

Complaint re the New Zealand Law Society's cover-up of judicial fraud and corruption

Shonagh Kenderdine

The following appears on the Law Society website

Judge Shonagh Ellen Kenderdine and Judge Jeremy Philip Gittos awarded Queen Service Orders

Judge Shonagh Ellen Kenderdine and Judge Jeremy Philip Gittos have been awarded Queen Service Orders.

Judge Shonagh Kenderdine, was an Environment Court Judge, and Chair of the NZCPS Board of Inquiry.

Shonagh graduated with a MA(Hons) from the University of Otago in 1959 and an LLB from the University of Auckland in 1980. She was a teaching fellow and junior lecturer in history at the University of Sydney and Victoria University of Wellington prior to becoming a lawyer.

From 1981 to 1986 Shonagh practised in environmental law in the state and private sector (including the Commission for the Environment and BP New Zealand) before becoming Senior Crown Counsel in the Crown Law Office. Shonagh was the first woman to be appointed as a Planning (now Environment) Judge in 1990.

She retired from the Environment Court in 2010. Shonagh served as Chair of the Board of Inquiry established by the Minister of Conservation to report on the 2008 proposed New Zealand Coastal Policy Statement.

Judge Jeremy Philip Gittos was appointed to the district court in 1994. He is retired but currently an Acting District Court Judge, for a term which commenced on 1 March 2014 and will expire on 14 August 2014.

This screenshot shows the page was indexed by Google and is accessible through a Google search for Kenderdine.

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Screenshot of the page on the Law Society website

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The link for this page, however, deliberately sends any email recipient to an ERROR 404 page.

<http://my.lawsociety.org.nz/in-practice/people/recent-movements/judge-shonagh-ellen-kenderdine-and-judge-jeremy-philip-gittos-awarded-queen-service-orders>


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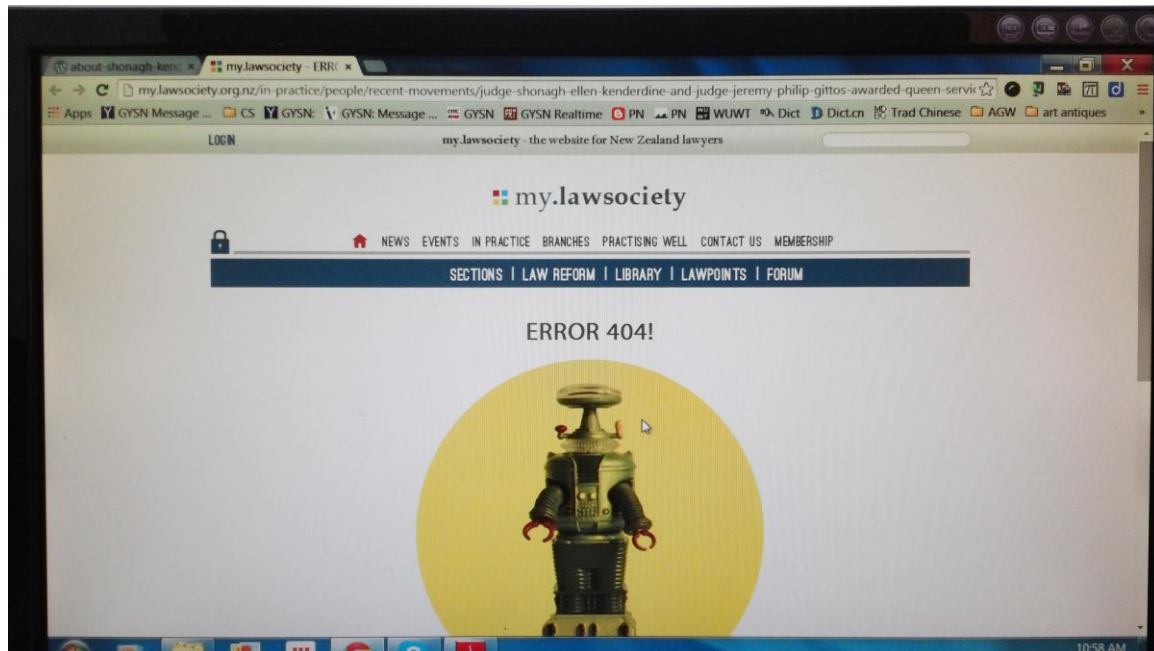
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This photograph shows the URL on the ERROR 404 page



The Law Society article “records” Kenderdine’s career. It contains a blatant falsehood and lying by omission. The casual reader stumbling across this article in a Google search will not be aware of the following.

