

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of Regulations under s 360A and 360B of the Act

**BETWEEN** **THE MINISTRY OF PRIMARY INDUSTRIES**

Applicant

**AND** **THE MARLBOROUGH DISTRICT COUNCIL**

**Dated on this day of 2 May 2017**

## Introduction

1. I am the Chief Executive of the McGuinness Institute.
2. In 1988, I wrote the report *Implementation of Accrual Accounting in Government Departments* for the New Zealand Treasury. From 1988 to 1990, I founded and operated McGuinness & Associates: a consultancy firm providing services to the public sector during the transition from cash to accrual accounting. Between 1990 and 2003, I continued consulting part-time while raising children. I have worked in both the public and private sectors specialising in public sector reporting, risk management and futures studies.
3. In 2002, I was a member of the New Zealand Institute of Chartered Accountants (NZICA) Taskforce, which published the *Report of the Taskforce on Sustainable Development Reporting*. From 2003–2004 I was Chair of the NZICA Sustainable Development Reporting Committee.
4. In 2009 I received a fellowship from the NZICA, becoming a Fellow Chartered Accountant (FCA) for outstanding contribution to the accountancy profession and service to the community. I have a BCom from the University of Auckland, an MBA from Otago University, a number of environmental economics papers from Massey University and I attended a short Executive Programme on Driving Corporate Performance at Harvard.
5. Since then I have, with my team, published a range of reports as part of *Project 2058*, written the book *Nation Dates: Significant events that have shaped the nation of New Zealand* and attended four World Future conferences.
6. In 2004 I established the McGuinness Institute in order to contribute to a more integrated and informed discussion on New Zealand's long-term future.
7. The McGuinness Institute is a non-partisan think tank working towards a sustainable future for New Zealand. *Project 2058* is the Institute's flagship project focusing on New Zealand's long-term future. As a result of our observation that foresight drives strategy, strategy requires reporting, and reporting shapes foresight, we developed three interlinking policy projects: *ForesightNZ*, *StrategyNZ* and *ReportingNZ*. Each of these tools must align if we want New Zealand to develop durable, robust and forward-looking public policy. The policy projects frame and feed into our research projects, which address a range of significant issues facing New Zealand. We also operate a GDS Index, which reviews all government department strategies in operation.<sup>1</sup>

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1 See [www.gdsindexnz.org](http://www.gdsindexnz.org)

8. In preparing this submission, we have drawn largely on our projects *OneOceanNZ* and *ReportingNZ*.
9. I know and understand the Marlborough Sounds well. I am based in Wellington and am part-owner of a holiday cottage on Arapaoa Island in Queen Charlotte Sound.
10. This document and its attachments constitute the McGuinness Institute's statement of evidence. In this statement I will deal with four topics.
11. The first of these, addressed in the *Letter to the Minister of Aquaculture, Hon Nathan Guy* involves our reasons for opposing the proposal. This is attached separately. Notably in the letter we discuss our concern that this proposal is undergoing public consultation prior to the establishment of the national direction for aquaculture public consultation. The direction is up for public consultation mid-2017 and finalisation in 2018. The MPI website states that the direction will:

help councils and industry manage re-consenting of existing marine farms more consistently and efficiently across the country, enable better use of existing marine farms, improve environmental outcomes, [and] increase community confidence in the industry.
12. The second of these relates to the PwC *Economic Impact Assessment*.
13. The third relates to Andrew Clark's *Statement of Evidence*, dated 11 April 2017.
14. The fourth relates to the *PricewaterhouseCoopers (PwC) review of Working Paper 2016/02 – New Zealand King Salmon: A financial perspective*.

**Letter to the Minister for Primary Industries, Hon Nathan Guy (May 2017)**

15. Our letter to the Minister is attached and forms part of this statement. We have prepared this letter as I considered it was the best way to explain to the Minister the range of issues before the Panel and to ask him to consider more broadly the issues this proposal delivers. We understand that the Minister has the ultimate decision-making power in this process and, as we were unsure where the boundaries lie, we have included his letter as the bulk of our submission.
16. This letter outlines the history of NZKS salmon farming proposals in the Marlborough Sounds, see the timeline in Attachment 1.
17. It notes that salmon farming in the Marlborough Sounds has always been contentious, resulting in a moratorium for new farms in the early 2000s.
18. The industry responded by preparing the *New Zealand Aquaculture Strategy* in 2006. The by-line was to grow the industry to a value of \$1 billion by the year 2025.

