of the operation.

10

15

Although the CPS does set out the need for applying economic considerations, it does not define appropriate for the purpose of implementing the policy, nor does it define which type of aquaculture is appropriate or what impacts would be acceptable. That is achieved by applying the test of the entire CPS and, if there is conflict, the requirements of part 2 of the RMA must be achieved for each aquaculture activity.

20

25

It is, therefore, the opinion of Ngāti Kuia that some aquaculture will be appropriate at a scale intensity and of a character that does not compromise the environmental integrity sought by part 2 but that the provision for finfish farming at this intensity, of this scale and which will alter the character of Te Hōiere would not achieve the intention of policy 8 of the CPS as it would not be consistent with part 2, as already determined by the Supreme Court.

30

35

The Panel should, therefore, not consider that this form of aquaculture has any rights to exist with the Sounds and if considering the cost of investment already made for the replacement consents, I argue that that would only apply to the existing sites at their existing consented locations for their existing consented activities.

40

45

Natural character. This would have been extensively covered by now, no doubt. However, for the sake of completeness, the parts of section 6 that are most relevant are (a) the preservation of natural character of the coastal environment, including the CMA within the appropriate use and development. The Supreme Court found that the natural character of Waitata Reach would be compromised by any additional finfish farms over that that have current consent. Again, taking that from our lawyer who, unfortunately, can't be here today, that the assumption that all remaining CMZ1 would remain as CMZ1 with a granting of the two previous consents.

- MR DORMER: The Supreme Court didn't even turn its mind to qualitative questions about what degree of environmental harm would be caused by the establishment of new farms. That's not a role for the Supreme Court and it didn't embark upon it.
- 5 MS EASON: It was turning to natural character in the application of policy 13(a).
- MR DORMER: The Supreme Court found that the natural character would be compromised. I'm just saying to you, no, it didn't.
- 10 CHAIRPERSON: The Board of Inquiry found that. I didn't think it found that either. It found that there was an outstanding landscape that would be adversely affected.
- 15 MS EASON: That was the Port Gore site.
- CHAIRPERSON: The appeal to the Supreme Court is from the Board of Inquiry's decision.
- 20 MS EASON: Yes, but I believe the landscape one was most relevant to a Port Gore proposal.
- CHAIRPERSON: Whatever it is, that's the fact of the matter anyway.
- 25 MS EASON: For landscape values.
- CHAIRPERSON: That's the danger of providing evidence that's not your evidence; it's somebody else's.
- 30 MS EASON: Yes, unfortunately. We would have loved for Julia to be here.
- CHAIRPERSON: Yes. Anyway, carry on.
- 35 MS EASON: Generally, that is the understanding of Ngāti Kuia that the decision in the previous, let's just say, system of cases or system of processes that resulted ultimately in the Supreme Court was that two sites would be granted a plan change under the understanding that the rest wouldn't, that the CMZ1 would remain CMZ1.
- 40 CHAIRPERSON: Carry on.

MS EASON:

5 We suggest the carrying capacity of the reach to absorb the addition of  
aesthetic and ecological effects has been reached. We fear the common  
application of thinking within RMA could prevail by this application  
is the argument that because something is already there, that it should  
10 remain there. Another aspect of the inappropriate application of the  
RMA could include that this area is already compromised and,  
therefore, the adverse effects of any further compromising of its  
integrity are less obvious than in other places. Therefore, the effects  
are less. The accumulative adverse effects on the natural character of  
Te Hōiere from the last 170 years of development have been beyond  
significant, and this is referring to the NIWA report that we handed to  
you earlier, and should be classed as considerable and detrimental.

15 The area is now in a phase of restoration and revegetation since the  
1980s when much of the farmland was no longer sustainable, mostly  
due to the pulling back of Government subsidies for sheep farming in  
the area. In the eyes of Ngāti Kuia, the proposal would not maintain or  
preserve the natural character as required by policy 15 of the NZCPS.

20 Significant sites and values. The protection of wahi tapu sites is  
referred to in both documents, specifically under section 6(e) of the  
RMA, the relationship of Māori to their culture and traditions with their  
ancestral lands, water sites, wahi tapu and other taonga. More  
generally, in policy 2 of the NZCPS, when it refers to the protection of  
25 significant sites, I've cut and pasted that. The CPS makes clear the  
requirement to engage and consult with iwi in a meaningful way;  
meaningful being the word I've taken from that policy 2. Ngāti Kuia  
nor any other iwi are obliged to identify wahi tapu sites and choosing  
to protect sites through secrecy is not open to criticism.

30 This is reinforced by policy 2(g) recognising that tangata whenua have  
the right to choose not to identify places or values of historic, cultural  
or spiritual significance or special value. Wahi tapu would fit into that  
definition.

35 You have heard the evidence of Dr Meihana in describing why  
Blowhole Point, Kaimahi, specifically is a wahi tapu site. You may  
also be aware of the backlashing Ngāti Kuia received in a national  
paper, the Sunday Star Times, as a result of identifying the site. This  
40 case beautifully illustrates exactly why protection by secrecy is  
required. As Dr Meihana has expressed, there is not sufficient  
understanding of the Māori world view within non-Māori New Zealand  
culture for these values to be appreciated, nor their significance to be  
45 comprehended.

5 It is disappointing that the negative backlash in general ignorance of Māori rights and values came predominately from the CEO of New Zealand King Salmon. We would expect greater cultural understanding of the management of any company with New Zealand in the name. To behave in such an immature way in the public arena with the intention of undermining the cultural and spiritual values of an indigenous people, in order to achieve a profit-making plan change, calls into question the ethical integrity and moral compass of the company set to benefit from this proposal.

10 The recent siting of two white dolphins from Ngāti Kuia since the Sunday Star Times article has no doubt encouraged discussion on the subject of taniwha and the role of Ngāti Kuia as kaitiaki. Although we have not yet determined the significance of the sighting, we are heartened to have their presence at this challenging time courtesy of Tane Mason, cousin Mason. They are, in a way, teaching morals, connecting responsibilities and remembering the past as Dr Meihana mentioned in whakapapa.

20 You've already heard from Dr Meihana that the caves of Kaiwara are located north of two of the proposed sites. The presence of the farms would undermine the cultural and spiritual integrity of the caves, not least because of the placement of exotic fish in a constructed, artificial environment at the entrance to the home of the guardian of Te Hōiere and Ngāti Kuia. It would be a great sign if disrespect to the role of Kaiwara in guiding the management principles and practices of the Sounds.

30 Access to the site is also required for Kaitiaki-a-Waro, as Raymond mentioned earlier, the te tewana(?) which is held every year and the enjoyment of it would be compromised by the presence of exotic species in those artificial farms.

35 Considering cumulative adverse effects. When undertaking an assessment for an activity, a holistic assessment of the effects should be undertaken. Often difficult to manage is an assessment of the cumulative effects of an activity on an environment that is dynamic and developed. In my experience, it is rare for a proponent to take responsibility for the additional effects of their activity on the receiving environment particularly when it's within a large-scale industry. I'll just reiterate. That's looking a lot like the dairy industry, individual farmers versus the entire industry. The same with marine farming industry versus individual farmers.

5 Particularly prevalent is the justification of allowing an activity in an already degraded area either because it is already consented and, therefore, should be allowed to continue, or there are other activities of a similar nature already degrading the environment and, therefore, any additional degradation as by similar activity would not be considered as significant.

10 Incremental sprawl of development, therefore, occurs even in the face of scientific data showing the actual adverse effects of the combined development. Recently, the Environment Court upheld the MDC decision regarding the Davidson Family Trust application in Beatrix Bay. The Court found that a threshold had been met in relation to the effects on King Shag from mussel farming in their habitat range.

15 A similar decision was reached by the Supreme Court in the EDS versus New Zealand King Salmon in relation to the threshold of impact within Waitata Reach - now, you're challenging me on that, so I will strike that out. At which point would the cumulative adverse effects of multiple finfish farms fundamentally alter the natural character, ecological values and essence of the coastal environment? That's our  
20 question.

**[2.15 pm]**

25 CHAIRPERSON: I think you can go to the aspirations of Ngāti Kuia now.

MS EASON: The aspirations of Ngāti Kuia are for improvement, restoration and habitat protection through Mātaitai reserves, such as the one that Raymond has mentioned earlier. This would require a change in  
30 mindset from the aquaculture industry and decision-makers where there is an appreciation of the actual cumulative effects of both permitted and consented activities within an environment over time. It's that over time bit that really matters.

