

Our reference: 225086

Confidential

10 August 2023

Julian Batchelor

By email: julian@stopcogov.kiwi

Dear Julian,

Complaint to the Human Rights Commission from Paul Thistoll

The Human Rights Commission (“the Commission”) has received a complaint from Paul Thistoll. He alleges a speech given by you at an “Anti-co-governance” meeting breaches the Human Rights Act 1993 (“the HR Act”).

The relevant section is section 61 of the HR Act, Racial Disharmony (attached).

I write to inform you of this complaint and to confirm the Commission’s offer of its dispute resolution process to you and the complainant to try to resolve the matter.

The complaint

The complainant states in a meeting on Saturday June 24th in Invercargill, a member of the public asked if you thought there would be a civil war.

The complainant states, you referred to having received calls from people who have gone out and bought guns. You initially say, “let’s try and fight this peacefully”, and then go on to say,

“Unfortunately, they’re being funded by the government, and it’s a really bad, bad situation, you have to help me you guys. You can’t be nice little kiwis anymore...”

When New Zealanders went to war in WW2, some of them were just little sheep farmers, and they got into the front line and they had a gun stuck in their hand, and they had to change from being a nice polite nice little farmer, into a, if you don’t kill, you going to get killed, they had to become soldiers.

You can’t just be little complaining kiwis; you have to rise up.”

He believes these words are words that are threatening, abusive and insulting and are likely to excite hostility against or bring into contempt Māori.

To resolve this complaint, the complainant is seeking:

- An apology and acknowledgement that inciting racial division has no place in Aotearoa/New Zealand.

- That you undertake to halt what he considers to be hurtful and factually incorrect rhetoric being used to instil fear and create hostility towards Māori.
- That you commit to ensuring any further meetings use inclusive and reasoned debate regarding co- governance, defining what it actually means and the impact it will have on New Zealand.
- That you agree to training and education in Te Tiriti o Waitangi and the history of colonisation in Aotearoa/New Zealand.

The Human Rights Act 1993 (the Act)

The Commission provides a dispute resolution process for complaints alleging discrimination under the Act. That is not to say that the Commission has formed a view as to whether the allegation amounts to racial disharmony; rather, that the complaint can be received as a complaint to be progressed further through our dispute resolution process.

The Commission's dispute resolution process

The Commission offers a dispute resolution process where a complainant alleges unlawful discrimination and/or other forms of discrimination (including racial disharmony).

The process gives parties the opportunity to discuss and try to resolve the complaint, with the help of a mediator. Outcomes are focused on remedying what might have gone wrong, and reliant on the parties' willingness to come up with options they can agree on.

The process can be conducted by phone, email, or an exchange of written communications through the mediator or, in some circumstances, in person. The process is confidential to all those involved and intended to be on a 'without prejudice' basis to future legal rights. Any party can involve a support person(s) such as whānau, advocates, and lawyers if they wish.

The mediator is impartial. Their role is to ensure the process is fair to the people involved. The mediator and the Commission do not investigate complaints nor decide whether there has been a breach of the HR Act.

Participation in the process is voluntary. However, a complainant can file proceedings in the Human Rights Review Tribunal (the HRRT) for a decision on their complaint where a complaint is not resolved. Additionally, a complainant can apply to the independent Office of Human Rights Proceedings, who will assess whether to provide representation at the Tribunal.

Next steps

I look forward to receiving your response to this matter, including your advice as to whether you wish to engage in the Commission's dispute resolution process.

Please get back to me within the next 14 days. If there is no response from you, the complainant has requested that the Commission closes the complaint so that he can file proceedings with the HRRT.

If you would like to provide a response, I will send a copy to the complainant for his consideration.

I can be contacted on (04) 471 6757, or 0220130436, or email info@tikatangata.org.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dumi', with a small accent mark over the 'i'.

Mediator/Senior Human Rights Case Advisor
Kaihourongo/Mōhiōhio Tika Tangata me ngā Ratonga
Tautoko
Human Rights Information and Support Services