19. This goal has been embedded into government policy and continues to shape public policy today. See April 2012 *The Government's Aquaculture Strategy and Five-year Action Plan to Support Aquaculture*.<sup>2</sup>
20. In my professional opinion, this was never a strategy; it was simply an industry goal.
21. To my knowledge this single dimensional goal has not been comprehensively measured, stress-tested, assessed or evaluated by central government before or since it was adopted in late 2006 by Hon Jim Anderton. I do note that the 2010 Cabinet *Minute of Decision CAB Min (10) 9/2* estimates 2008 industry sales at \$307 million. Additionally, the value of the aquaculture industry has been inconsistently estimated in the media (references available).
22. Today the strategy lacks an evidence base. We note that the MPI page for New Zealand Aquaculture lists the \$1 billion goal with the caveats that growth 'takes place within acceptable environmental limits' and 'respects other uses and values of our waterways and marine environment'.
23. We note that the Panel's terms of reference state 'The Panel will need to test the material before it, keeping in mind the provisions of the Government's policy for aquaculture and the RMA'.
24. We ask the Panel to consider the Government's policy in terms of sustainable aquaculture growth and MPI's vision not just in terms of growth but also in terms of stewardship. MPI's vision and values statement is:

As we deliver our vision to grow and protect to New Zealand, our values are important to all of us no matter which part of MPI we work in, or what role we have. Our values are the touchstones for how we work together – they guide our decisions and behaviour.<sup>3</sup>
25. I am particularly concerned about the lack of evidence-based public policy shaping this process, the failure to produce a detailed cost-benefit analysis and compressive risk assessment, the failure to consider alternative uses for this area of New Zealand and the possibility that this is the last opportunity for the public to stress test salmon farming in the Marlborough Sounds for the next 35 years.
26. The letter to the Minister outlines a list of additional concerns, which we have not repeated here.

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2 See [www.mpi.govt.nz/document-vault/15895](http://www.mpi.govt.nz/document-vault/15895)

3 See [www.mpi.govt.nz/about-mpi/careers/working-here/our-values](http://www.mpi.govt.nz/about-mpi/careers/working-here/our-values)

## PwC Economic Impact Assessment (November 2016)

27. **Purpose:** The starting point for any assessment is the purpose for which the results will be used. In this case the purpose is as stated below:

### Overview

This report was commissioned as part of a process that is assessing options for salmon farms in the Marlborough Sounds. The Ministry for Primary Industries (MPI), the Marlborough District Council, New Zealand King Salmon (NZKS) and other stakeholders are engaged in a process of reviewing the performance and impacts of existing farms and developing recommendations for their future. One possible option is that current sites are swapped for new sites that are more suitable. Another possible option is that current sites are managed differently. Both options include development and application of Best Management Practices (BMPs) for managing salmon farms in the Marlborough Sounds. The economic analysis in this report is one input into that process.

### This report can support an AEE process

One stage of the process will include an Assessment of Environmental Effects (AEE) under the Resource Management Act (RMA). This report has been prepared with that in mind. It identifies likely economic impacts of changes to management of the salmon farms, both from swapping sites and from adopting BMPs. It provides estimates of the annual economic impact per 100 tonnes of salmon production for the Nelson and Marlborough regions. It also estimates the one-off economic impacts of NZKS constructing a single new salmon farm in the Marlborough Sounds for the Nelson and Marlborough regions.