35 It is the shortness of our lifetimes that prohibits us from understanding the true consequences of the actions made by society to over time and in addition to each other. As the NIWA report finds, the sustainable lifestyle of Māori with Te Hōiere was so in sync with that, the arrival  
40 of Māori is not detectable within that scientific study.

5 The arrival of Europeans, and particularly post-1966 land sales, however, and the subsequent land clearances has been devastating to the ecosystems which is now fundamentally changed. The typography has eroded and the rate of erosion is so significant that the life supporting capacity of the benthos has been suffocated. Our short lifetimes lead us to think this is over a long timeframe. However, over the life of Ngāti Kuia's residence in Te Hōiere of 700 years, it has been fast and catastrophic to their culture, traditions and wellbeing. To allow additional farms in Te Hōiere would contribute to the loss of environmental health and integrity Ngāti Kuia is seeking to restore through the implementation of a strategic plan.

10 Treaty considerations. Mostly section 8 of the RMA sets out the requirement for the Panel to take into account the principles of the Treaty of Waitangi. It is the view of Ngāti Kuia that there are certain aspects of the process undertaken, including the functions and powers of the Minister in exercising section 360(a) that do not take into account certain principles of the Treaty. Namely, the right to the Courts which, although are not explicitly mentioned, it is considered as a principal right and responsibility of British citizens and our New Zealand citizens.

15 Now, although the process undertaken here has removed access to the Environment Court for appeal, it has done so in equal measure and whether you're Māori or not. As referred to earlier, however, it is expected that the Courts will be available to provide relief to Māori.

20 Our application for marine title through the Takutai Moana Act 2011 as an indication of the right Ngāti Kuia believe exist under the Treaty. This application covers the area subject to this proposal. In taking the principles into account, the Advisory Panel should inform the Minister of their responsibilities to work in partnership with iwi. This means listening to iwi when they give advice to the Crown, direction relating to the significance of certain sites. They should advise the Minister of their obligation to protect iwi interests. In this case, it is the interest of Ngāti Kuia that the integrity of Te Hōiere is restored and the mana of Ngāti Kuia with it. You should advise the Minister that Te Hōiere is the Te Waharoa of Ngāti Kuia that provides for its wellbeing for the iwi for 500 years before the Treaty, that it should provide for 500 years more within existing limits.

- 5 Knowledge and technology. Ngāti Kuia wish to fully participate in the management of this crucial resource. Full participation means greater understanding on behalf of the Crown of the aspirations of Ngāti Kuia and a true intent to implement those aspirations as a priority over international investment prerogatives. Ngāti Kuia are focused on environmental integrity to achieve its personal cultural and spiritual health and wellbeing while allowing for sustainable economic development.
- 10 CHAIRPERSON: I think we've already had the words read.
- MS EASON: We have. I think someone wishes to add to those though. That's not me.
- 15 CHAIRPERSON: Do you wish to add to it?
- MS EASON: No. Those weren't from me. That's for the chief.
- CHAIRPERSON: For you at the end, right. Do you have any questions?
- 20 MR DORMER: I may just be being a grammatical pedant or it may be that I've misunderstood what you're saying. At the bottom of page 33, "The Panel should inform the Minister of their responsibilities". Of whose responsibilities?
- 25 MS EASON: The Minister's responsibilities.
- MR DORMER: The Minister is a singular, not a plural, isn't that right?
- 30 MS EASON: I didn't know if it was a his or a her and I prefer to be gender neutral when ...
- MR DORMER: All right. We're referring to the Minister there and over the page, you're referring again to the Minister in the top line.
- 35 MS EASON: Yes.
- MR DORMER: I suggest, next time, you find out whether the Minister is male or female and put the appropriate one in.
- 40 MS EASON: It will make it easier, yes.
- MR CROSBY: My question relates to the bottom of page 29, if you would. Just that sentence, "That is achieved by applying the test of the whole CPS", that is which type of aquaculture is appropriate, what impacts would be acceptable. You said:
- 45

"That is achieved by applying the test of the whole CPS and if there is conflict, the requirement to part 2 of the RMA must be achieved for each aquaculture activity."

5 Are you referring to any particular part of the CPS in making that statement?

MS EASON: No. That was just referring to whether or not policy 8, read in isolation, could give perhaps the expectation that certain aquaculture activities must be provided for. It does, quite clearly, state that there needs to be allowances made for aquaculture within the coastal marine area. What it's saying is it doesn't explicitly allow for any form of aquaculture. It's more determining the appropriateness.

15 MR CROSBY: Yes, I know. I understand that. Thank you.

CHAIRPERSON: Thank you very much. Mr Mason, you want to conclude.

MR MASON: (Māori content)

20 INTERPRETER: Thank you for this opportunity and as we delve into the issues pertaining to Te Hōiere and the resources and the interests of Ngāti Kuia.

25 MR MASON: Upholding the mana of this occasion and allowing us to be part of the process and I have to say that we have appreciated the courtesy that you've extended us and that we hope that we appeared likewise in the process. We will now adjourn and consider what has happened. We look forward to what your conclusions are in the hopefully not too distant future. I just would like to close with these closing remarks. We believe that these farms do more harm than good. The existing farms have failed to prove they are sustainable. The proposed new farms present an unacceptable risk for Ngāti Kuia and our environment and the justification for the plan change based on a narrow set of assumptions being assumed economic gains for the national interests. I think throughout Okorio(?), that has been the consistent message that we have given. I'd like to close with a very simple whakatauki.

40 CHAIRPERSON: Please do.

MR MASON: (Māori content)

INTERPRETER: A boisterous canoe can sail through any storm.

45 MR MASON: (Māori content)

CHAIRPERSON: Thank you very much. Mr Mason, I hope you are going to remain. Have you got anything in writing?

MR HIPPOLITE: No, sir. I don't have written submissions. My submission today will be oral. However, I will refer to some documents and I will get those documents to you as soon as I possibly can. One document is the iwi management plan, Ngāti Kōata Iwi Management Plan which is on record at the Marlborough District Council.

CHAIRPERSON: We might have that.

MR HIPPOLITE: I had expected that you would have had, in your possession, a cultural impact assessment written by Te Kenatatarau(?) on behalf of Ngāti Kōata. Do you have that?

CHAIRPERSON: Yes, we've got that.

MR HIPPOLITE: All right. In the main, those will be the two main documents that I will refer to.

(Māori content)

INTERPRETER: Praise to the Lord, creator of all things. The Lord giveth and the Lord taketh away. Second to those who have passed beyond the veil, those the elders who are no longer with us, Te Pikiangi Arthur(?) who lies in state at Takapuwhahia in Porirua. Rest in peace, sir.

Ladies and gentlemen gathered here, to the visitors, to Ngāti Kuia, be strong Ngāti Kuia. Greetings to you and all the peoples of Te Tau Iwi, welcome, come together. And to the Panel, the three members of the Panel, greetings, salutations. This is an honour to come before you, to enter into discussion in this house.

MR HIPPOLITE: As far as our presentation goes, we only have two speakers. The first speaker will be George Elkington and I will follow George Elkington and, as I've mentioned, my remarks will touch on the cultural impact assessment and will touch on section 8.11 of our Iwi Management Plan. Kia ora.

**[2.30 pm]**

MR ELKINGTON: (Māori content)

INTERPRETER: Greetings to the kin of Ngāti Kuia.

MR ELKINGTON: Thank you, Panel, for your graciousness and respect for Māori. I'm going to take a different approach. Although you will have heard some of the things I have said, I've expanded a little bit more.

5 My remarks today are intended to cover three purposes, as follows, to  
declare that iwi Māori are conservationists. Ngāti Kuia have covered  
that very well. To declare that iwi Māori are scientists, they have also  
done that too and to oppose the relocation of the shallow water salmon  
farms to their proposed locations. I now give sequential brief examples  
supporting the above. I can give many more examples if we had time  
and some of the examples I give are Ngata Kōata examples. I'm very  
much aware that Ngāti Kuia have many, many examples that they could  
relate as well.

10 With regards to Ngāti Kōata's Iwi Management Plan, part of our culture  
is if I've got something and my cousin wants it, my cousin has it. So,  
as of about half an hour before lunch, if it's okay with our Chairman,  
the Ngāti Kōata Iwi Management Plan could well be referred to as  
15 Ngāti Kōata and Ngāti Kuia Iwi Management Plan to progress things a  
little further.

20 I'll talk about iwi Māori, a conservationist. Kupe came to Aotearoa in  
pursuit of te peke and muturangi. Thank you, Ngāti Kuia, you've  
covered that very well. The octopus of muturangi. This octopus was  
destroying the ecosystem in our homeland in a wasteful manner. In a  
bionic and historical feat of tracking, courage and conservation, Kupe  
slewed te peke and muturangi here in Marlborough. The meandering  
waterways that make up the Sounds are the tentacles of the octopus.

