Submission of Frank Hippolite on behalf of Ngāti Koata Trust

Wednesday 17 May 2017, Te Hora Marae, Canvastown

MR HIPPOLITE: 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.

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 Koata. 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 Tare 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.

I represent the Ngāti Koata -- and I am the chair of the Ngāti Koata 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.

The point of that is that there are only two iwi in the Pelorus that have a right to say on cultural grounds, that is Ngāti Kuia and Ngāti Koata. Ngāti Koata absolutely support the Ngāti Kuia submissions in regards to Kaimahi, and in regards to the protection of their taonga, Kaikaiāwaro.

Ngāti Koata 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 Koata'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.

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 no more than minor, they wouldn't need to move the farms they're seeking to move.

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 being increased up to 5,000 tonne, and Laws in his -- in his submissions will give a detailed evidence -- more detailed evidence on that.

In regards to the iwi management plan that is on record at the Marlborough District Council, that Ngāti Koata 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: "The attitude of Ngāti Koata towards environmental issues is Ngāti Koata will object when coastal development proposals have adverse effects on the following resources that cannot be avoided, remedied, or mitigated, to Ngāti Koata's satisfaction." And those resources listed are coastal marine habitat; significant flora and fauna; customary fishing grounds; any taonga; and impact on the fish life cycle.

Moving now to the process. Ngāti Koata 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 Koata 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 surprised was this. At the time of the Aquacultural Settlement, the 2015 Aquacultural Settlement, we were offered space in the prohibited zone. 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. 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: "This is unfair, unjust, and inequitable. 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."

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.

CHAIRPERSON: Yes. Thank you. Yes.

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

MR HIPPOLITE: No. No. No we weren't. Not in the true sense. 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.

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 Tauihu 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 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 foreign-owned company in New Zealand waters.

I'll just finish off by referring to our settlement. 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. 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 Koata; but the difference between the loss, the true loss, and the settlement monies is deemed to be a gift of Ngāti Koata to the development of the nation." So 98 per cent of our true loss has been gifted to this nation. Ninetyeight 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 treaty 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, tēnā kōutou.

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 45 of dollars, and recover it from the equivalent of King Salmon. 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?

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 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?

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.

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 –

CHAIRPERSON: Which spaces are you talking about?

MR HIPPOLITE: Okay, so those are at the head of the Pelorus.

CHAIRPERSON: In the Waitata Reach?

MR HIPPOLITE: Yes.

CHAIRPERSON: Yes. Any others?

MR HIPPOLITE: So those are the ones that come to mind. I -- we -- you appreciate that we visited 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.

CHAIRPERSON: Right. All right, thank you very much, Mr Hippolite.

MR HIPPOLITE: Kia ora.