28. The PwC *Economic Impact Assessment* appears to be the only economic report supporting the AEE process; there does not appear to be any cost-benefit analysis or risk assessment.  
Note 1: PwC acknowledge that their report is not a cost-benefit analysis (see p. 3, NERA submission, 11 April 2017).  
Note 2: The Panel Chair has advised that a cost-benefit analysis will be prepared for the Minister, but this will be prepared after the Panel has made their recommendations to the Minister.
29. PwC notes in the *Marlborough Salmon Relocation: Economic Impact Assessment* that:
- Because some details about future levels of production and future sites are yet to be decided, our analysis estimated the impact per 100 tonnes of production and per additional site developed. (p. 5)
30. The above statement indicates that the resulting conclusions from this assessment are questionable. It means that PwC could not provide an assessment of the relocation proposal over time, so instead they use a production approach to provide some shape to the narrative. This approach may have been acceptable if the purpose of the assessment was simply to explore a potential landscape, but the results have been used far beyond this (see, for example, the December 2016 Cabinet paper).
31. We believe the terms of engagement of the PwC report (as we understand them) did not demand a level of rigour necessary for the report to be used as the basis for making long-term decisions in the national interest.
32. **NZKS profitability:** If I understand Table 41 of the PwC report below correctly, the most useful observations that can be drawn from the report is what it tells us about the 11 farms in totality; that:

- That two of the farms (the Crail Bay farms) have never been operated by NZKS as farms, and therefore in our view should not be included in this relocation proposal or the PwC report. See zeros below and the *Letter to the Minister* attached.
- That of the four farms in operation that are being considered under this proposal, Ruakaka creates -\$3.5 million of the -\$3.6 million estimated decrease of value add: 97% (3.5/3.6).
- The other five farms in operation not mentioned in Table 41, must be and must become extremely profitable (as this analysis below is prepared before the three new farms approved in 2012 become fully operational). See Figure 4 of the *Letter to the Minister*.

**Table 41: Total economic impacts, combined production limits**

	<b>Column A</b> BMP maximum production, incorporating commercial viability and operational considerations		<b>Column B</b> Baseline production		<b>Column C</b> <b>Estimated decrease</b> in economic impact from implementing maximum BMP production, incorporating commercial viability and operational considerations	
Salmon Farm	Value add (\$m)	FTE	Value add (\$m)	FTEs	Value add (\$m)	FTEs
Otanerau	3.0	31	3.1	32	0.1	1
Ruakaka	0	0	3.5	37	3.5	37
Forsyth	1.7	18	1.7	18	0	0
Waihinau	1.7	18	1.7	18	0	0
Crail Bay MFL 32	0	0	0	0	0	0
Crail Bay MFL 48	0	0	0	0	0	0
<b>Total</b>	<b>6.4</b>	<b>67</b>	<b>10.0</b>	<b>105</b>	<b>3.6</b>	<b>38</b>

The economic impact from the six low-flow sites operating under maximum production BMP guidelines, incorporating commercial viability and operational considerations compared to baseline production is an estimated **decrease** in annual value add of \$3.6 million and an estimated 38 fewer FTEs supported annually.

33. We suggest the Panel requests a copy of the Excel sheet provided by NZKS to PwC in order to fully appreciate the profitability of each farm – current and proposed. See excerpt from p. 36 of the report below:

NZKS has provided an Excel model which calculates earnings before interest and tax (EBIT) for each operational salmon farm site.<sup>40</sup> We have checked the arithmetic used to calculate FY16 EBIT for all operational salmon farms and EBIT for Ruakaka, Waihinau and Otanerau using the maximum projected salmon production under BMP guidelines. We found that the calculation is internally consistent with NZKS's EBIT calculated using NZKS's audited FY16 statement of comprehensive income, which is provided in the model.<sup>41</sup>

34. **Reliability:** MPI have acknowledged that the PwC report does not contain all the relevant data. This means it is not possible for a third party to verify the data and model. This is also evident in the following extract from the PwC report, pp. 58–59:

However, we are unable to guarantee pages three and four are 100% free of errors and will perform correctly under all possible scenarios. In checking pages three and four, we have not carried out anything in the nature of an audit, nor have we considered the reasonableness of the information and assumptions supplied to us in any way. Accordingly, we express no opinion on the reliability, accuracy or completeness of the information provided to us and upon which we have relied. Responsibility for the reliability, accuracy and completeness of the information remains with the NZKS.

