New Zealand has experienced a highly damaging multiyear attack *from within* on its judicial and executive institutions. The nature of this attack revolves around judicial fraud, the subsequent and ongoing cover-up, the social and economic consequences and the criminal activity which has taken place. This document is of necessity wide ranging but will focus as much as possible on the areas covered by the speakers and provide an absolutely contemporary and stunning example of Government led and inspired malfeasance bearing the imprint of several administrations. The conclusion will address the general issues from a layman’s point of view. A key document is incorporated in this pdf with links to others online which provide additional evidence. The most important document links [50] are highlighted by a double red asterisk ** to facilitate quick navigation.

**Judicial fraud**

**The Turitea Wind Farm consent**

Summary

The Final Decision and consent issued on 6th September 2011 is illegal and invalid. The consent was issued by Shonagh Kenderdine fraudulently posing as a warranted Environment Court Judge thirteen months after being permanently removed from the New Zealand Judiciary. Judges serve until they are 70 and are permitted a maximum of two additional 2 year terms before automatic and non negotiable removal from the judicial register. Kenderdine contravened the Crimes Act 1961 Part 6

Kenderdine did not adhere to the requirements of the Judicial Oath or the guidelines for Judicial Conduct prior to her removal on 6th August 2010. She did not follow the Turitea Board of Inquiry protocols, nor did she recuse herself.

The fact that Kenderdine was not a judge was secretly and deliberately withheld from 700 + submitters. Kenderdine continued to chair the Turitea Call-In and received very substantial compensation contravening the Secret Commissions Act 1910. Senior members of the Executive were fully aware of Kenderdine’s deception. The Final Report is a fraudulent, corrupt document as defined by the Secret Commissions Act 1910.
The facts in this case are told in a substantial volume of correspondence.

All documentation is available in the public domain at the link below and includes an essay giving an overview [15 min reading time]

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

Sections A, B and C are interwoven.

A. **The consent is illegal**

A.1

When the Final Decision was issued submitters continued to request that serious factual errors and omissions be corrected and addressed. These requests, which were also made in submissions prior to the Final Decision, were repeatedly rebuffed and ignored.


Even had there been a willingness to address these deliberate errors there was no possibility of this happening as Kenderdine was not a judge. She committed fraud as a private citizen once she no longer held a warrant and is therefore not covered by judicial immunity as claimed in Sir David Gascoigne’s revelation below. It will become clear why no action was taken.

This impasse was deliberately contrived. The executive and Kenderdine were confident that submitters would never find out. The Turitea wind farm process was systematically rigged.

A.2

Sir David Gascoigne Judicial Conduct Commissioner eventually revealed the truth when the question was repeatedly asked, “When did Kenderdine retire?” This question was asked to determine if Kenderdine was indeed able to correct what appeared to be deliberate errors in the Final Decision.

Note a Call-In under the RMA is the equivalent of an Environment Court but with even greater authority as the decision signed off by a warranted judge can only be challenged on a technicality within a very narrow time frame of a few weeks. The revelation that Kenderdine was not a judge was simply stunning.

The key sentence stating “The legislative policy is that a person who has been a judge should not be pursued into his or her retirement” will be seen by New Zealanders as
nothing more than a licence to kill. The Crimes Act 1961 Part 6 however specifically addresses judicial fraud.

3/ [Link](http://turiteadocuments.files.wordpress.com/2012/04/gascoigne-page-one.png)

The Crimes Act 1961 part 6 contains criminal offences related to, amongst other things, the corrupt use of official information and the corruption and bribery of:

- the Judiciary
- ministers of the Crown
- members of Parliament
- law enforcement officers
- public officials.

**Crimes affecting the administration of law and justice**

**Bribery and corruption**

**Interpretation**

In this Part, unless the context otherwise requires,—

**bribe** means any money, valuable consideration, office, or employment, or any benefit, whether direct or indirect

**judicial officer** means a Judge of any court, or a District Court Judge, Coroner, Justice of the Peace, or Community Magistrate, or any other person holding any judicial office, or any person who is a member of any tribunal authorised by law to take evidence on oath

**law enforcement officer** means any constable, or any person employed in the detection or prosecution or punishment of offenders

**official** means any person in the service of the Sovereign in right of New Zealand (whether that service is honorary or not, and whether it is within or outside New Zealand), or any member or employee of any local authority or public body, or any person employed in the education service within the meaning of the [State Sector Act 1988](http://turiteadocuments.files.wordpress.com/2012/04/gascoigne-page-two.png).