25 Like our Te Puna(?), we are conservationists with hundreds or perhaps  
even thousands of years of proven knowledge passed down. As  
independents, you do not have to discard the Crown's Treaty Party or  
our conservational values. I gave evidence opposing salmon farms  
30 such as Waihināu Bay as being detrimental to the environment a long  
time ago. Only a decade later, such evidence seems correct now. This  
issue is not so much a matter of who is right, but what is right. But  
more specifically, what is environmentally right? If this goes ahead as  
proposed, it will be our children and grandchildren who will pay the  
35 price. In other words, it will just take longer for evidence to  
accumulate.

40 Whanau hapu iwi concern is what will we lose that our Te Puna, like  
Kupe, so valiantly protected. Iwi are not opposed to the salmon farm  
industry. However, we are opposed to destructive, environmental  
practices condensed in a small and uniquely valued, pristine waterway  
of which we are kaitiaki on behalf of all mokapuna regardless of race.  
The we is Māori, in particular, Ngāti Kōata, Ngāti Kuia in this area,  
45 and Ngāti Toa.

We do not buy into the science that there are no other sites. There are. Consult with us and we will show other options. Māori conservation looks at this as a three-dimensional issue, not surface only. It is a volume issue, not hectare. Environmental influence from a volume perspective may expand many times more than current sites and must be considered in its holistic perspective in order to reduce, minimise or eliminate environmental risk.

I'm going to cover iwi Māori are scientists. We came to Aotearoa in waka. We had no GPS, no radar, no chart plotters, no magnetic compass, no sextant, no laptop, no engine, no nuclear power, carried no diesel, oil or other pollutants. We came with all the skills of science handed down from generation to generation. Over thousands and perhaps millennia of years, our science had evolved into a pure form. Guesswork had been eliminated. Yet we feel that we are regarded as primitive in today's world of academic science.

I relate only three examples as follows. There are many others. From the Nelson News entitled "Skipper saves divers". Two young divers employed by the Ministry of Agriculture owe their lives to the detailed knowledge of tides and currents in the Marlborough Sounds possessed by Turi Elkington of D'Urville Island. Two divers were lost and could not be found by their support vessel, other vessels assisting or a spotter plane. Turi was unloading the mail at French Pass when he got the call to assist. From information regarding the time and last seen position of the divers, knowing he would only have one shot at locating them before dark, he calculated the influence of the tides and set his course. An hour and 20 minutes later, he found them two points off the port bow. There was no room for error. He relied upon traditional knowledge, traditional science. One of the rescued divers, now a very successful marine farmer, John Meredith-Young, in gratitude said, "Your intimate knowledge of the area undoubtedly saved my life". This is science.

In 2003, Ngāti Toa waka ama crew made a double crossing of Cook Strait, the only successful Cook Strait crossing of waka ama in modern times.

A year later, a group of waka ama crossing of Cook Strait was organised as a racing event. Māori tohunga advised that conditions did not align with teka atangiroa(?). The organisers responded that NIWA told them the times aligned perfectly with tides and other conditions. Ngāti Toa declined to participate. To cut a long story short, Ngāti Toa is still the only successful waka ama Cook Strait crossing team. Is this science?

5 This is a story from afar but it relates to us. On 24 December 2004, a  
powerful earthquake struck off the coast of Indonesia causing a huge  
tsunami. It was a terrible disaster. In a matter of minutes, millions of  
lives were forever changed. More than 200,000 people lost their lives.  
10 Amidst all the carnage, there was a group of people who, although their  
villages were destroyed, never suffered a single casualty. The Moken  
people live on islands off the coast of Burma. A society of fishermen,  
their ancestors had studied the oceans for hundreds of years. One thing  
they were particular about passing down was what to do when the  
15 oceans receded. According to tradition, when that happened, the  
laboon, a man-eating wave would arrive soon after. When the elders  
of the village saw the dreaded sign, they shouted for everyone to run to  
higher ground. The older fishermen persisted until everyone was on  
higher ground. Not a single life was lost. This is science.

20 This is a discussion about higher ground. It must be had with our  
tohunga, our ocean experts. As marvellous as the above story is, it  
applies in Aotearoa society as well. In contrast, an example of  
experimental science is what is sometimes referred to as the spawning  
season closure of the blue cod fishery. Science has had three different  
25 goes at the timeframe for the closure. Three different seasonal times,  
not to mention the slot size or even if a closure is required at all. Is that  
science? Is it trial and error or just error? Where is consultation with  
the Treaty partner, tohunga? Consult Māori tohunga, respect the Treaty  
partners, tikanga, and our environment will collectively be a safer  
place.

30 Opposition to this proposal. We acknowledge our Ngāti Kuia cousins  
for the clarity of their opposing position and I quote from a phrase one  
of them said, "United Māori response". Their support is supported by  
traditional conservation and tikanga which is not experimental science.

35 I'm going to move along a bit. If they or we had relocated the inshore  
farms to deeper water sites in the first instance in 2013 or thereabouts,  
and were now applying for new water space for the farms, they -- that  
they established then in deeper water, what degree of success would  
they have with this application? Probably, minimum. The result is the  
40 same, whichever comes first. Too many farms, and too many  
pollutants in such a pristine and treasured confined waterway.

45 Summary. I'm only going to give one summary, although you've got  
four there. I'm just going to say, relocate the inshore farms elsewhere,  
in deeper and more tidal waters, but not in this precious waterway. And  
talk to Māori, and they'll tell you where other sites can be. Thank you,  
rangatira.

CHAIRPERSON: Now, Mr Hippolite. But I should say at this stage, I don't know how long you intend to be, but we've still got one -- I think we've still Laws Lawson to come after you, and I'm really trying to finish this by 3.30 pm, if possible.

5

MR HIPPOLITE: Okay. I'm sure we can do that.

CHAIRPERSON: Right, thank you.

10 MR HIPPOLITE: So I'd like to address -- first of all, I'd just like to introduce myself, then I'll speak a little bit on cultural issues. I'll touch on -- briefly on environmental issues, and I'll finish by making a commentary on the process -- on this process that we're involved in now.

15 So I whakapapa to all the iwi of the South Island, except for Ngāti Rārua. I'm especially close in my whakapapa to Ngāti Kuia, and Ngāti Kōata. On my Ngāti Kuia side I come through Tutepourangi, who married Hineaurangi(?), and they had Hinekawa. Hinekawa married Jock McGregor and they had Hinekawa the second. Hinekawa married  
20 Tari Hippolite, and they had Iwingaro(?) Iwingaro married Ken Hounsell(?), and they had Tammy(?) Hippolite, who was my mother. And my paternal side also has whakapapa to Ngāti Kuia, so it's appropriate, and it's an honour, to be here in the Ngāti Kuia whare, to give this submission today. So I represent the Ngāti Kōata -- and I am  
25 the chair of the Ngāti Kōata Trust Board.

We have mentioned our historical background in the past, as to how we got here, and it's found in the records of the EPA, in evidence given by Roma Hippolite.

30

CHAIRPERSON: If we can move on from there, if you wouldn't mind, thank you.

MR HIPPOLITE: And the point of that is that there are only two people in the -- two iwi in the Pelorus that have a right to say on cultural grounds, that is Ngāti  
35 Kuia and Ngāti Kōata.

Cultural issues.

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**[2:45 pm]**

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Ngāti Kōata absolutely support the Ngāti Kuia submissions in regards to Kaimahi, and in regards to the protection of their taonga, Kaikai-a-Waro. Ngāti Kōata has concerns about the traditional knowledge we have of our waka routes, and I will provide to the Panel a map of those waka routes, which are in the general area of where these farms are proposed. And that's also mentioned in the CIA, which you have a copy of.

Ngāti Kōata's also concerned at the mauri of the moana, and the impact of these farms on the mauri, and they are concerned as a Treaty partner.

5 In regards to environmental issues, as my kaumatua, George, has referred to, there is science, and there is science. Modelling cannot be compared to actual evidence. And when original farms were put in, in accordance with the requirements of the Resource Management Act, the applicant is required to show that the impact on the environment will be no more than minor. And if the impact on the environment was 10 no more than minor, they wouldn't need to move the farms they're seeking to move.

15 In regards to the relocation, Ngāti Kōata submits that, on the face of it, it may be a one-for-one exchange of farm sites, however, as referred to in the Ngāti Kuia submissions, some of these farm sites that are being moved -- that the proposed new sites are in, are deeper and wider. Therefore the total volume of the farm is a lot larger than the farm that they've moved from. And I cite the proposed tonnage of fish feed, of 20 being increased up to 5,000 tonne, and Laws in his -- in his submissions will give a detailed evidence -- more detailed evidence on that.

