Judicial malfeasance

An analysis

Kenderdine was appointed to the Board of Inquiry as a “retired judge” with a then current judicial warrant. On the 6th August 2010 she was permanently removed from the judiciary after her second and final two year appointment expired and her warrant to make legally binding decisions was at the same time permanently withdrawn. The judge chairing a Board of Inquiry is required to possess a warrant. The term “former” judge in the RMA legislation, in such an appointment, can only mean a judge eligible to be reappointed with a warrant and who has not yet reached the final stage where he /she must be compulsorily and permanently removed from the judicial roll. Kenderdine reached that final stage and from the 7th August was no longer a warrant holding retired judge, and as such, was correctly described by Governor-General Satyanand in layman’s language, two weeks later, as a “former judge” in an official welcome to Government House. Satyanand knew full well that Kenderdine no longer had a warrant or any legal authority, as he was the one who canceled her warrant on the advice of the Attorney-General. It should also be noted that Satyanand as a District Court Judge was a colleague of Kenderdine’s and, while he held a warrant, had developed programmes for judicial orientation and education.

When a warrant holding judge is unable for any reason to carry out his/her duties, then that judge is compelled by NZ law to withdraw. Recusal is a regular occurrence. Kenderdine, however, simply continued on as before without any public announcement of her change of status, i.e. that she was now just Ms Kenderdine, a member of the public. From the 6th August 2010 the Board of Inquiry no longer had an appointed judge with a warrant heading it. In effect the Board of Inquiry ceased to exist.

Risible responses from warrant holding government ministers and others to date have all hinged on the word “former” as a cover up for Kenderdine, but as demonstrated in the first paragraph this is fraudulent nonsense. The letters have concluded with the statement “I am satisfied that …..” without any valid legal argument in support.

Kenderdine was fully aware of her non status as a judge and on the 5 public documents she signed after 6th August 2010, she vacillated between “retired Environment Judge” and “Environment Judge” in the hope that no one outside the inner circle would notice. Both designations, however, were false and fraudulent. As noted above “retired judge” can only describe a judge reappointed beyond the retirement age for two, two year terms until compulsory removal from the judicial roll. She was removed on the 6th August 2010. The most important documents, the Draft Decision and the Final Decision are signed off by her as “Environment Judge”. The evidence in order of specific dates is here.


Note that at no time did Kenderdine sign any documents as “former judge” or “former environment judge” The Serious Fraud Office has itself fraudulently and absurdly claimed that not signing off as “former judge “ was simply an administrative oversight and that this excuses her. Ironically
administrative oversights are, however, the very grounds for dismissing legal cases and the SFO’s response gives the Government the out it needs to tear up the invalid Turitea consent.

Correspondence received to date from all parties involved has specifically avoided the plain unvarnished fact that Kenderdine did not have a judicial warrant for thirteen months before she fraudulently issued the Turitea Final Decision, a decision equivalent to that of any made by a judge with a legally possessed and current warrant, be it in the Environment Court or District Court.

Kenderdine has knowingly committed fraud and this fraud has been covered up at the highest level.

The Government, to validate the Turitea Final Decision, would need to amend the law to state that legal decisions no longer need to be made by current, warranted and accountable judges. This of course means that ordinary NZ citizens could then also claim they no longer needed, for example, current, valid drivers’ licenses or any current, valid professional practising certificates or qualifications.