

24 Greens Rd, RD 2
Palmerston North

Hon. C. Finlayson
Attorney General

20 April 2013

Dear Hon. C. Finlayson

Ref. Lack of response from your office concerning the
Chair of Turitea Board of Inquiry

1. Judge Kenderdine was appointed as Chair of the Turitea Board of Inquiry. Judge Kenderdine's warrant as a judge was compulsorily surrendered in August 2010 because she had reached the mandatory retirement age for judges. What role do you perform in administering judicial warrants?
2. The Chair continued as an unwarranted Judge, i.e. an ordinary citizen, in the role of Chair for a full 13 months until the final decision was released in September 2011. At this point she fraudulently signed off as "Environment Judge".
3. A matter such as this undermines confidence and trust in the Judiciary. In our opinion to dismiss such an unconstitutional matter amounts to confirmation and approval of the fraud and deception that has taken place. Explain why the Chair, considering your earlier dismissal of this serious issue, has not placed your office in a compromised position.
4. The matter has been amateurishly dismissed by deliberately misinterpreting s.149J (b) of the RMA, i.e. *1 member as the Chairperson, who must be a current, former, or retired Environment Judge or a retired High Court Judge.*
5. 149J(b) can only mean this, the Chair must be an unretired Judge, or a retired or former Judge who is current, i.e. warranted, or is eligible to be re-issued a warrant, and has not reached the compulsory retirement age.
6. Once a Judge has retired and surrendered his/her Judicial warrant they become ordinary citizens and no longer have judicial privilege and immunity. This means that any Judge acting in a judicial capacity, i.e. chairing a Board of Inquiry must be continuously in possession of a judicial warrant.
7. Because the Chair's fraud and deception were carried out while she was an unwarranted Judge, i.e. an ordinary citizen, she does not have the protection and rights of a Judge and can be held liable. The Chair did not recuse herself.
8. In demanding that this matter be addressed, in order that confidence and trust in the Judiciary and due process be restored, we have been unfairly labelled as a disaffected party and dismissed as a nuisance without valid reasons.
9. The guilty party in this case is the Chair and not us. Explain why your office has dismissed the fraud carried out by the Chair.

Yours sincerely

John Adams
(On behalf of the Adams and Huatau)

Cc. Law Commission, Chief Justice, Hon. C. Borrows, Hon.J.Collins,
Hon.Dr Smith (Minister who commissioned the Turitea Board)