35. EY also acknowledge that ‘we have not verified the underlying figures’ (see p. 3 of the EY review).

36. We believe that PwC’s terms of engagement with MPI should have required verification of the data, rather than relying solely on the figures and assumptions provided by NZKS. For example, PwC does not assume any reuse of farm equipment. EY also note that

pen structures and polyester nets were assumed to be sourced in the regions, but it seems likely that at least some of these structures will be sourced from outside the region or overseas or old farms moved to the new sites, reducing the overall economic value. (see p. 5, Section 1.4, ‘allocation of capital expenditure’)

37. There have also been concerns raised over the quality of the full time equivalent figures supplied by NZKS that form part of the PwC inputs.<sup>4</sup> The figures are disparate with other data supplied by NZKS to the Global Salmon Initiative.

38. **Sensitivity:** The PwC report comments on price sensitivity:

NZKS’s forecast revenue for FY16 is \$112.4 million, which is sensitive to changes in the price of salmon. For example, a \$1 decrease in the price per kilogram of salmon would result in New Zealand King Salmon’s revenue decreasing by \$6.2 million. (p. 11, PwC report)

39. However, it does not look at other types of sensitivity. Our concerns are supported by EY, who state:

There is no formal sensitivity analysis regarding the parameters and assumptions employed. (p. 3, EY review)

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4 See EY review, p. 5, Section 1.3 ‘Model FTE’ and p. 4, Para 3: ‘It is not clear whether [...]’ at [www.mpi.govt.nz/document-vault/16105](http://www.mpi.govt.nz/document-vault/16105).

40. **Independence:** In Para 53 of *Advice to the Minister of Aquaculture*, the Marlborough Salmon Working Group (MSWG) recommend that the PwC economic impact assessment be independently reviewed:

Given the limited time available after the report was produced and questions raised, the SWG considers that the PwC economic analysis needs to be independently reviewed to ensure the accuracy and appropriateness of the economic predictions. (Para 53, p. 18)<sup>5</sup>

41. Independence has been a common principle underlying the PwC report and review. For example, EY note:

As part of this process, MPI and the stakeholders' commissioned PwC to prepare an independent economic impact assessment (EIA) to evaluate options to support the decision making process. This report focuses on providing an independent peer review of the PwC report to provide assurance to decision-makers that the analysis is robust and can be utilised for decision-making purposes. (p. 2, EY review)

42. Proposals to farm salmon in the Marlborough Sounds have always been seen as contentious. For this reason, Cabinet should rightly seek a high level of independence in line with the level of public interest and magnitude of impacts. MPI was correct to pursue both an independent economic assessment and an independent review of that assessment by a third party. However, both preparer and reviewer have had an ongoing client relationship with NZKS for many years. These relationships may cloud the authors' and reviewers' judgements and prevent them from critically checking data and testing assumptions. The background of the relationships is outlined in the timeline (Attachment 1 of the *Letter to the Minister*) and briefly described below.
43. The PwC *Economic Impact Assessment* report (November 2016) was authored by Bill Kaye-Blake, Director, Finance and Economics, Consulting at PwC. The EY review of the PwC report (6 November 2016) was authored by Chris Money, Transactions at EY Wellington. Further, EY Christchurch have been the independent auditors of NZKS for a number of years – see the 2016 Financial Statements<sup>6</sup> and EY Transaction Advisory Services Limited (EYTAS) prepared the *Independent Limited Assurance Report on the Pro Forma Statement of Financial Position as at 30 June 2016*. The EYTAS indicates in the introductory section that the report was prepared for the purposes of listing NZKS on the Australian Securities Exchange Board (ASX).<sup>7</sup> See in particular the LECG report *Aquaculture in New Zealand: Preliminary analysis of "New Space" settlement obligation* (June 2010). It discusses both the NZIER and EY

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5 See [www.mpi.govt.nz/document-vault/15982](http://www.mpi.govt.nz/document-vault/15982).

