Dear Brigid Corcoran

Ref. Your letter ref, O/LI/6/2012, dated 5 September 2012

Thank you for your letter in response to the Adams and Huatau concerns about factual errors being carried, by the Board of Inquiry, into the Final Report and Decision of Turitea Wind Farm.

We were already fully aware of the clarification you have provided concerning the process required to have errors rectified in a decision. We understand that the usual process is by way of appeal and judicial review because most errors result from interpretation and application without precedent. The issues we are concerned about do not relate to errors of interpretation but entirely to what we believe to be gross negligence, incompetence, premeditated action, arrogance or a combination of all the aforementioned. We have this opinion because we requested corrections to errors of fact in the Draft Report and Decision via written submissions. A sample of two letters, from a total of ten, relating to some of our specific concerns is attached.

There is no excuse for these errors to have been carried forward into the Final Report and Decision, and this does not require appeal and judicial review to determine that there are errors. The whole matter is fully documented and indisputable. At stake is due process that underpins democracy. We no longer have any confidence in process that appoints a retired judge and board who, with tacit Government sanction, are able to cut and run without accountability.

We understand the pressure on Boards of Inquiry to ensure projects proceed but this should not be the end result of a manipulated process and reports contaminated with inexcusable errors of fact. Other processes such as the Public Works Act are available if necessary.

Respect for institutions such as the Judiciary and public process is absolutely essential in a fully functioning democracy. The stain of errors in an official public document cannot be left to fester, especially when these are certain to create downstream issues. It is unfortunate that the work streams of the Law Commission do not allow it to act in a catalytic capacity to ensure the Turitea Board meet their terms of reference, to produce a report on findings of fact. Does such a matter rest with the Hon. Dr Smith who commissioned the Board of Inquiry?

Yours sincerely

John Adams
(On behalf of the Adams and Huatau)

Cc. Attorney General, Solicitor General, Chief Justice, Rt. Hon. J.Key, Hon. B.English, Hon.A.Adams, Governor General, EPA, Hon. Dr Smith