

24 Greens Rd
RD 2
Palmerston North

Mr. Harry Johnson
Chief Administrative Officer
Specialist Courts and Tribunals Centre

7 December 2012

Dear Mr. Johnson

Ref. Judge Kenderdine, Chair, Turitea Board of Inquiry

On behalf of the Adams and Huatau I made a complaint to the Judicial Conduct Commissioner about errors in the Final Report for Turitea Wind Farm. In our written submissions on the Draft Decision we requested that the errors be corrected but the Board of Inquiry chose to ignore our request. There is absolutely no excuse for the errors being carried forward into the Final Report.

The Judicial Complaints Commissioner rejected the complaint on the grounds that Judge Kenderdine had retired and a complaint cannot follow a Judge into retirement. Judge Kenderdine's warrant continued until 6 August 2010, when her period in office finally came to an end. The Final Report and Decision was released in September 2011. The Draft Report and Decision was dated 11 February 2011. Several issues arise.

1. In both the Draft and Final Reports Kenderdine has signed off as Environment Judge Kenderdine. Why could Kenderdine sign off as Judge Kenderdine when she had retired and no longer possessed a judicial warrant?
2. Kenderdine was no longer a judge after 6 August 2010 yet she was still working on the Decision and Report. Particularly disturbing is that Kenderdine was no longer a judge between the time of the Draft Report being issued and the final report being issued. The Chair of a Board of Inquiry is never conducted by a layperson. Why was Kenderdine not replaced after she retired in August 2010? We believe the Decision is invalid because a judge with a judicial warrant did not chair it.
3. It is a failure of natural justice that a judge can retire 6 months before a Draft Decision is issued and approximately 13 months before the Final Decision is issued. This means that the judge has been allowed to cut and run before anyone can object. A judge should not be permitted to retire until a decision has been issued otherwise there is absolutely no accountability. In our opinion this is corrupt.

Yours sincerely

John Adams (on behalf of the Adams and Huatau)

Cc. Attorney General, Solicitor General, Law Commission, Hon. J. Collins, EPA,
Hon. A. Adams, Chief Justice, Rt. Hon. J. Key, Hon. B. English, Hon T. Turia