CHAIRPERSON: It's a point that's already been made.

25 MR HIPPOLITE: Okay. So in regards to the iwi management plan that is on record at the Marlborough District Council, that Ngāti Kōata has had since 2002, the relevant part of the plan that concerns this application is page 23, paragraph 8.1.1. And in the plan it states that that:

30 "The attitude of Ngāti Kōata towards environmental issues is Ngāti Kōata will object when coastal development proposals have adverse effects on the following resources that cannot be avoided, remedied, or mitigated, to Ngāti Kōata's satisfaction."

35 And those resources listed are coastal marine habitat; significant flora and fauna; customary fishing grounds; any taonga; and impact on the fish life cycle.

40 Moving now to the process. Ngāti Kōata was approached by MPI and asked if we could give information regarding what our concerns would be if farms were moved from the current site to the proposed sites. Ngāti Kōata in response provided a cultural impact assessment, and after providing the cultural impact assessment, we learned that the process that will be followed will be through 360A of the Resource Management Act. To which I was surprised, and the reason I was 45 surprised was this. At the time of the Aquacultural Settlement, the 2015 Aquacultural Settlement, we were offered space in the prohibited zone.

5 We weren't offered the opportunity to apply the Minister's powers under 360A, in order to get a resource consent, or in order to get a discretionary activity status over those farm sites. In our discussions for settlement, we went back to our iwi and we sought a mandate to settle on the aquacultural -- on the aquaculture claim. We got our mandates and brought them back, and two days after that we were then told that 360A may be available, but there was no commitment by the Minister -- or no commitment given to iwi, that that would be definitive.

10 You can imagine our surprise when we heard that 360A was being used for these farms. Especially since we went around the different sites that were available, and we spoke to members of the team that was representing the Crown, and I personally said to them:

15 "This is unfair, unjust, and inequitable. What you're going -- what you're trying to do here is offer us space in an area where it's going to cost us millions of dollars to change the district plan."

20 CHAIRPERSON: Just so I've got that clear, that's in the context of your earlier discussion about where you were offered sites in the prohibited area?

MR HIPPOLITE: Yes.

25 CHAIRPERSON: Yes. Thank you. Yes.

MR HIPPOLITE: And the response I got from the Crown agent was:

30 "We don't care. You were promised marine space, and we're offering you marine space. How you use that, or if you can use that, is not our problem. That's your problem."

35 And so when we heard that the Minister kindly offered to use his powers under 360A on recommendation from this Panel, you'd imagine that we were quite surprised. And quite disappointed, it's fair to say.

MR DORMER: You weren't really offered marine space, were you?

40 MR HIPPOLITE: No. No. No we weren't. Not in the true sense. We were offering -- we were offered something that was unaffordable in a prohibited area, and without the opportunity of the Minister to give us a discretionary activity status.

5 The other issue that Ngāti Kōata are concerned about is the  
involvement of MPI here, and the resources expended by a  
Government agency to support what is essentially, as previously  
evidenced, a foreign -- majority foreign-owned company. The money  
that supports MPI comes from the taxes of the New Zealand public,  
including Māori, including Te Tau Ihu Māori, and we would like to  
have some say on where those taxes are spent if they're going to be  
spent on foreign companies. We don't feel it's appropriate at all to have  
10 MPI expend their resources on supporting a foreign-owned company.  
We hear every year from Government agencies how little resources  
they have. And yet here we have a Government agency who is going  
out, using their time and resources to support the venture of a -- of a  
foreign-owned company in New Zealand waters.

15 The history of this --

CHAIRPERSON: That point has also been made.

MR HIPPOLITE: Has it?  
20

CHAIRPERSON: Several times -- several times to us already. It hasn't escaped us.

MR HIPPOLITE: I'd be remiss if I didn't take the opportunity to say it again.

25 CHAIRPERSON: Well thank you for that. Yes. If we can move on.

MR HIPPOLITE: So I'll just finish off by referring to our settlement. So the settlement  
for Ngāti Kuia -- Ngāti Kōata --

30 CHAIRPERSON: That's the Treaty settlement, is it?

MR HIPPOLITE: Yes, the Treaty --

CHAIRPERSON: Not the fish --  
35

MR HIPPOLITE: No, but it links to the fishing, and I'll show you why shortly.

CHAIRPERSON: Right, thank you.

40 MR HIPPOLITE: So the settlement was calculated to be approximately 2 per cent of the  
true loss. The settlement with the aquaculture was a little bit better, but  
not a lot better.

45 But I think what's important is that when we signed our settlement, the  
Crown inserted a clause in our settlement deed, which said this:

"The Crown cannot afford to pay the true loss suffered by Ngāti Kōata; but the difference between the loss, the true loss, and the settlement monies is deemed to be a gift of Ngāti Kōata to the development of the nation."

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So 98 per cent of our true loss has been gifted to this nation. Ninety-eight per cent. We think that's compelling grounds for the Minister to be advised by you, this Panel, that he not use his powers, and not deem this to be a discretionary activity. We are -- and to remove all doubt, we are against this proposal. We oppose it, on those cultural, environmental, and the process part of my submission is about justice and equity. What's just in this -- in this community, and in this society, where a Treaty partner is treated less than a foreign company, and last I knew we didn't have a treaty with Malaysia or China. We only have a treat with iwi, here, in Aotearoa. And iwi here in Aotearoa, and their returns from their investments, won't be leaving this country. None of our investments leave this country, they stay here in Aotearoa. And we suggest to you, as a Panel, that you advise the Minister that there is a serious question of justice and equity here, and that the oversight is something that has caused offense, deep offense, to the iwi of Te Tau Ihu. And that offense will be heightened if he is to exercise his powers under 360A and deem these areas to be used as a discretionary activity.

That, sirs, is in the main, is my submission. And no reira, tena koutou.

CHAIRPERSON: Sorry, I forgot to ask my colleagues if they wanted to ask Mr Elkington any questions. I'll come to that in a moment. But would you just stay there, and thank you very much for your presentation. That made your position very clear to me.

MR HIPPOLITE: Mr Elkington?

CHAIRPERSON: No, I'll ask Mr Elkington in a minute, all right?

MR HIPPOLITE: Okay.

CHAIRPERSON: Just while you're on your feet.

MR DORMER: Forgive me, it's not really a question, but I gather from other activities I've been involved in professionally that it's not uncommon for companies in a similar situation to King Salmon to approach the Government -- a Government department. The Government department then, and I think it's quite properly the Government department's role to get the scientific advice so they spend the millions of dollars, and recover it from the equivalent of King Salmon.

[3:00 pm]

If that was the case here, it wouldn't really be a case of the Government favouring a foreign company at your expense, would it?

5 MR HIPPOLITE: So that's a scenario, and I don't know of any scenario that is similar to what you've given, so I couldn't comment on that.

MR DORMER: No. Righto. It's not really relevant anyway, but --

10 MR HIPPOLITE: Yes. Thank you.

MR DORMER: And may I thank you for your presentations.

MR HIPPOLITE: You're welcome.

15 MR CROSBY: Thank you, Mr Hippolite, I'm just interested in terms of the discussion that you gave us of going out at the times of the settlement, and offers being made to you in the prohibited activity area. What sort of water space area are you talking about, in terms of both size, and in terms of general location?

20 MR HIPPOLITE: I think -- so I can't remember the exact sizes, but I would estimate 80 per cent of the locations were in prohibited areas.

25 MR CROSBY: And the other 20 per cent?

MR HIPPOLITE: And it needs to be said also that this particular space that is being proposed, we looked at. And we quite liked it, but we were told that this is not in play. We don't know of anything in any regulations or any statute where land is -- or marine space is set aside as being "not in play". We don't even know what the meaning of "not in play" means. But it was -- clearly there was something afoot, something planned for that space, that we were not allowed to consider it in our settlement. Which we think is quite --

35 CHAIRPERSON: Which spaces are you --

MR DORMER: Which area?

40 CHAIRPERSON: -- which spaces are you talking about?

MR HIPPOLITE: So this --

CHAIRPERSON: If could identify it.

