

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Applications by **Central Plains Water Trust** to
**the Canterbury Regional Council and Selwyn
District Council**

AND

IN THE MATTER of a Notice of requirement by **Central Plains
Water Limited**

**MEMORANDUM OF COUNSEL FOR MALVERN HILLS PROTECTION
SOCIETY INC DATED 22 MAY 2008**

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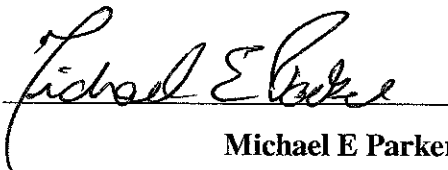
MAY IT PLEASE THE COMMISSIONERS:

- [1] This is a brief memorandum by way of introduction of the evidence of Dr Timothy J Hazledine who is Professor and Head of the Department of Economics, University of Auckland.
- [2] Dr Hazledine's evidence is an analysis of the economic efficiency implications of the Central Plains Water Scheme (CPWS) proposal, in the course of which he responds to the economic evidence presented on behalf of the Applicant by Mr Phillip Donnelly.
- [3] It is not proposed to open on behalf of my client in any general way as that will be undertaken by my learned friend Mr John Burns when the full case for the Society is presented, together with other evidence, in the week of 2 June 2008.
- [4] Interestingly, when Dr Wylie opened the Applicant's case to you, and when addressing the "*very large number of submitters, and ... [their]...very large number of issues*" (his words) he suggested that concerns expressed by some about the economics of the scheme and whether or not it is financially viable are not matters for the panel (see paragraph 185 of the opening). Nevertheless CPWL has placed the issue of the economics of the scheme squarely before you in the evidence of Mr Donnelly. The Society is of the view that the issue is one properly one for your consideration in this hearing.
- [5] In support of the Society's submission Professor Hazledine will give evidence relating to that aspect. Somewhat distastefully, Professor Hazledine's evidence having been properly posted on the Ecan website, the Applicant has chosen through its Chairman to make public statements in the press about that evidence before you may have had an opportunity to read it, and certainly before you the evidence has been presented by Professor Hazledine today. When his evidence was prepared it was not anticipated that the Applicant would choose to exercise its

right of reply in advance of he giving his evidence. Accordingly, he has been able to consider the comments made by the Applicant to the press about his evidence and will address those in a brief *ex tempore* way at the conclusion of his written evidence.

- [6] The Society abhors the Applicant's tactics in relation to this evidence and regards the proper forum for addressing issues raised in evidence to be within this hearing before you, the Commissioners.
- [7] Because Mr Burns will be opening the Society's case generally, I have not prepared a submission relating to the place of economic analysis within the context of the Resource Management Act 1991, anticipating that he will do so and also that the Commissioners will have by their knowledge and experience acquaintance with those issues.
- [8] In passing, I note that Professor Hazledine's evidence and perspective on the economic aspects of the scheme, and the evidence in this regard produced by the Applicant, is consistent with that of Mr Copeland who provides evidence on the economics of the scheme on behalf of Ngai Tahu.
- [9] I will call Professor Hazledine to give his evidence to you and to answers any questions you may have of him.

Dated at Christchurch this 22nd day of May 2008



Michael E Parker

Counsel for Malvern Hills Protection Society Inc