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Palmerston North

Attorney General (Hon. C. Finlayson)
Acting Solicitor General (C. Gwyn)

22 April 2012

Dear C.Gwyn and Hon. C. Finlayson

Ref. Turitea Board of Inquiry

The Adams and Huatau Marae are disturbed about the process failures that emerged in the Final Report and Decision for Turitea Wind Farm. The Board of Inquiry, appointed by the Hon. Dr. Smith, failed to correct errors of fact pointed out in written submissions by the Adams and Huatau Marae. The Board of inquiry also failed to correctly assess visual impact on Huatau Marae.

Such process failures are inexcusable by a highly paid Board of Inquiry consisting of a Judge and four commissioners. The process failures are not points of law that can be appealed to the High Court and even if they were the Judiciary does not censure its own.

The Adams and Huatau Marae have explored every avenue to have the errors rectified. Hon. Dr Smith claimed that the Board had met its statutory duty although it had not produced a factually correct report. The Judicial Complaints Commissioner claimed that Judge Kenderdine had retired and complaints cannot follow a Judge into retirement. The Ombudsman is unable to get involved because a Board of Inquiry is not a governmental agency for the purposes of an investigation under the Ombudsmen Act.

It is absolutely disgraceful that there is no avenue of redress to have errors in an official document rectified. Colonisation is alive and well in terms of the historical record not being factually correct. This denial of natural justice, as set out in the Cabinet Manual for Boards of Inquiry, is the stuff of kangaroo courts and banana republics.

The Adams and Huatau Marae request that a Board of Inquiry is set up to investigate the process failures of the Turitea Board of Inquiry because there appears to be no other process to rectify the incompetence, bias, or whatever exhibited by the retired Judge and Commissioners for the Turitea Hearing.

Yours sincerely

John Adams
(on behalf of The Adams and Huatau)

Cc. Rt. Hon. J.Key, Dr Smith, Hon. J. Ryall, Hon. P. Heatley, Dr Smith, Chief Justice

