

Both Dr Heffernan and Mark Henry stated that they had read the Code of Conduct for Expert Witnesses in the Environment Court Consolidated Practice Note 2006 and agreed to comply with this Code of Conduct and that their evidence had been prepared in compliance with this Code.

Both Dr Heffernan and Mark Henry breached the code for expert witnesses.

Here is the transcript of Dr Heffernan's evidence to the board.

MR McCLELLAND: Yes, can you hear me? I just want to check a couple of things quickly. Were you the one that went on Radio Live and said this wind farm was to be the same size as Te Apiti?

(INDISTINCT30 4.38.51)DR HEFFERNAN: I don't recall the actual interview but I think I do recall being asked about the type of turbines that were likely to be used and I do not ever recall being asked about the size of the wind farm. But I do recall being asked about the size of wind turbines, and I said that I expected that the type of technology would be similar to Te Apiti and therefore of a similar scale.

PERTINENT PART OF INTERVIEW BETWEEN MARCUS LUSH AND DR HEFFERNAN

ML In terms of Turitea what sort of size, number of turbines, and compared to the other one in the Tararuas - is it a bigger wind farm than that?

DH Oh, -- its of a similar size to the Meridian Te Apiti windfarm in the Tararuas - yes.

ML OK, and it would be more than the Lammermoors in the South Island - is that right?

DH I'm not sure I don't know enough detail about the Lammermoor one.

The full interview is available online and.

<http://www.radiolive.co.nz/tabid/506/Default.aspx?articleID=8347>

Mr Mark Henry claimed that Mighty River Power had not carried out internet surveillance and suppression/elimination of information, and that MRP showed no interest in

www.palmerston-north.info

Copious evidence of sitemeter visits to palmerston-north.info by MRP was submitted which completely contradicted his false claim.

The parts of the code which are pertinent here are

5.1.2 oral and written evidence must comply with the code

5.2.2 An expert witness is not an advocate for the party who engages the witness, yet both Heffernan and Henry are paid employees of Mighty River Power.

5.3.1 section f state that the expert witness has not omitted to consider material facts known to the witness that might alter or detract from the opinions expressed;