6 See [www.companiesoffice.govt.nz/companies/app/service/services/documents/9281B596F56FF624A1BC8DE82D11DE26](http://www.companiesoffice.govt.nz/companies/app/service/services/documents/9281B596F56FF624A1BC8DE82D11DE26).

7 See [www.nzx.com/files/attachments/246222.pdf](http://www.nzx.com/files/attachments/246222.pdf).



reports and is insightful. The LECG report is useful as it refers to the assessment of scenarios.<sup>8</sup>

44. The timeline (Attachment 1 of the *Letter to the Minister*) illustrates how earlier reports by NZIER (the organisation), EY (the organisation), and Bill Kaye-Blake (who has worked for NZIER and is now a consultant at PwC) have shaped the narrative around the economic benefits of salmon farming in the Marlborough Sounds and/or the goal of creating a \$1 billion industry by 2025 over a number of years. It is important to appreciate that New Zealand is a small country and these types of issues occur frequently and are manageable. It would have been possible and beneficial for there to have been more transparency about these past involvements in the process and to have used other experts who were perceived by the public as more independent.
45. The real test is whether the PwC report and EY review have delivered on their purpose – to provide an independent assessment for decision makers that can be relied upon and trusted by Government and the public.

#### **Response to Andrew Clark's Statement of Evidence (April 2017)**

46. In Andrew Clark's *Statement of Evidence*, he takes issue with our statement that Bill Kaye-Blake was the economics expert for King Salmon at the Board of Inquiry in 2012 – see his comments on p. 2 of Appendix 1 in his *Statement of Evidence*. The extract below clearly states that Bill Kaye-Blake was the economics expert for King Salmon.<sup>9</sup>

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8 See [www.parliament.nz/resource/enNZ/49SCPP\\_EVI\\_00DBSCH\\_FIN\\_10267\\_1\\_A146947/f8a383cfb844886c86146700f2fc97e2d7e53281](http://www.parliament.nz/resource/enNZ/49SCPP_EVI_00DBSCH_FIN_10267_1_A146947/f8a383cfb844886c86146700f2fc97e2d7e53281)

9 This text can be found on p. 2 of the Joint statement of economics experts from the BOI dated 11 September 2012 and retrieved from [www.epa.govt.nz/Publications/Economics%20Expert%20Witness%20Caucusing%20Statement.pdf](http://www.epa.govt.nz/Publications/Economics%20Expert%20Witness%20Caucusing%20Statement.pdf).

**1. INTRODUCTION**

- 1.1 This joint statement is prepared in accordance with sections 5.6.1(h) and 5.6.2 of the Environment Court's Practice Note 2011.
- 1.2 This joint statement relates to expert conferencing on the topic of economic effects.
- 1.3 The conference was held on 11 September 2012 in Wellington, starting at 8.30am.
- 1.4 Attendees in person at the conference were:
  - (a) Douglas Fairgray – Economics Expert for King Salmon
  - (b) Bill Kaye-Blake – Economics Expert for King Salmon
  - (c) Tim Hazledine – Economics Expert for Marlborough District Council
  - (d) Wendy McGuinness – Economics Expert for the McGuinness Institute
- 1.5 Trevor Offen (Economics Expert for Kenepuru and Central Sounds Residents Association) attended the conference by telephone.

**2. KEY FACTS AND ASSUMPTIONS**

- 2.1 Refer to Annexure A.

**3. METHODOLOGIES AND STANDARDS**

- 3.1 Refer to Annexure A.

47. Clark raises issues about transparency over a property I co-own in the Marlborough Sounds. As far as I am aware, I have always made this clear. Below is an excerpt from the inside cover of a working paper, which I have assumed is the 'fine print' he mentions:

About the author	Wendy McGuinness is the founder and Chief Executive of the McGuinness Institute. Originally from the King Country, Wendy completed her secondary schooling at Hamilton Girls' High School and Edgewater College. She then went on to study at Manukau Technical Institute (gaining an NZCC), Auckland University (BCom) and Otago University (MBA), as well as completing additional environmental papers at Massey University. As a Fellow Chartered Accountant (FCA) specialising in risk management, Wendy has worked in both the public and private sectors. In 2004 she established the McGuinness Institute (formerly the Sustainable Future Institute) as a way of contributing to New Zealand's long-term future. She has also co-authored a book, <i>Nation Dates: Significant events that have shaped the nation of New Zealand</i> . As part-owner of a property on the western side of Arapawa Island, Wendy also has an understanding of Queen Charlotte Sound, the community that lives within the Sound and the diverse range of bird and marine life that co-exists there.
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Disclaimer	<p>This paper is not intended to be relied upon for decision making, it instead aims to provide interested parties with preliminary background information for further investigation and study. Nothing in this paper should be treated as investment advice. The author of this paper is not an investment advisor and any comments in this paper are not to be relied on for any future investment decisions.</p> <p>The McGuinness Institute has taken reasonable care in collecting and presenting the information provided in this publication. However, the Institute makes no representation or endorsement that this resource will be relevant or appropriate for its readers' purposes and does not guarantee the accuracy of the information at any particular time for any particular purpose. The Institute is not liable for any adverse consequences, whether they be direct or indirect, arising from reliance on the content of this publication. Where this publication contains links to any website or other source, such links are provided solely for information purposes and the Institute is not liable for the content of any such website or other source.</p>

48. The remaining discussion relates to information that was outstanding. We had questions to MPI that were not answered before submissions closed. The Institute had no choice but to include what we had written and add 'draft' on our submission. While I can appreciate this was unsatisfactory for Clark, it was also unsatisfactory for the Institute. My only wish was that MPI had not published it on the website, but I also appreciate their obligations in this matter. If the Panel would like copies of our correspondence with MPI, I am happy to provide these.

### **Response to PricewaterhouseCoopers (PwC) review of *Working Paper 2016/02 – New Zealand King Salmon: A financial perspective***

49. **Re: p. 6** 'The Institute Paper lacks a policy framework'. This paper was never intended to present a policy framework. In *New Zealand King Salmon: A financial perspective's* executive summary we explain that:

This working paper is not a detailed report; it does not undertake any economic analysis of the salmon market or undertake any in-depth financial analysis of the company into the future. It is intentionally narrow in focus and retrospective in nature – we have focused on events before 9 July 2016. This paper focuses on the benefits (and touches on the risks and costs) of NZKS operations in the Marlborough Sounds as discussed at the 2012 Board of Inquiry (BOI) and more recently in the press. As this paper is dependent on and primarily concerned with the information that is in the public domain (primarily NZKS Financial Statements and articles in the press), it is not comprehensive. Decision makers may have access to or could demand additional timely and comprehensive data.

50. We also note that this working paper is part of a wider project rather than an entirely independent document. A working paper is not a report.
51. A 'policy framework', in the way the *Review* appears to expect, was not considered relevant for the purposes of the paper.
52. **Re: p. 11** PwC notes that the original working paper mislabelled the figure title of a debt-to-asset ratio as a debt-to-equity ratio. This error was corrected during the final stages of editing, before the working paper was published as final in March 2017.

## **Disclaimer**

This statement of evidence has been prepared solely for the purpose stated herein and should not be relied upon for any other purpose. We accept no liability to any party should it be used for any purpose other than that for which it was prepared.

To the fullest extent permitted by law, the McGuinness Institute accepts no duty of care to any third party in connection with the provision of this statement of evidence and/or its attachments. The McGuinness Institute accepts no liability of any kind to any third party and disclaims all responsibility for the consequences of any third party acting or refraining to act in reliance on this statement of evidence and its attachments.

We have not independently verified the accuracy of information available to us. Accordingly, we express no opinion on the reliability, accuracy or completeness of the information upon which we have relied.

The statements and opinions expressed herein have been made in good faith, and on the basis that all information relied upon is true and accurate in all material respects, and not misleading by reason of omission or otherwise.

The statements and opinions expressed in this statement of evidence and its attachments are based on information available as at the date of presentation to the Panel.

We reserve the right, but will be under no obligation, to review or amend our statement, if any additional information that was in existence on the date of this presentation was not brought to our attention or subsequently comes to light.