45 MR HIPPOLITE: The exact spaces?

CHAIRPERSON: Yes. Just where they are. The ones --

- MR DORMER: The general locality that you're talking about.
- MR HIPPOLITE: The ones that are proposed now, in the Pelorus.
- 5 CHAIRPERSON: Yes, that you say were looked at by you.
- MR HIPPOLITE: Yes.
- CHAIRPERSON: Which are they?
- 10 MR HIPPOLITE: So ... so you want the names of the places, or --
- MR CROSBY: No, no, not the names. But the general locality.
- 15 CHAIRPERSON: -- location. You have said to us --
- MR HIPPOLITE: Yes.
- CHAIRPERSON: -- and it could be quite important, that some of the sites or areas that  
20 we are looking at in this inquiry were sites you looked at with MPI.
- MR HIPPOLITE: Yes.
- CHAIRPERSON: And you were told they weren't in play.
- 25 MR HIPPOLITE: That's right.
- CHAIRPERSON: Now I want to know where those are.
- 30 MR HIPPOLITE: Okay, so those are at the head of the Pelorus.
- CHAIRPERSON: At the head of the Pelorus?
- MR HIPPOLITE: Yes.
- 35 MR CROSBY: At the entry to the Pelorus?
- MR HIPPOLITE: Yes.
- 40 MR CROSBY: Yes. Right.
- CHAIRPERSON: In the Waitata Reach?
- MR HIPPOLITE: Yes.
- 45 CHAIRPERSON: Yes. Any others?

- MR HIPPOLITE: So those are the ones that come to mind. I -- we -- you appreciate that we visited about --
- CHAIRPERSON: Yes.
- 5 MR HIPPOLITE: -- quite a few sites that day, and I didn't take note of exactly where they were. But in a discussion with other iwi members, we recognised that the sites being proposed by King Salmon now were some of the sites where we visited, and where we told they were not in play.
- 10 CHAIRPERSON: And that's in the Waitata Reach, is it?
- MR HIPPOLITE: Yes. Yes.
- 15 CHAIRPERSON: Anywhere else? Because we're looking at sites that aren't in the Waitata Reach.
- MR HIPPOLITE: So to the -- where the sites are proposed is the sites where we --
- 20 CHAIRPERSON: Well, Blow Hole?
- MR HIPPOLITE: Yes.
- CHAIRPERSON: You looked at those?
- 25 MR HIPPOLITE: Yes.
- CHAIRPERSON: Yes. What are the other ones?
- 30 MR CROSBY: Those are those in Pelorus Sound. Did you look at any in Tory Channel?
- MR HIPPOLITE: No.
- 35 MR CROSBY: No.
- CHAIRPERSON: But the other two.
- MR HIPPOLITE: They were all around the Pelorus area.
- 40 CHAIRPERSON: Right. Okay.
- MR CROSBY: So on that trip, did you go up --
- 45 MR HIPPOLITE: We also went --
- MR CROSBY: -- did you go up as far as Maud Island?

- MR HIPPOLITE: Yes.
- MR CROSBY: Yes.
- 5 MR HIPPOLITE: And we even went around to D'Urville Island.
- MR CROSBY: Right. Right.
- 10 MALE SPEAKER: You might have had a problem with Ngāti Kuia. If you'd suggested Blowhole sites.
- MR HIPPOLITE: Yes. Yes. Of course we wouldn't do that without their okay.
- 15 MR CROSBY: Just one final question. What -- in terms of that trip, and in terms of the offer, you said in answer before that 80 per cent were in a prohibited zone.
- MR HIPPOLITE: Yes.
- 20 MR CROSBY: Where were the other 20 per cent of the water space that was being offered?
- MR HIPPOLITE: I can't remember off the top of my head. I'll have to --
- 25 MR CROSBY: All right. Sorry, I wasn't meaning in locality terms. I was meaning in zoning terms.
- MR HIPPOLITE: Yes, they were in ...
- 30 MR CROSBY: Are you saying 20 per cent that was offered to you was in the CMZ2, the --
- MR HIPPOLITE: Yes, in the permitted area. Yes.
- 35 MR CROSBY: Right, okay, thank you. Final question was: was there discussion as to types of species or types of activity - mussels, salmon, whatever it might have been - that you were discussing?
- MR HIPPOLITE: We were just talking space.
- 40 MR CROSBY: Right.
- MR HIPPOLITE: The iwi: it was going to be left to them if they decided to take space what species they would use. But I think the common opinion of iwi was that they would apply for multiple species just in case they had troubles with one species. They could switch to another species without reapplying for a resource consent.
- 45

- MR CROSBY: Sorry, there was one final question and that was: who were present among the eight Te Tau Ihu iwi on that trip?
- 5 MR HIPPOLITE: Te Ātiawa, Ngāti Tama ...
- MR CROSBY: Kōata obviously?
- MR HIPPOLITE: Yes. I can't remember Ngāti --
- 10 MR CROSBY: Kuia?
- MR HIPPOLITE: I can't remember Ngāti Kuia being there.
- MR CROSBY: Right. Rangitāne?
- 15 MR HIPPOLITE: I don't recall. They may have been there but I don't --
- MR CROSBY: Ngāti Apa?
- 20 MR HIPPOLITE: No, I don't recall whether they were there or not either.
- MR CROSBY: Toa?
- MR HIPPOLITE: Yes, I'm sorry can't remember whether they --
- 25 MR CROSBY: You can't remember whether Matthew Rae(?) was there?
- MR HIPPOLITE: He definitely wasn't there.
- 30 MR CROSBY: Wasn't there, right.
- MR HIPPOLITE: Yes. If he was there, I would have remembered.
- MR CROSBY: Right. No, thank you.
- 35 MR HIPPOLITE: All right.
- CHAIRPERSON: I've read in some of the papers and material that we've been reading, voluminous material we've been reading, on this matter that there was a sum of money paid in lieu of being able to offer you sites. Is that the Fisheries Settlement you're talking about?
- 40 MR HIPPOLITE: In lieu of us getting sites?
- 45 CHAIRPERSON: Yes.
- MR HIPPOLITE: I think that I'll kind of lead that to Laws to address when he gets up.

- CHAIRPERSON: All right. You don't know about that?
- MR HIPPOLITE: No. I know we had a regional settlement in 2015.
- 5 CHAIRPERSON: Right.
- MR HIPPOLITE: I think some of that may have been in lieu -- there was an estimate of how much space there would be and this project would probably take it over the estimate.
- 10 CHAIRPERSON: Right. All right, thank you very much, Mr Hippolite.
- MR HIPPOLITE: Kia ora. Have you got any questions for Mr Elkington?
- 15 MR DORMER: Thank you, no.
- CHAIRPERSON: All right. Have ...?
- MR CROSBY: No, I didn't have any. No.
- 20 CHAIRPERSON: All right. No, I don't think I have either. Thank you, Mr Hippolite.
- MR HIPPOLITE: (Māori content)
- 25 MR ELKINGTON: Can I ask you a question?
- CHAIRPERSON: Yes.
- MR ELKINGTON: I mentioned about other sites because I'm seeing in the evidence that there are no other sites. I've mentioned that there are other sites so ...
- 30 CHAIRPERSON: Yes, you have said.
- MR ELKINGTON: No one's asked me.
- 35 CHAIRPERSON: No one's asked you. Yes, you've made that --
- MR ELKINGTON: I've already made that point, but I thought --
- 40 CHAIRPERSON: -- you've made that point.
- MR ELKINGTON: Okay, thank you.
- CHAIRPERSON: Thank you very much and thank you, both and your iwi.
- 45 MR ELKINGTON: Okay. Kia ora.

**KARAKIA**

- INTERPRETER: I gaze from my summit and look down upon the waves crashing. I fly  
5 over the islands beyond Rangitoto, the home of the ancestors (Māori  
content). And sleep on, oh, ancestors, upon the marua. And then  
turning outward to the light upon Takapourewa, a symbol of the kinfolk  
ties and to the female rocks of Mapangi and ascending Te Horo and  
settling upon Hopai and saluting the resting place of my ancestors,  
10 sleeping. Rest in peace and turning their own (Māori content), the tides  
that shift and settling upon the kawakawa, wai kawakawa, and  
lamenting my losses there and the wind blows over the pain that assails  
within.
- CHAIRPERSON: Laws Lawson.
- 15 MR LAWSON: My apologies. I don't have written material but can provide it.
- CHAIRPERSON: We're getting a transcript which is a --
- 20 MR LAWSON: Good. Okay, good. Okay, so this is a submission, a response from Te  
Ohu Kai Moana to the proposal to relocate six of New Zealand King  
Salmon's farms in the Marlborough Sounds. My name is Craig  
Lawson, but I've been known as Laws Lawson since I was ten. My  
mother and now thanks to Osama bin Laden, Air New Zealand insists  
25 that I be called Craig Lawson. So one and the same.
- I'm principal advisor of Te Ohu Kai Moana, which people usually  
shorten to Te Ohu. I've been there since January 2000. Te Ohu Kai  
Moana is the corporate trustee of both the Te Ohu Kai Moana Trust,  
30 which is the Māori Fisheries Trust, and the Māori Commercial  
Aquaculture Settlement Trust, shortened to the Takutai Trust.
- The purpose of Te Ohu Kai Moana is to advance the interest of iwi  
individually and collectively, primarily in the development of fisheries,  
35 fishing and fishing-related activities. There are 58 iwi through the  
country. For aquaculture, the collective interests of iwi are regional,  
based on regional council boundaries. Nine iwi have interests in the  
Marlborough District Council, being the unitary authority that has  
regional council functions in the Marlborough Sounds.
- 40 Nothing in this proposal should be taken to derogate from the  
submissions made by individual iwi in the Marlborough region on these  
proposals to alter the Marlborough Sounds Resource Management Plan  
to facilitate New Zealand King Salmon farms being relocated to higher  
45 flow sites. Individual iwi have made their own submissions on the  
appropriateness or not of further salmon development and the merits  
and demerits of particular sites. Te Ohu leaves those matters to the  
individual iwi.