1. Kenderdine did not retire in 2010. She retired on August 6 2006. She had reached the mandatory retirement age of 70. At this point she was appointed for a maximum of two, two year terms as an acting District Court Judge. These terms expired on 6 August 2010 and on that date Kenderdine permanently lost her judicial warrant.
<http://turiteadocuments.files.wordpress.com/2012/04/judicial-warrants.pdf>
2. The implication for the casual reader that nothing is amiss is contained in the details recorded for the second recipient in the article, retired Judge Jeremy Philip Gittos, where he continues to act as a District Court Judge with a warrant with a specified expiry date.
3. When Kenderdine was permanently removed from the judiciary she was given the Chair of the Historic Places Trust. However unknown to submitters on the bitterly opposed Turitea Wind Farm, Kenderdine, without a warrant and now just an ordinary

member of the public, continued to chair the Turitea Wind Farm Call In and *13 months later*, after signing a number of public legal documents as Retired Environment Judge *and* Environment Judge, fraudulently issued a legally binding consent which has the full force of a decision handed down in the Environment Court.

4. There is no mention in the article of Kenderdine chairing the Turitea Call In.

There has been substantial correspondence requesting that matters be put right and covering the following key points.

1. Attorney-General Finlayson oversaw Kenderdine's deception and fraud

<http://turiteadocuments.files.wordpress.com/2012/04/letter-to-hon-c-finlayson-5-november-2013.pdf>

2. Concrete evidence of judicial fraud was supplied by Sir David Gascoigne, Judicial Conduct Commissioner

<http://turiteadocuments.files.wordpress.com/2012/04/gascoigne-page-one.png>

<http://turiteadocuments.files.wordpress.com/2012/04/gascoigne-page-two.png>

3. The Turitea wind Farm appeared on Mighty River Power's books and was subsequently sold to unsuspecting investors deliberately kept in the dark that a onetime secret contract penalised Palmerston North City Council to the tune of 3 million dollars if it helped any of the property owners under the wind farm *and that*
4. The Turitea wind farm is right on top of the Wellington and Northern Ohariu fault lines.

<http://turiteadocuments.wordpress.com/turitea-wind-farm-documents/ryalls-2/#main>

<http://turiteadocuments.files.wordpress.com/2012/04/letter-to-the-financial-markets-authority-18-february-2013.pdf>

5. The Turitea wind farm Final Decision, apart from being fraudulent and corrupt, is riddled with absurd errors and inconsistencies.

<http://turiteadocuments.files.wordpress.com/2012/04/the-turitea-wind-farm-errors-and-omissions.pdf>

6. Mighty River Power in the onetime secret Variation to the wind farm agreement planned to overthrow any Environment Court Decision that stood in the way of the wind farm, thus breaking the sacred separation between the executive and judiciary.
7. Kenderdine has lied about her time as a judge on her personal website, claiming she was an alternate Environment Court Judge until 2011.

<http://turiteadocuments.files.wordpress.com/2012/04/about-shonagh-kenderdine-fraud.png>

At every step of the way members of the New Zealand Law Society, including Kenderdine, have actively participated in this fraud, have mocked the law, and have been handsomely rewarded for it. Lawyers working for the Government on behalf of Mighty River Power, for example, Karen Price, knew perfectly well that for the 13 months from 6 August 2010 until the final decision that Kenderdine was not a judge. Submitters were not expected to ever find out.

The wind farm will result in equity losses to Palmerston North ratepayers in excess of 100 million dollars. This is a proven fact based on very substantial empirical research in the UK which tracked more than a million property transactions near wind farms over a twelve year period.

<http://turiteadocuments.files.wordpress.com/2012/04/gone-with-the-wind-survey-of-serious-negative-effect-on-property-values.pdf>

Correspondence and documentation relating to Kenderdine and Turitea is archived here.

