

Reference No. HRRT 018/2022

UNDER HUMAN RIGHTS ACT 1993

BETWEEN ANNETTE TUI MARIE NEPE

PLAINTIFF

AND JANE MICHELLE JEAN HILL

DEFENDANT

AND WOODVILLE DISTRICTS VISION
INCORPORATED (NOW KNOWN AS
WOODVILLE COMMUNITY COMMITTEE
INCORPORATED)

SECOND DEFENDANT

AT WELLINGTON

BEFORE:

Ms S Eyre, Deputy Chairperson

Dr SJ Hickey MNZM, Member

Ms L Ashworth, Member

REPRESENTATION:

Mr RJ Franke for plaintiff

Ms JM Hill in person

Mr P Tayler, Acting Chair of Woodville Districts Vision Incorporated for second defendant

DATE OF HEARING: Heard on the papers

DATE OF DECISION: 1 August 2022

DECISION OF TRIBUNAL REGARDING EXTENSION OF TIME¹

¹ [This decision is to be cited as *Nepe v Hill and Woodville (Extension of Time)* [2022] NZHRRT 26.]

[1] On 20 May 2022 Ms Nepe filed a claim against Ms Hill and Woodville Districts Vision Incorporated (Woodville). The claim was served on Ms Hill and Woodville by email on the same day.

[2] Regulation 15(1) of the Human Rights Review Tribunal Regulations 2002 required the statements of reply to be filed by 22 June 2022, being 22 working days after the day on which the proceeding was served on the defendants.

[3] Woodville filed its statement of reply on 21 June 2022. A statement of reply was sent to the Tribunal by Ms Hill on 1 July 2022, seven working days late.

[4] A defendant may only file a statement of reply late if leave has been granted to do so by the Tribunal, as required by regulation 15(3) of the Human Rights Review Tribunal Regulations 2002.

[5] Ms Hill mistakenly holds the view that she filed a statement of reply with the Tribunal on 23 May 2022. However, the email Ms Hill sent on 23 May 2022 was sent to Mr Franke, who does not work for the Human Rights Review Tribunal and is Ms Nepe's lawyer. This was pointed out to Ms Hill by Mr Franke and by the Tribunal on more than one occasion. Notwithstanding this, Ms Hill has reiterated her view that she sent her statement of reply to the correct email address.

[6] The documentation Ms Hill sent to Mr Franke on 23 May 2022 was not sent to the Human Rights Review Tribunal, accordingly it cannot be accepted as a statement of reply filed on time. Furthermore, it was different from the statement of reply Ms Hill sent to the Tribunal on 1 July 2022.

[7] Notwithstanding the fact that the statement of reply was filed late, as it is apparent Ms Hill does wish to defend this claim and as she is not legally represented, it is appropriate that she is afforded some leniency in relation to the nature of the filing requirements for this Tribunal. The statement of reply was not filed so late as to result in significant delay to the overall resolution of these proceedings.

[8] Accordingly, the Tribunal grants leave for Ms Hill's statement of reply sent to the Tribunal on 1 July 2022 to be accepted for filing.

[9] Ms Hill is to ensure that in future any documents required to be filed with the Tribunal are sent to the hrrt@justice.govt.nz email address and copied to the lawyer for Ms Nepe and to Mr Tayler on behalf of Woodville.

ORDER

[10] The following order is made:

[10.1] Ms Hill's statement of reply sent to the Tribunal on 1 July 2022 is accepted for filing.

[10.2] The Secretary of the Tribunal is to set down a case management teleconference on the next available date.

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Ms S Eyre
Deputy Chairperson

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Dr SJ Hickey MNZM
Member

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Ms L Ashworth
Member