5 This submission concentrates on the interests of iwi collectively and particularly the options available to Marlborough iwi under the Māori Commercial Aquaculture Settlements Claims Act, which I will continue to refer to from hereon as "the Act" so it will take up less time, and the proposals.

10 With respect to aquaculture, Te Ohu works with iwi to gain regional aquaculture agreements between the iwi of a region and the Crown under the Act. In accordance with regional agreements, the Crown then transfers the regional assets to Te Ohu Kai Moana. Te Ohu Kai Moana facilitates iwi to reach agreement on allocation of those regional assets between all the iwi of a region. When an allocation agreement is signed by all iwi in the region, Te Ohu transfers the agreed assets to the iwi of the region, as per the agreement.

15 If after hearing responses from iwi, taken in concert with others, the Panel and subsequently the Minister decides that there is merit to proceed with some sites and I've said that I leave that aside. Then this will create an additional obligation on the Crown under the Act to provide the iwi of Marlborough with the equivalent of 20 per cent of any new space not already provided for through regional settlements.

20 I'm now talking about the Act, the Māori Commercial Aquaculture Claims Settlement Act. In 2004, the Government announced that aquaculture was the unfinished business of the Māori Fisheries Settlement. It stated because of that, iwi and Māori were due to receive 20 per cent of space approved for aquaculture from the time of the Fisheries Settlement on 21 September 1992. It enacted the Act in December 2004 and it came into effect 1 January 2005.

30 **[3:15 pm]**

35 All approval of aquaculture space takes place under the Resource Management Act. So for aquaculture all settlements are regionally based, based on regional council boundaries. Iwi are to receive a representative 20 per cent of the space approved for aquaculture. Notwithstanding that this Act was passed in December 2004, there have now been three phases of the settlement and for iwi these can be characterised by delivery mode, past, present and future.

5 For aquaculture approved under the regime operating from 22  
September 1992 to 31 December 2004 just before the Act commenced,  
that's referred to as the "pre-commencement phase". As this occurred  
prior to the Act, iwi were obviously unable to obtain a representative  
20 per cent of the space at the time any decision was made. Legislation  
provided for iwi to get the equivalent of that 20 per cent of space  
through either the approval of space after 2004 under the new regime  
or the purchase of marine farms by the Crown or the transferring of  
financial equivalent from the Crown to iwi.

10 In the final event, there was no new space under the 2004 regime, as  
you gentlemen would know. The settlement and buying farms required  
an analysis of the financial equivalent. So in the end, a settlement was  
done by financial equivalent. The aquaculture settlement for this  
15 period was set out in a regional aquaculture settlement agreement,  
signed by Government ministers and the leaders of Marlborough iwi in  
May 2009. That's a --

20 CHAIRPERSON: Is that the monetary settlement that I was asking Mr Hippolite about?

MR LAWSON: It could be. There's several of them. So that's why I want to go through  
them.

25 CHAIRPERSON: All right.

MR LAWSON: This is the settlement that keeps giving because it's about you get  
money for things that are approved under the regime that operated up  
until 2004. As you'd know, anything that was in train past a certain  
30 point still continues until finally all those applications are dealt with.  
There are still a few of them outstanding.

35 The second regime was for any aquaculture approved under the regime  
from 1 January 2005 until 30 September and this iwi were to get  
authorisations for a representative 20 per cent of space in every AMA  
that was created, aquaculture management area.

MR CROSBY: Sorry. There you said "30 September", but in which year?

40 MR LAWSON: Up until 30 September 2011, sorry.

MR CROSBY: Right, thank you.

MR LAWSON: Yes, it's written down, I'm sorry.

45 MR CROSBY: Yes, so 20 per cent of --

MR LAWSON: I'm conscious of your time.

MR CROSBY: -- 20 per cent of any AMA?

5 MR LAWSON: Yes. Iwi would then need to use those authorisations to apply for resource consents and get approval from MPI for the undue adverse effects test, fishing test. But the AMA regime meant that most of this work had already been completed. All the planning stuff had been done, a first cut of the UAE stuff and it was pretty straightforward. It was akin to being a controlled activity, non-notified. Providing you 10 agreed that the buoys were green, it was fine and not a very costly activity. There were no AMAs in Marlborough so there hasn't been any settlement under that. There won't be any settlement under that phase.

15 CHAIRPERSON: That's gone now, hasn't it?

MR LAWSON: Yes, it's gone. Because there were no AMAs, Government had another look at aquaculture legislation and decided that we needed to have a new regime. So it was back to the future.

20 In the phase from 1 October 2011 until now and onwards until the regime gets changed if that happens, in this phase iwi are to receive a representative 20 per cent of space through regional aquaculture agreements between the Crown and iwi of the region. This settlement is before the event. Iwi were provided with access to assets prior to 25 development occurring.

30 The amount of assets is based on forecasts of national development of demand for aquaculture by species. For the period between 2011 and 2035, the ministry worked with experts and iwi to forecast the national growth in demand for salmon, green lipped mussels and Pacific oysters. That demand was then translated into the amount of space in the appropriate regions, taking into account a large number of factors including what the plans were, what development, what infrastructure, 35 what was the likelihood of waters, what was the productivity of those waters, etc.

40 Once that was defined, evaluation model was built for each species by consultants working jointly for the Crown and Te Ohu Kai Moana on behalf of all iwi. That model took into account, amongst other things, the expected timing of development and the variations in regional costs for each of the species. The model was refined and agreed between the Crown and iwi and was used to determine the overall financial equivalent that iwi would receive in 2015 for the various regional 45 settlements if cash was taken as the option.

5 Under the new space settlement, iwi in the region have the choice as to how they will take the settlement assets, either as authorisations for space inside an ASA and with a money that's affectionately known as "top-up", which reflects the difference in consenting costs between the AMA regime which is what iwi were promised in 2004 and the new scene or they could take it as cash or other or a combination of all of those. At the time that the legislation was put through, it was known that the other included the provision of Crown services such as the use of section 360(a) to (c). I can say that from personal knowledge.

10 When the change was made in 2011, there was a concern that the changed regime could lead to substantial increases in applications for space. Since it was intended that the iwi position was preserved, the Act provided for the gazetting of aquaculture settlement areas or ASAs for iwi. As a precautionary measure when the Act commenced, a number of ASAs were gazetted, including in Marlborough, to keep options open for iwi. This was before any detailed investigations occurred as to whether those were appropriate. That was to occur as part of the development of the Marlborough new space regional agreement.

20 The Act requires the Crown to use its best endeavours to negotiate and enter into regional agreements. It enables the Crown to meet its settlement obligations with the iwi of a region. For the Marlborough region, the Act required that to happen within two years of the commencement of the Amendment Act, that is by 1 October 2013. The Crown had not completed the preliminary stages of that work by that time and the minister used other provisions in the Act to extend the time.

30 In August 2014, the Crown made an offer to each of the regions required in the statute because there was a whole lot of priority regions that were established in section 11 of the statute and Marlborough is one of them. When the Crown made its offers, there is an accompanying policy the Crown stated must apply to the acceptance of these offers. In this, it proposed that in any regional settlement where iwi chose to take up an authorisation for space that's protected in an ASA and iwi subsequently did not gain a resource consent for that site, that would then eliminate the settlement for those iwi; the Crown's obligations were completed. Because of this the Crown could not allow iwi to choose authorisations for space in prohibited zones as it considered that would be bad faith.

