



Ref: 120553

Confidential

11 April 2018

Paul Warren Stichbury
by email

Kia ora Paul

This letter is the Commission's response to your complaint of 17 January 2018 that your rights as a property owner were violated by a secret contract between the Palmerston North City Council and Mighty River Power to build the Turitea Wind Farm.

Having considered the information you have provided, the Commission declines to progress your complaint. In summary, there are two reasons for this decision. We consider there is no indication of a ground of unlawful discrimination under the Human Rights Act 1993 (the Act). Also, we consider that section 80(2)(d) of the Act applies, in that the matters you raise are historical. I have included a copy of section 80 for your information.

By way of a fuller explanation, the Act 1993 is quite specific about what constitutes unlawful discrimination. The Commission is able to progress complaints of unlawful discrimination where there is some information to show that a person has been treated differently from other people in the same situation in a way that disadvantages them, when:

- The reason for that treatment **is because of** one of the 13 grounds which are identified as being unlawful (such as age, race, sex, marital status, disability).
- The treatment complained about happened in an area of public life (such as Government activity, the provision of goods and services, employment).
- There is material detriment as a result.

If you disagree with our decision not to progress your complaint, 'the next step' is for you to take a case to the Human Rights Review Tribunal (HRRT), either directly or by seeking representation from the Office of Human Rights Proceedings (OHRP). In providing this information we are not suggesting that the Tribunal will take a different view.

Another option for you is to consider raising your concerns with the Office of the Ombudsman [see section 80(3)(d) of the Act].

Nga mihi

P. Jackson

Peter Jackson, Operations Leader/Kaitātaki, Whakahaere
Enquiries and Complaints | Ngā Pātai me ngā Amuamu
Human Rights Commission | Te Kāhui Tika Tangata

Copy of section 80 of the Human Rights Act 1993:



Section 80

80 Taking action or further action in relation to complaint

- (1) The Commission may only take action or further action under this Part in relation to a complaint if the complainant or person alleged to be aggrieved (if not the complainant) informs the Commission that he or she wishes to proceed with the complaint.
- (2) The Commission may decline to take action or further action under this Part in relation to a complaint if the complaint relates to a matter of which the complainant or the person alleged to be aggrieved (if not the complainant) has had knowledge for more than 12 months before the complaint is received by the Commission.
- (3) The Commission may also decline to take action or further action under this Part in relation to a complaint if, in the Commission's opinion,—
 - (a) the subject matter of the complaint is trivial; or
 - (b) the complaint is frivolous or vexatious or is not made in good faith; or
 - (c) having regard to all the circumstances of the case, it is unnecessary to take further action in relation to the complaint; or
 - (d) there is in all the circumstances an adequate remedy or right of appeal, other than the right to petition Parliament or to make a complaint to the Ombudsman, that it would be reasonable for the complainant or the person alleged to be aggrieved (if not the complainant) to exercise.

If the Commission decides to take no action or no further action in relation to a complaint, it must inform the complainant or the person alleged to be aggrieved (if not the complainant) and the person against whom the complaint is made—

- (a) of that decision; and
- (b) of the reasons for that decision; and
- (c) of his or her right, under section 92B, to bring proceedings before the Human Rights Review Tribunal.