

Keith Chapple – Speaking for the Rivers

by Gerard Hutching

PROFILE

IN ANOTHER LIFE Keith Chapple might have been a lawyer. According to those who have watched him at work in a Planning Tribunal, in *this* life Chapple is the match of most with an LL.B after their name.

"He would have made a brilliant lawyer. He has a quick ability to size up issues and an equally quick ability to size up technical matters," considers Jim Guthrie, the lawyer who handled the Department of Conservation's Wanganui River flows appeal.

The David and Goliath encounter between those who advocated a return of the headwaters of the Wanganui and Electricorp who opposed such a move provided the platform for Forest and Bird's King Country branch chairperson to hone his legal skills. For six months he commuted weekdays to Wellington for the marathon hearing, probably the lengthiest Planning Tribunal hearing ever held. There he advocated on behalf of the Wanganui River Flows Coalition, of which Forest and Bird is a member. Despite the personal hardships the hearing caused, one senses it was a role he relished.

"It was the most difficult thing I've done in my life. I developed a love-hate relationship towards the legal process. The satisfying times were cross examining and destroying a witnesses' credibility.

"But at the same time Electricorp made life difficult, changing evidence and suddenly forcing me to change my questions. At times it was overwhelming when their witnesses had so much information," he says.

For Keith and Brenda Chapple – an indispensable partner in the saga – the Wanganui story began in 1987 when they were making submissions to the Whanganui National park draft management plan. It was then that the implications of taking all the headwaters away from the lower reaches of the Wanganui River, and in fact diverting the waters of 66 rivers from around Tongariro National Park for the Tongariro power scheme, hit home. Fish stocks were depleted, the blue duck's population plummeted, canoeists and rafters lost some of the finest white water rivers in the North Island, and the local Maori lost the source of their mana. Chapple chronicled the history of the scheme in a sell-out booklet *The Rape of the Wanganui*.

Fortunately a review of the minimum flow regime for the Wanganui was due in May 1988. The Chapples swiftly seized upon this opportunity. Realising that broad community support would be one of the key elements in winning the campaign, they melded together 35 groups into the Wanganui River Flows Coalition. King Country Federated Farmers, the Wanganui Chamber of Commerce and Forest and Bird were some of the diverse organisations involved. A detailed hearing before the Central Districts Catchment Board followed.

At the same time the Government an-

nounced it was preparing to sell all water rights and assets to Electricorp. The Chapples promptly organised a petition calling on the State-Owned Enterprise to apply for a water right for the Wanganui. The petition had the desired effect; within six weeks of its launch Electricorp had decided to apply for a water right for the western diversion and the Wanganui tributaries.

By October 1988 the Catchment Board announced its decision in favour of returning 100 percent of the Wanganui River headwaters and eight to sixteen times the flow of the Whakapapa River. Unaffected by the decision were the remaining 64 rivers diverted for the power scheme. They would continue to flow north into Lake Taupo.

The decision was an obvious body blow to Electricorp. Chairman John Fernyhough's immediate reaction – informing TV news viewers that their power bills would jump by \$100 as a result – graphically demonstrated how shaken the SOE had been by the decision. The scaremongering claims were swiftly rebutted by energy researcher Molly Melhuish who calculated that at the most the extra costs would amount to \$1.54. However, pleading that the national interest was at stake, Electricorp decided to appeal the case to the Planning Tribunal.

It soon became apparent that Electricorp would spare no expense to win the hearing. They called more than 40 witnesses and rumour places their total costs at anything between \$7-\$15 million. Citing the potential costs of more than \$100,000, Forest and Bird decided to withdraw from the hearing in April 1989, leaving the Department of Conservation, the Wanganui River Flows Coalition and the Wanganui Maori Trust Board to advance the conservation case.

In fact Forest and Bird continued to play a part in the proceedings: for a period Keith Chapple was forced to take leave from his job in the engineering department of the local hospital, for which the Society reimbursed him. However, he often continued to work night shift at weekends. It was a frenetic schedule: commuting to Wellington on Monday for the hearing, returning to Kakahi on Friday evening and working at the hospital through the weekend.

"It was bloody murder. The hearing lasted eight months and I took two-thirds of that time off work. If it wasn't for Forest and Bird's help we would have been forced to withdraw from the hearing," Chapple recalls.

As Electricorp raised the ante, the support the Flows Coalition had received up until then began to recede. Of the 35 groups originally in the coalition, only 13 agreed to remain for the hearing. The spectre of costs being charged against the coalition was having its effect.

The Coalition prepared its case. Keith describes Brenda as "the lynchpin" of the

coalition. A former secretary/personal assistant, she provided the professional touch required for submissions. She became pregnant during the campaign and gave birth to Brendan Wainui at the time when Tribunal members were undertaking a field inspection of the rivers. Little Brendan and Brenda attended the Tribunal during its last days to lend moral support to a proud father.

Other key members of the coalition were Tom Wells, Larry Rogers, the Parker brothers, Manu Lala and Jim Gosman. Expert advice came from Massey University geography lecturer Peter Horsley and former Auckland University environmental studies lecturer Dr Bob Mann. Graeme Dingle and Grant Davidson gave invaluable advice on recreation; David Pate on the electricity system, energy conservation and management; Brian Carran on regional development and tourism opportunities; the Parker brothers, owners of Plateau Guides Ltd, donated thousands of dollars of time and research trips down the rivers. In addition the Chapples received an award from the Orangi Kaipapa Trust – "for services to the environment" – which assisted with personal expenses. Other financial support came from the Ruapehu District Council which weighed in with \$5000 for the Coalition when funds were running short, and Taumarunui residents who donated

RIVER LAW

ACCORDING to the Justice Department, the Planning Tribunal hearing into Electricorp's appeal over the minimum flow regime set down for the Wanganui and Whakapapa Rivers was "probably" the lengthiest and most costly in New Zealand history.

For the statistically minded, the following facts about the case will be of interest:

Length of sitting: 94 sitting days spread over seven months.

Number of witnesses: 104

Number of lawyers: 14 maximum, 10 minimum.

Electricorp's evidence: 2.5 metres tall.

Length of transcript: 2,500 pages.

Length of evidence of all parties: 100,000 pages.

Expense to Electricorp: Estimated \$7 million minimum; \$15 million maximum.

Expense to Department of Conservation: \$625,000.

Witness expenses: Rumoured \$750,000 to one witness; \$250,000 to another; \$5 million to a scientific establishment.