5 In November 2014, Te Ohu after consultation with and on behalf of the regional iwi groupings across the country immediately affected by the policy requested a number of changes to this and other policies associated with the first set of offers for regional agreements on the Crown's new space obligations. The Crown through the Ministry for Primary Industries responded at the end of January 2015 but largely confirmed the policy.

10 The iwi in Marlborough were looking for active involvement in aquaculture and requested MPI to undertake investigations of sites for potential use of settlement assets. Initially, these were in areas where consents for aquaculture could be granted with conditions, without any change to the regional coastal plan. However, these investigations showed no suitable sites and the Crown subsequently investigated sites in prohibited zones for Marlborough iwi in the Marlborough Sounds.

15 You asked questions of that. I can provide you with a copy that's been given to me by the Ministry for Primary Industries. I'm sure you can access it, but I can leave you my copy which shows the location of those sites. Some of them are not quite as Frank remembers, but certainly some of them - Richmond Bay North and South - are very similar areas in terms of things.

20 Faced with the information and the policy, early in 2015 Marlborough collectively decided that it would be better for them to take cash, even though some iwi still preferred space. Iwi asked about the ability for the minister to use its powers under 360(a) to (c) but were told by officials that as that power had never been used before, they did not consider the minister would use its powers at that point to alter a regional coastal plan to assist iwi to cost effectively gain resource consent for sites.

25 The subject was discussed a number of times by officials and iwi representatives. An additional section 3.8 was added to the draft regional agreement to ensure that should the mechanism be operated, the minister would be reminded of his or her settlement obligations in the expectation that the use of the mechanism would be operated equitably. Section 3.8 of the Marlborough New Space Regional Agreement records:

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40  
45 "In the event that the minister considers recommending to the Governor-General that regulations should be made under section 360 of the Resource Management Act 1991, the Crown will ensure that the minister in complying with the minister's obligations under 360(b) of that Act is made aware of the need to take into account the Crown's obligations under section 9 of the Settlement Act to provide iwi with settlement assets that are representative of 20 per cent of new space."

5 Notwithstanding the earlier rejection of flexibility Te Ohu sought in policy, as discussions started in mandated regional groupings in many parts of the country - we were operating about five or six at the same time - and starting to look into the detail of the proposed regional new space settlements, it soon became apparent that the hard line in terms of the rejection in January 2015 wasn't needed and a sensible middle course path might be able to be agreed.

10 It was agreed that each region would appoint representatives to a national iwi group that would work through all the common issues with MPI. Those discussions happened over a number of meetings spread over a couple of months and culminated in a meeting between iwi leaders and the Minister for Primary Industries in late April 2015. While this was underway, the various iwi regional groupings were  
15 debating their choices collectively, notwithstanding any progress. There was no progress until the final meeting as far as the ministry was concerned.

20 In this climate, the iwi of Marlborough progressively through February and March 2015 firmed up their direction that with those conditions the optimal path for them would be to pursue a cash only settlement for Marlborough. I've got an exception in the things, but it's minor, about \$45,000 worth. So it's minor.

25 Iwi then began to take briefing papers to their respective boards which I'm sure as you will appreciate meet monthly to bi-monthly and dealing with any number of subjects. So it takes a while to move things through to get decisions. Papers were taken to the boards to give them prior  
30 warning of the options available and things they'd need to take into account when they looked at the final draft settlement, which they were urged to be ready to approve as soon as negotiations were completed.

35 At the meeting with the minister in late April 2015, the Crown agreed to a number of changes to its policies for new space settlement for both authorisations for space and the financial equivalent. With respect to authorisations, the altered policy now allows that when exercising an authorisation if iwi don't obtain consent at that site, they can choose to apply for another site and use a little bit more of the cash or they can  
40 trade that authorisation back to the Crown and receive the remainder of the financial equivalent for the site. That makes it neutral to the Crown but encourages iwi to look for aquaculture development.

5 It was also agreed through the negotiations to a concrete set of  
valuations for the key species across all regions being considered. This  
change in policy for authorisations was too late for Marlborough who  
gained sign-off from all their boards in May and June 2015.  
10 Subsequent to all nine iwi gaining approvals that their leader could sign  
the regional agreement with the minister and two days before the  
signing on 23 July 2015, the Crown sent a letter to the trustee in all  
Marlborough iwi, signalling that it was going to investigate the use of  
sections 360(a) to (c) in Marlborough. Subsequent urgent informal  
15 enquiries indicated that officials could not, however, indicate how long  
this investigation would take or what probably there was that a  
mechanism would be operated.

[3.30 pm]

15 Faced with the uncertainty that this could take several years for a  
decision to be made - as you would know, in fact it's taken nearly two  
years - and that iwi would not have access to the regional settlement if  
they chose to wait or any interest from waiting, iwi decided to proceed  
20 on the basis that their boards had already approved.

25 On 23 July 2015, the leaders of the nine iwi and five Cabinet ministers  
signed the Regional Aquaculture Agreement, delivering the Crown's  
new space obligations under the Māori Commercial Aquaculture  
Claims Settlement Act 2004 for the Marlborough region. The Crown's  
letter of 21 July committed the Crown to keep iwi informed of progress  
with its investigation into the use of section 360(a) to (c) powers in  
Marlborough. It is suggested that the Crown should have involved all  
30 Marlborough iwi more completely in this process earlier, given the  
Crown's settlement obligations.

35 As noted previously, the regional forecast is based on forecasts and  
these are recorded in five-year blocks. The regional agreement also  
provides for five-yearly reviews of the actual space versus forecast  
space. The agreement provides that where the actual development  
exceeds the forecast, underpinning the 2015 agreement, the Crown will  
provide the further assets due for that period with the form of the assets  
at the sole option of iwi. For the five-year block from 1 January 2016  
40 to 31 December 2020, the forecast of total new space in Marlborough  
was for 1.5 hectares, meaning that iwi were provided with the  
equivalent of 0.3 hectares, being that 20 per cent.

We're dealing with the interplay now between this proposal. The proposal suggests that the existing farms are being relocated and legally requires that only those who surrender existing salmon space can access this mechanism. Notwithstanding this device, in practice New Zealand King Salmon will be establishing farms at new locations under new consents. As these sites have never been consented before, they meet the definition of "new space" in the Act, the Māori Commercial Aquaculture Claims Settlement Act.

Should the Panel or subsequently the minister decided - against the urgings of iwi you've heard today - that the proposals have merit and should proceed in full, that would create an extra 61.4 hectares in the 2016 20 block. This would mean 61.4 hectares of new space under the Act, creating an additional obligation on the Crown of 12.24 minus 0.3, 11.94 hectares of space. As I have noted earlier, it is at the sole option of iwi to decide how that obligation will be discharged. The documentation states that there are no other sites for salmon that can be identified in the Sounds that are suitable. Given this magnitude and iwi's earlier aspirations, Marlborough iwi should have been at the heart of the consideration of these proposals.

Requirement to identify, to surrender low-flow sites. The proposal requires that New Zealand King Salmon are to surrender consents for existing sites for any new sites. The proposal suggests that this is like for like, but it's based on surface hectares rather than productivity, as the Act requires of iwi. The latter is more compelling and environmentally acceptable. New Zealand King Salmon should not be able to surrender only one existing consent for each new site approved. Instead, it should amount to the amount of space at the existing site based on the productivity, that is the annual discharge of fish feed at the new sites when both the existing and proposed sites are meeting the benthic standards.

For example, the site at Richmond Bay with its initial allowable annual discharge of feed of 2,500 tonnes is equivalent to the average protected feed level at Ruakaka Bay and Forsyth Bay if the latter farms were managed to meet the benthic standards. If Richmond Bay operates as the modelling predicts it could - to have a total annual discharge of 5,000 tonnes - it would mean the average predicted feed level of Ruakaka Bay, Otanerau, Forsyth Bay and Waihinu Bay all combined.

5 The documentation of the proposal states that the new sites provide the  
ability of even greater production and be environmentally safe. Given  
that, if the modelling is correct New Zealand King Salmon could more  
than double its production and there would still be other sites available.  
From this, an equity question arises as to why only King Salmon can  
access all sites. Given its relationship with its Treaty partner and the  
settlement obligations it has, the Crown should provide iwi with an  
opportunity to choose a site to develop. We recommend that the  
proposal be changed to allow this should iwi collectively choose to take  
that up.

10  
15 As I've said, any additional new space will create an additional  
obligation under the regional agreement of 2015. It's at the sole  
discretion of iwi as to how they pick it up and there's no other site. An  
option must be provided for iwi to have space available should they  
collectively so choose. However, decisions on the form of assets that  
iwi collectively receive must be by unanimous agreement from all nine  
iwi.

