



Sixth Annual General Meeting

5 July 2011

Chairman's Report

Ladies and gentlemen – good evening.

It gives me pleasure to present my annual report to members of *Save the Wairau River*. Chairman Hugh Steadman reported last year that the optimism he had felt when he reported to the Fourth Annual General Meeting had been misplaced and that instead of celebrating a famous victory in the Environment Court where our appeal would be upheld, he was in fact reporting that it may well be another few weeks before the decision was handed down. Hugh's optimism was again misplaced because the learned judge and his commissioners took until the second half of November to issue the 'finely balanced' decision. It took them another few weeks to realise they had issued a decision without a date so they had to issue a corrigendum to the decision. If the Court cannot manage the small things with accuracy and attention to detail then what hope did we have for the rest of the decision-making? As you are aware, we, and the other appellants, were unsuccessful – our appeals were not upheld. You will also recall that after considerable strategic planning and coordination with other appellants, mainly Fish and Game and the Department of Conservation, we were weakened by the departure of DoC after it had secretly accepted TrustPower's 'thirty pieces of silver' and sloped off into the dark - Judas like!

The Marlborough District Council's decision was upheld by the Environment Court and it is no secret that it was a disappointment to Fish and Game, Save the Wairau and the other appellants but I doubt if there was much celebrating over at City Hall. The challenge placed before both councillors and officials is a massive one. The regulatory framework that will be required to ensure compliance with complex conditions will require a level of participation heretofore never experienced and we will be watching! I would like to make it very plain here that we are not, in any way, anti – Council. Council and officials face an impossible task – serving the public.

TrustPower have been granted consent to construct and operate a scheme to generate electricity. TrustPower has chosen to pick the 'low hanging fruit' rather than investing and developing new methods of converting energy to electricity. In spite of its claims of being a 'triple bottom line' company, i.e. satisfying shareholders, serving the community and protecting the environment, TrustPower delivers only tokenism to the community and environment protection. By satisfying the shareholder, executive management assures itself of its performance bonuses and that is what drives each and every one of them. The other two claims are pure advertising puffery.

Our mission is clear – ‘We are dedicated to the long term sustainability of the Wairau River’. We do that by being vigilant, participating in the processes available to us as members of the community. There are still decisions to be made as the requirements of the consents and conditions are worked through and we will participate fully.

As you can imagine, most of our time was taken up last year in waiting for the decision. After the receipt of the decision we spent a considerable time analysing it, looking for poor decision-making and errors in law. We were disappointed in the decision but not nearly as disappointed as we were when we discussed opportunities for appeal, and there are many, with a wide number of people with knowledge and experience in such matters. Call us naïve if you will, but we have not yet worked out what makes these people tick!

Among the other things we did this year – A Soapbox article for the Marlborough Express and a submission in response to the Government’s draft energy strategy.

The past is the past; our learnings have been many – gained through hard work and the exploration of the drivers of people in fields where we as a committee have been strangers.

After a great deal of thought, the Committee decided not to appeal the Environment Court’s decision. This was not because there no ‘points of law’ on which to base an appeal – there were many – but because we could not, in our heart of hearts, trust the judicial system to undertake an appeal with the neutrality and thoroughness that is required of it. There are other ways, within the law, and we look forward to sharing them with you at the appropriate time this evening.

I wish to thank everyone on the Committee for his and her hard work and contribution.

Ron Tannock
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