

24 Greens Rd
RD 2
Palmerston North

Detective Superintendent Drew
National Manager; criminal Investigations
Police National Headquarters

6 March 2013

Dear Sir

Ref. Your letter concerning our complaint Turitea Board of Inquiry

Thank you for your letter concerning our complaint about the Turitea Board of Inquiry. We agree that section 149J of the Act concerning a board of inquiry states that the chairperson must be a current, former, or retired Judge.

Retirement of judges is different from what the public understands to be retirement. Judges can retire and be re-issued with a judicial warrant to continue operating as a Judge. However, Judicial warrants can no longer be re-issued once the compulsory retirement age is reached which was the case with Kenderdine.

Once a judge has retired and no longer possesses a Judicial warrant he or she reverts to the status and rights of a normal citizen, i.e. they no longer possess Judicial immunity and privilege and are free to take up what activities/ employment they desire. Thus, Kenderdine issued the final decision as a citizen and not a warranted Judge and thus is liable for the errors that occurred but that is another issue.

We agree with you that at the time of appointment to the board Kenderdine was a warranted Judge but once the warrant expired, i.e. 13 months before the final decision, she was an ordinary citizen. As an analogy, if you started an investigation and was forced to compulsorily retire before it finished, could you carry the investigation on to its conclusion as an un-sworn police officer and then sign off with you pre-retirement police title and rank?

Boards of Inquiry gain their status/ credibility from warranted judicial chairing. We believe that we were deliberately and knowingly deceived as far status of the Chair was concerned. We also believe there is no excuse for continuing the deception to signing off fraudulently as a Judge. This point alone is sufficient to invalidate a legal document.

I belong to two professional organisations and can only sign off as a member of those organisations if I have a current annual practising certificate. To sign off without a current annual practising certificate amounts to deception and fraud.

Concerning intent, an analogy that also applies to this situation is that I have a beer with a mate and have one beer too many ending up with charges for being over the limit. I have unintentionally become a criminal but that is no excuse for failure to act within the law.

Did Kenderdine know she was no longer a warranted Judge at the time she signed off as a Judge rather than a retired unwarranted judge? If so, kenderdine has deliberately frauded us into believing she was a Judge. If not, kenderdine was deluded and not in a fit state to be conducting an inquiry.

On the 6th August 2010 Kenderdine was obliged to remove herself from the Board of Inquiry. Because Kenderdine did not remove herself and seek replacement by a warranted judge, she was left in a position where she was not able legally to respond to or consider the very substantive submissions made on the Draft Turitea Decision. This fact is supported by manifest failure to correct the errors identified and the requests for the record to be set factually correct.

The matter of the requirement for a judicial warrant to validate a legally binding decision is un-precedented as far as public knowledge is concerned. It is understandable but inexcusable that any escape hatch will be used to avoid the issue, i.e. dismissed on semantics and political pressure.

We would appreciate you reconsidering the dismissal of our complaint concerning Kenderdine's fraudulent signing off of a legally binding document and masquerading as a judge when she was merely an ordinary citizen.

Yours sincerely

John Adams
(On behalf of the Adams and Huatau Marae)

Cc. Hon.C.Borrows, Hon.A.Tolley, Hon. C.Finlayson