20 Commercial salmon is both a significant opportunity and a substantial  
challenge at the same time. It is a 24/7, 365-day operation that requires  
significant skills in fish husbandry, biosecurity, processing and  
marketing. As such, it represents a considerably higher level of  
complexity in aquaculture than most iwi in Marlborough are involved  
in. Iwi will likely require a JV partner that is already a vertically  
integrated salmon enterprise.

25  
30 Iwi need more time to consider options around receiving authorisations  
for space if they collectively still wish to develop their own  
salmon/finfish enterprise, and they should have the option to choose a  
site to develop. It is proposed that a policy be developed that iwi be  
given up to three years to research whether this is an option they wish  
to pursue. If they decide they don't want to, there's other options  
available that can meet the obligations. If they don't want to take up  
salmon farming, they could opt to receive the obligations through space  
for other species, cash or a combination.

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40 Given a stage development, multiple sites and the need for at least two  
years' pause in gaining adequate baseline information, it is not  
considered that this opportunity would cause any significant impact on  
the Crown's proposals, New Zealand King Salmon or Marlborough  
District Council. Instead, it provides a positive opportunity to meet the  
obligations for all as Treaty partners, good corporate citizens and  
community champions.

5 It is acknowledged that separate to, but before, settling a new regional agreement - or more likely a modification to the existing agreement - it may be that some iwi wish to be involved in the development of salmon farming while others do not. If this is the case, iwi who wish to pursue a development will need to reach agreement with those iwi that would rather receive cash. If agreement can't be reached, iwi will need to agree on a different form of settlement.

10 Surrendered sites. It is proposed to keep options open for iwi that any sites surrendered by New Zealand King Salmon not be rezoned into the CMZ1 prerogative zone but remain available to iwi for other types of aquaculture, but not salmon farming. There are limited sites available for additional aquaculture in the Marlborough Sounds. It is proposed that the existing sites to be surrendered should not be rezoned but be retained in the sites offered to iwi to be an opportunity to partially satisfy the Crown's new space obligations and be able to be used for aquaculture, not salmon.

20 As noted previously, use of the sites would be for iwi to choose; they couldn't be compelled. To allow this, the Crown would need to alter the proposal for this to be an option to iwi. Such a change would be a good faith signal to iwi. Like the previous thing, it's proposed that iwi have three years to decide so they make a decision on how they'll take the settlement as to whether it'll be the salmon farm or using these other sites or cash or a combination of any of those at the same time. Should iwi subsequently decide not to pursue aquaculture at those sites, they could be rezoned and prohibited from aquaculture by the Marlborough District Council through its review of the Marlborough Sounds Resource Management Plan.

30 Remediation of existing sites. Related to the above option is the need to remediate the existing low-flow salmon sites. Although research suggests that any surrendered/abandoned sites could return to their natural state within five to ten years, we are aware that New Zealand King Salmon and others are actively involved in investigations in research of more rapid remediation.

5 It is proposed that the Marlborough Resource Management Plan should  
include provisions that require as conditions of any consent for the  
relocated or new sites that the successful applicant be required to  
undertake works on the surrendered sites that remediate those sites as  
quickly as possible, using the most effective techniques shown through  
current research with that work being required to commence as soon as  
operations cease at the site. Such rapid remediation would be a tangible  
demonstration of New Zealand King Salmon's environmental  
consciousness and enable faster access for king shags for food at those  
10 sites, as well as allowing the space to be subsequently used for other  
marine activities by iwi should they choose that to be part of the  
increased settlement obligations.

15 Environmental standards. I'm on the last page.

15 CHAIRPERSON: Glad to know you're getting close.

MR LAWSON: Yes, I am, too. You've heard from iwi, both those presenting today and  
earlier, they have very strong concerns about the environmental  
20 footprint of salmon farming. Should the Panel decide to proceed with  
the proposals in some form or in its entirety but in accord with the  
proposal I've set out above, it must be very clear that iwi as kaitiaki  
could not contemplate increasing salmon production in the Sounds  
unless any approval is not only world's best practice now but has had  
25 that attune to Marlborough Sounds now and have the requirements built  
into the consent that requires the company to periodically update its  
practice to meet improved best practice - I've come back to that a little  
bit below - unless it can be satisfactorily demonstrated at design model  
level that any approval will not have adverse effects on the Sounds'  
30 ecosystem across a range of dimensions of benthic, seabird, water  
quality effects. Because all this is based on modelling, the conditions  
applied on the consents granted under the altered Resource  
Management Plan require those dimensions to be monitored for at least  
two years to establish the baseline conditions and natural variations for  
35 those issues at all sites before any stage 1 activities commence.

40 Iwi will have, as of right, the ability to appoint a representative to the  
monitoring and enforcement committee, so not off in some separate  
advisory committee but part of the key decision-making as to whether  
the monitoring results demonstrate that everything has met the  
acceptable standards and the next stage can be advanced or,  
alternatively, there is a problem and they've either got to stop or go  
back one stage.

5 They've built into the Plan to be a requirement that there are adequate national environmental quality standards developed for salmon farms in the Marlborough Sounds based on at least one year's detailed monitoring at each of the proposed sites and then defined through a process convened by MPI, but also involving water quality experts as well as representatives of the Marlborough District Council, New Zealand King Salmon and iwi representatives.

10 This work should be jointly funded by NZKS, Marlborough District Council and the Ministry for Primary Industries. No site should be able to commence development until these standards are promulgated and included as conditions on the consent.

15 In relation to earlier material that I heard, I want to make it clear that guidelines are not sufficient. Guidelines are just that. They're at the behest and the goodwill of the people involved. We wouldn't be in this situation if people had automatically picked up guidelines and applied them.

20 CHAIRPERSON: I'm sorry, but you'll have to bring it to a close.

MR LAWSON: Okay. The last thing that I'm suggesting is the use of section 128 of the Act to make certain that conditions are put in requiring a company to look at best practice every five years.

25 CHAIRPERSON: That's a consent matter.

MR LAWSON: Yes, but --

30 CHAIRPERSON: We're not involved in that side of it.

MR LAWSON: You can put rules in the Plan that require that to happen for salmon farming in these conditions.

35 CHAIRPERSON: Yes.

MR LAWSON: That's all I'm suggesting. I'm finished.

40 CHAIRPERSON: Right, thank you.

(off mic conversation)

MR DORMER: No, thank you very much.

45 MR CROSBY: Thank you and we've got a record of it; you're going to give us that map. Thank you.

MR LAWSON: Yes. I can probably send you an --

- CHAIRPERSON: Send it to Louise Walker if you could.
- MR LAWSON: Yes, right, thank you.
- 5 CHAIRPERSON: All right?
- MR LAWSON: Yes, good.
- 10 CHAIRPERSON: All right, thank you very much, Mr Lawson. I'm sorry to have cut you a bit short.
- MR LAWSON: That's all right. It's exactly when I was finishing.
- 15 CHAIRPERSON: I'm afraid time has beaten us.
- MR MASON: We'll move to a (Māori content).
- CHAIRPERSON: Yes.
- 20 MR MASON: (Māori content) As is our tikanga and kawa of the marae, we will now return to the kōhanga(?).
- CHAIRPERSON: Before I hand it back to you, may I say - and I know it's not in te reo -  
25 on behalf of the three of us thank you again for having us on your marae today, for doing us the honour of allowing us to conduct this hearing here. We appreciate that very much. We've learnt a lot today and that will help us in our deliberations.
- 30 **[3.45 pm]**
- MR MASON: (off mic conversation)
- CHAIRPERSON: I hand this back to you.
- 35 MR MASON: (Māori content) Kia ora.
- CHAIRPERSON: Kia ora. This hearing will now formally be adjourned until next  
40 Monday at the Convention Centre in Blenheim at, I think, 10.30 am and everybody is welcome to attend that if they wish to do so. That is the conclusion of these proceedings. Thank you again.
- MR MASON: (Māori content)

INTERPRETER: In conclusion, the home people of Ngāti Kuia who offered our hospitality to you, and we will close with a prayer so that you may return to your homes safely and to wrap up our words today. We have heard all submissions and people should feel free to express themselves. We, the iwi of Te Tau Ihu, Ngāti Kuia and others, have waited and will wait for your response and your determinations. We give strength to you and return home under the auspices of the good Lord and may the blessings and the grace of our Lord be with us and the Holy Spirit, now and forever. Amen.

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**KARAKIA**

**MATTER ADJOURNED AT 3.48 PM UNTIL  
MONDAY, 22 MAY 2017**

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