

Hon Kiritapu Allan  
Minister of Conservation  
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Wellington 6160

*By email to k.allan@ministers.govt.nz*

5 August 2021

*Copied to: New Zealand Conservation Authority, Lou Sanson*

Tēnā koe Minister Allan,

**RE: RESIGNATION OF INGER PERKINS, NEIL SILVERWOOD AND SUZANNE HILLS FROM THE WEST COAST TAI POUTINI CONSERVATION BOARD**

We write with heavy hearts and considerable regret to inform you that we are resigning collectively from the West Coast *Tai Poutini* Conservation Board. It is no longer tenable for us to remain as Board members as both individually, and as a collective Board, we are being prevented from fulfilling our duties under section 6M of the Conservation Act 1987.

Additionally, we feel that Board meetings and internal communications are no longer safe working environments. Instead, we feel that personal attacks, including claims of racism, have become normalised.

Our concerns are outlined below, and we have included further detail in the attached annex.

- The Board has begun to act outside the framework of current conservation legislation and the purpose for which we have been appointed.
- There is an increasing focus on economic interests over conservation values, at odds with conservation legislation that has no economic mandate. The relationship between DOC and Poutini Ngāi Tahu is economically focused and partnership actions risk falling outside the Act.
- There has been a failure to meaningfully address commercial conflicts of interest held by some Board members.
- The newly elected Board Chair is failing to uphold an impartial view and Board independence and integrity was compromised at the July meeting. This falls well short of the expectation of the public, and that of the NZ Conservation Authority.
- The Board is unable to protect its independence enough to provide meaningful checks and balances. As the DOC/Iwi Treaty Partnership strengthens and develops, it is increasingly difficult for the Board to remain independent of this co-management

system, particularly as some Board members are also the Treaty Partner representatives of their rūnanga.

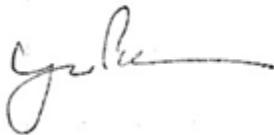
- Valuing the diversity of the Board and acceptance of the equal legitimacy of all its members has not been upheld by the Director of Operations, Western South Island. This has created ongoing difficult relationships between us and the Director, which has restricted our ability to contribute to conservation outcomes for the region.

We would like to suggest that the board is placed into statutory management while a review is undertaken by the Ombudsman or independent panel. The aim should be to develop a Board that has genuine Treaty Partner relationships on a conservation pathway. At the very least, meaningful ways must be found to address commercial conflicts of interest within the Board context. Until this work is undertaken, the Board will not be a safe working environment, nor fulfil its role under the Act. We believe the issues between Ngāi Tahu and the West Coast *Tai Poutini* Conservation Board and the conflicts of interest that have gone unchecked at Board meetings must be addressed. We ask that you or the Conservation Authority address them working directly with Ngāi Tahu.

Despite our extensive efforts, we have achieved little for conservation in our communities. The enthusiasm with which we accepted the public service appointments two years ago and the diligence and commitment that we have brought to the roles have been to no avail. As we become increasingly disenfranchised in advocating for conservation within a conservation board, it is tragically and abundantly clear that further efforts are futile and there is no other option open to us but to resign from our roles as Board members.

Please accept this letter as notice of our resignation with immediate effect. As passionate advocates for conservation, we will continue to actively contribute in other ways to achieve positive and progressive solutions to the climate change, inequality and biodiversity crises. We hope that once again Papatūānuku Thrives and with it the wellbeing of all people of Aotearoa/New Zealand.

With regards,



Inger Perkins



Neil Silverwood



Suzanne Hills

## Annex

### ***The Board has begun to act outside the framework of current conservation legislation and the purpose for which we have been appointed.***

A growing concern relates to the references made by Poutini Ngāi Tahu Board members and others that we need not be bound by the Conservation Act because it is “outdated”, “not fit for purpose” and thus “irrelevant”. Board decisions have been made without the due process of measurement against the Act. An example was a rushed motion to unequivocally support the Dolomite Point Redevelopment Project directly after a presentation by one of the DOC project team. The item was listed on the agenda as information only, yet a motion was put forward by the Department and passed without members being given time to digest and reflect on the presentation, and in particular for new members to assess the consistency of the project against the Act.

The Act sets a high bar with regards to consistency. For an activity to be consistent with the Act, it must be provided for in the Act. However, we have grown increasingly concerned by the use of the phrase, “it is not inconsistent with the Act”. This effectively means that if that the Act does not specifically preclude an activity, then it can be allowed for without further consideration.