<http://turiteadocuments.wordpress.com/turitea-wind-farm-documents/>

As an exercise all material relating to this fraud has been organized as a “court case” should it prove necessary. Note this material, organized for our convenience, will be modified and much will be excluded.

Nonetheless this “court case” organizes compelling evidence of the comprehensive fraud perpetrated on Palmerston North ratepayers and Mighty River Power investors in an easily digestible manner for the media and others new to this very serious constitutional matter.

<http://tothehighcourt.weebly.com/>

Conclusion

This disgraceful situation has occurred on your watch and under the guidance of law society members. Furthermore you have amateurishly attempted to hide it.

The Law Society on its website states:

The Lawyers and Conveyancers Act 2006 requires the New Zealand Law Society to control and regulate the practice of law in New Zealand, and assist and promote the reform of the law (for the purpose of upholding the rule of law and the administration of justice).

<http://www.legislation.govt.nz/act/public/2006/0001/latest/DLM364939.html>

<http://my.lawsociety.org.nz/about-us>

The Kenderdine post has cratered the Law Society’s credibility and exposed close involvement in this unprecedented, premeditated fraud.

1. Who authorized the edited Kenderdine CV?
2. Who wrote it?
3. Did the Law Society bow to pressure from Kenderdine, Justice Minister Judith Collins, Attorney-General Finlayson, Minister Amy Adams and or Minister Nick Smith?
4. Is it normal practice for the Law Society to censor and hide material which exposes its members’ conduct as unethical?
5. How often in New Zealand has a binding judicial decision been handed down by a member of the public?
6. List all previous examples in New Zealand legal history where someone has successfully masqueraded as a judge.

7. Has the Law Society made representations to Government to address the issue of judicial fraud? If it has please make public the relevant documents.
8. Are there any New Zealand lawyers in practice without a current, valid practising certificate?
9. Has the Law Society identified and publicly censured the lawyer who drew up the contract between Mighty River Power and Palmerston North City Council, a contract which robbed ratepayers of their basic rights?

<http://turiteadocuments.files.wordpress.com/2011/11/christopher-shaw-attachment-1-part-a.pdf>

<http://turiteadocuments.files.wordpress.com/2011/11/letter-re-pncc-mrp-contract.pdf>

10. Has the Law Society identified and publicly censured the lawyer who drew up the variation to the wind farm agreement?

<http://turiteadocuments.files.wordpress.com/2012/04/mighty-river-power-to-impose-its-will.pdf>

See clause 3.2 and its replacement 5.2

<https://turiteadocuments.files.wordpress.com/2012/04/variation-to-the-wind-farm-agreement.pdf>

The link above contains what was the blacked out clause in the Variation to the Wind Farm agreement - Kenderdine was fully aware of this principal issue and finding of fact – a stunning example of the corruption underlining the entire process. The clause appeared for a time on the MFE website only to disappear in order to hide this corruption from submitters, but reinstated after the Final Decision.

In this clause, Mighty River Power, in effect a proxy for the government plans for the possibility that a tame judge, i.e. a compliant judge, who can be bought to produce the desired result, might not be available. The executive would then overturn any judicial result with the help of PNCC, held hostage by the secret financial milestone bribes it had already irrevocably taken, and go behind the courts' back.

In short the executive gives the appearance of being used to controlling the judiciary but this time was taking no chances.

In the Final Decision Ms Kenderdine with her silent assent to this backroom deal was condoning an unprincipled and unprecedented attack on her own former profession, *even when she was not a judge*. The Variation shows the lengths to which the executive is

prepared to go to get its way by ripping up its social contract with New Zealanders and seizing power from the Judiciary.

11. Kenderdine contravened the Secret Commissions Act. This was raised with the Attorney-General. What has the law Society done about this clear violation? Has it asked for amendments to the Act to prevent the Attorney-General from blocking a prosecution where he is a principle actor?

See section C: <http://tothehighcourt.weebly.com/>

<http://turiteadocuments.files.wordpress.com/2012/04/letter-to-hon-c-finlayson-5-november-2013.pdf>

<http://turiteadocuments.files.wordpress.com/2012/04/secret-commissions-act-1910.pdf>

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