Dear Hon. Dr Smith

Ref. Kenderdine and Turitea Board of Inquiry

The Adams and Huatau have previously corresponded with your office only to be fobbed off. A serious constitutional issue has tainted your watch and if it is not addressed NZ can no longer take the high moral ground concerning constitutional breaches by regimes such as that operating in Fiji. For the record we did not oppose the Turitea Wind Farm. We specified the turbines we wanted removed/ moved.

The Turitea Board of Inquiry commissioned by you has created a fraudulent and invalid consent that requires resolution prior to the partial sale of Mighty River Power.

The Turitea decision is fraudulent because:

- Judge Kenderdine’s original warrant as a District Court Judge, with Environment Court responsibilities, expired on 6 August 2006. She retired on that date. She was appointed as an acting District Court Judge and as an alternate Environment Judge the following day, 7 August 2006 for a period of two years. When that period expired, on 6 August 2008, she was reappointed to the same position for a further and final two years. That period expired on 6 August 2010.
- Kenderdine was not in office when the draft and final report and decision were released. The hearing did not finish until the final decision was released in September 2011. Kenderdine fraudulently signed off the final decision as “Environment Judge” when she was merely an ordinary citizen.
- We presume there is good reason for not exhuming and recycling judges beyond two blocks of two years, i.e. some can lose the edge or lack the mental agility to handle complex evidence, as we believe was the case with Kenderdine.
- Kenderdine not only failed to correct the errors we requested via written submissions but also dismissed the expert evidence we commissioned in good faith at great personal expense.
- Because Kenderdine was not a judge at the time the draft and final decisions were released she does not have judicial immunity and privilege, i.e. she should be liable for the failures that occurred while she was Chair and meet the significant costs we incurred because of what we consider to be stretching out her use-by-date for 13 months beyond the stage of even possessing a judicial warrant.

Assuming Kenderdine was acting independently, i.e. the sacred separation of the Judiciary and the Executive was operating, the Board of Inquiry has been rendered
invalid and accountable. As the Minister who commissioned the Board of Inquiry the matter is your responsibility to resolve. We have absolutely no confidence in the Turitea Board of Inquiry and the Judiciary.

Yours sincerely

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