### ***Focus on economic interests over conservation values. The relationship between DOC and Poutini Ngāi Tahu is economically focused and partnership actions risk falling outside the Act.***

The relationship between DOC and Ngāi Tahu in the Western South Island has become almost exclusively focused on economic considerations and is more akin to a business partnership than a conservation one. Iwi Board members’ actions, largely focussed on advocating directly for iwi commercial and cultural interests, while essential in other forums, risk conservation being diminished rather than enhanced.

The Conservation Act section 6P provides for membership of Conservation Boards. Recent correspondence from Edward Ellison (19th January 2021) and from Minister Allan (14th January 2021) confirm that all Board members are independent of the organisations that nominated them and that they are independent bodies. The Board has three Ngāi Tahu members, two appointed under s6P(7B) and one through the public process, s6P(2). All three Ngāi Tahu Board members advocate almost exclusively for Ngāi Tahu business and cultural interests, regardless of conservation considerations.

We remain concerned that the proposal to transfer, once completed, the new Dolomite Point Visitor Centre asset to Ngati Waewae for commercial activities may be inconsistent with s6 of the Act. The proposal is a significant shift from the existing, free to access, DOC visitor centre model to a for-profit commercial operation including food and beverage, retail and an experiential exhibit space. We believe such a significant policy shift merits both conservation board and public consultation, yet neither has occurred. The two Ngati Waewae Board

members have advocated strongly for the project to proceed within the board context, yet no conflicts of interest have been declared in writing or prior to debate on the topic. It has also been asserted by the Department that Crown Law have assessed and approved the proposal. However, despite requests, the Board has not been provided with any evidence that would help clarify whether the proposal was consistent with the Act.

***Board meetings and internal communications are no longer safe working environments.***

The Board working environment is very tense and extremely stressful. Members have been exposed to rude and disrespectful behaviour including accusations of racism from other members via email correspondence, during meetings and reported to us by others. At the most recent meeting this behaviour went unchecked by the Chair. The failure to meet professional behaviour standards in the Code of Practice for Conservation Boards has profound effects on members' wellbeing and has resulted in a dysfunctional Board.

***Failure to meaningfully address commercial conflicts of interest held by some Board members.***

All Board members should have completed 'Declaration of Interests' forms and conflicts of interest should be declared at each meeting. However, despite having business interests in coal and gold mining, hydro-electric power and tourism, Ngāi Tahu members appear to consider themselves exempt from this requirement. We believe that undeclared conflicts have played a role in Board decisions. This risks degrading the public trust in the Board, brings the Board's independence into question and could be seen as a form of corruption.

A legitimate review of the West Coast CMS could not be undertaken in partnership with Ngati Waewae without understanding these conflicts including aspirations around developing coal reserves on the Denniston plateau and supporting hydro power schemes where conservation values would be lost. If not addressed, the process may well become corrupted. It is important too, that in the case of the upcoming stewardship land review, an area the Board has been involved with in the past, the review panels remain non-partisan and focussed on conservation values and the functions of the Department.

***Board Chair failing to uphold an impartial view, compromising Board independence and integrity.***

At the July meeting, the new Board Chair failed to uphold Board integrity with the assertion of "we are not an independent Board". Later in the meeting this assertion manifested itself with the Chair repeating almost word for word a motion suggested by the Director of Operations and disallowing further discussion or debate. The Chair also failed to bring to order disrespectful and rude behaviour.

***The Board is unable to protect or assert its independence enough to provide meaningful checks and balances.***

For the Board to remain independent, it is necessary to operate outside the evolving DOC/Iwi Treaty Partnership. This is increasingly difficult when some Board members are also the Treaty Partner representatives of their rūnanga.

For example, we note that when the Paparoa NPMP was reviewed in 2017, this was done in partnership and the management plan was co-written. The derogation case and associated issues and costs were, in part, a direct result of iwi commercial aspirations with regards to recreational helicopter landings inside the park.

We note that our joint resignation follows two other resignations by Dr Keith Morfett and Barry Hughes. We share the frustrations outlined in Mr Hughes' letter of resignation about the lack of meaningful progress for conservation. We note that Dr Morfett (the chairperson at the time) was asked by both a senior member of the Department and Hon Eugenie Sage (the previous Minister) to resign to help ease tensions with Ngāi Tahu. We note that Keith was a democratically elected chair and appointed by the Minister.

We note that of the new appointments made by minister Sage two years ago – none now remain. We trust that the recent appointment process followed section 6P of the Act and was not influenced other than as required by the Act.

***Director of Operations, Western South Island has failed to value the diversity of the Board and to accept the equal legitimacy of all its members.***

This has been evident in the Director's differing style of response to individual members at Board meetings and at other times. For some members it has been dismissive, defensive or misleading; this negative and personal approach has not allowed for constructive engagement.