

**riceres/steve**

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**From:** Viv Smith [viv.smith@mfe.govt.nz] on behalf of TPCallin [TPCallin@mfe.govt.nz]  
**Sent:** Wednesday, 24 June 2009 2:17 p.m.  
**To:** riceres/tpcallin  
**Subject:** FW: Submission on draft decision  
**Attachments:** subondraftdecisionjun09.doc

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24 JUN 2009

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Hi Steve

I have acknowledged receipt to Bob

Cheers Viv

-----Original Message-----

**From:** Bob McQueen [mailto:bmcqueen@waikato.ac.nz]  
**Sent:** Wednesday, 24 June 2009 12:42 p.m.  
**To:** TPCallin  
**Subject:** Submission on draft decision

I attach my submission on the draft decision by the Board of Inquiry into Transpower's NIGUP proposal, as required by 5pm June 24. With no specific instructions on the website on processes to be used for making this submission, I assume that emailing this to this email address, as the original submissions at the start of the BoI process were made, is acceptable. Please inform me immediately if this is not the case.

I would appreciate an email acknowledgement of your receipt of this submission.

Thanks...

Bob McQueen

Submission on the Board of Inquiry Draft Decision to approve Transpower's 400kV NIGUP.

Robert J. McQueen

June 24, 2009

The draft decision to approve is wrong. The Board should reverse the draft decision in its final decision and not confirm Transpower's Notice of Requirement to build this line.

Reasons why the decision should be reversed:

1. There are three key tests that the Board should have applied in its draft decision and did not.

- a) the need for a line of this size and capacity has not been proved
- b) there are better alternatives with far less environmental impacts than the proposal
- c) the public health risk due to EMF exposures that will be created on an easement width of only 65 metres is not acceptable.

On point a), the need for a transmission line of this size has never been proved, and evidence was submitted to the BoI which showed that the Transpower estimates of demand growth to justify this massive line were overblown. The lower demand growth evidence submitted to the BoI has been recently confirmed by the Ministry of Economic Development with the March 2009 quarter electricity consumption statistics released recently that show a 5% drop in electricity usage from the same quarter in 2008. The Board should have taken far more notice of the evidence on the erroneous justification for the proposed line. On point b), there are much better generation-near-to-load and transmission alternatives to the proposed line (lower cost, equal capacity, almost zero environmental impact) including reconductoring and duplexing the Whakamaru A, B and C lines which were given to the Board in evidence. The Board should have given far more weight to this evidence, and did not. Finally, as in point c), the health risks of EMF fields greater than 0.4 microteslas were extensively covered in the evidence given to the Board, and this evidence was not given sufficient weight in making the draft decision to confirm. This Board of Inquiry comes out looking like the American courts in the early days that initially ruled in favour of the tobacco companies, asbestos companies and dioxin manufacturers in the campaigns to eliminate those earlier suspected, but now well proven, public health risks

2. Those who participated in the Board of Inquiry hearings process had an expectation that their evidence and appearances before the Board would be given fair weight. What has become clear in the Board's draft decision is that only the formal Transpower evidence, prepared and guided by high powered legal firms, was what mattered. The many submissions and presentations of the people (and most of the local authorities ) who appeared in opposition were given no weight, and in each part of its decision, the Board indicates that it prefers the formal evidence presented by Transpower, and discounts the evidence given by those who opposed Transpower. This is chequebook justice at its absolute worst. It is clear that the opponents to this proposal could only have had a chance of success if they had been highly co-ordinated and organised, and had spent 5 to 10 million dollars on QCs, solicitors and overseas expert witnesses to have that evidence formally prepared and presented. The Board of Inquiry process should have leveled the playing field to give the opponents to Transpower a fair chance, rather than tilting it even further in favour of the applicant with the bottomless pockets. The smokescreen of the Board's sole reliance on "evidence" versus "submissions" is unconscionable from the perspective of fair process and public interest. We expected a far higher level of accountability and fairness, and chequebook neutrality from the Board of Inquiry than what we have received.

3. This decision has given a clear signal to those who heretofore had respect for due process, that in New Zealand, there is no chance to achieve a fair outcome through the legal system when going up against the Government or one of its SOEs. Isn't one of the main purposes of the law to make participation in due process attractive, and the outcomes of participation fair, so that our society doesn't descend into the anarchy, crime and violence we see in so many countries around the world today when people lose confidence in the rule of law to protect them? What this decision says clearly to the New Zealand public who are being disempowered by any rampant, powerful SOE, is "don't bother with participating in due process, there is no point".

Final comment: If the draft decision is confirmed as the final decision, I would suggest that large photographs (2metres x 1metre) of each of the Board members might be prepared and mounted on every one of the 400 monstrous pylons that will be erected for this line, so that present and future generations of New Zealanders may know the faces and names of the people that failed them so badly when this un-needed environmental disaster was approved by the Board of Inquiry in 2009.