4/ [http://turiteadocuments.files.wordpress.com/2012/04/gascoigne-page-one.png](http://turiteadocuments.files.wordpress.com/2012/04/gascoigne-page-one.png)

5/ [http://turiteadocuments.files.wordpress.com/2012/04/gascoigne-page-two.png](http://turiteadocuments.files.wordpress.com/2012/04/gascoigne-page-two.png)

The letter links above are embedded below.
4 December 2012

PRIVATE AND CONFIDENTIAL

Mr John Adams
24 Greens Road
RD 2
PALMERSTON NORTH

Dear Mr Adams

Complaint concerning Judge Kenderdine

In your letter to me dated 11 November, you say that you “would appreciate being informed of the definition of judicial retirement”. In particular, you wish to know the date upon which Judge Kenderdine surrendered her warrant as a Judge.

I have looked into the position. 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 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 re-appointed to the same position for a further – and final – two years. That period expired on 6 August 2010.

A Judge’s warrant to serve is always for a finite period. When that period expires, the warrant automatically expires. (And if a Judge retires early, then the warrant expires with the date of retirement.)

I see from your original complaint that the Environment Court hearings into the Turitea Wind Farm Proposal began on 6 July 2009 and ended on 30 March 2010. It follows that Judge Kenderdine did hold a warrant during that period, when she was presiding over those hearings. Her final warrant continued until 6 August 2010, when her period in office finally came to an end.

She was thus not in office when the final report and decision of the Environment Court was released in September 2011. (I mention this point for completeness, as it is not determinative of the issue about my jurisdiction.)

You lodged your complaint with my Office on 11 January this year. By that time, Judge Kenderdine’s final term of office had expired some 17 months earlier, on 6 August 2010.
As I have mentioned previously, I have no jurisdiction to entertain a complaint where "the person who is the subject of the complaint is no longer a Judge." That passage occurs in section 16 (1) (g) of the Act under which I operate. (The Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004). In those circumstances, I am required to dismiss the complaint. The legislative policy is that a person who has been a Judge should not be pursued into his or her retirement.

So by the time that you lodged your complaint with my Office, it is clear that Judge Kenderdine was "no longer a Judge". She had retired and she no longer held a warrant. And thus I have no jurisdiction.

I hope this answers your inquiry.

Yours sincerely

David Gascoigne
Sir David Gascoigne, KNZM
Judicial Conduct Commissioner
A.3

The Turitea Final Decision was issued on September 6 2011, thirteen months after Kenderdine was permanently removed from the judicial roll. She was compulsorily retired on 6th August 2006 and appointed the next day for the first of the maximum of two, two year appointments as an Alternate Environment Court Judge.

A.4

From the 2007 Report of the Registrar of the Environment Court


A.5

Kenderdine no longer a judge in the 2011 Report of the Registrar of the Environment Court

7/ http://turiteadocuments.files.wordpress.com/2012/04/kenderdine-no-longer-on-the-judicial-roll.png

A.6

Correspondence requesting this constitutional matter be addressed urgently.


A.7

A 21st January 2013 Scoop release drew attention to Kenderdine not being a warranted judge.

This news release was widely read but drew no response from the Government. It is the Attorney-General’s function to defend the judiciary from criticism. He did nothing. See A.13 for details of his legislative responsibilities.

A.8

Complaint to the Serious Fraud Office and New Zealand Police

A.9

Response to the SFO

A.10

Response to the New Zealand Police

A.11

Summary documents shared with parties to this fraud include

A.12

The Attorney-General C Finlayson was responsible for granting and removing Kenderdine’s warrant. When criticising comments by Dr Tony Molloy QC that the New
Zealand judiciary were making poor quality decisions he publicly called for Dr Molloy to hand in his warrant.

A.13

Kenderdine on the other hand continued to pretend that she was a warranted judge in 2011 and lied on her website touting for business as a consultant.

This is a public admission by her that a warrant was necessary for the judicial authority she falsely claimed but did not have.

The Attorney-General has done nothing about this.

http://turitadocuments.files.wordpress.com/2012/04/about-shonagh-kenderdine-fraud.png

Attorney-General Finlayson has the following mandated obligations.

I. 4.3: The Attorney-General has particular responsibility for maintaining the rule of law. The Attorney-General has a responsibility to notify Cabinet of any proposals or government actions that do not comply with existing law and to propose action to remedy such matters.

II. 4.8: The Attorney-General is the link between the judiciary and executive government. The Attorney-General recommends the appointment of judges and has an important role in defending the judiciary by answering improper and unfair public criticism, and discouraging ministerial colleagues from criticising judges and their decisions.

Finlayson did not publicly defend Kenderdine’s impersonation of a judge or take legal action against myself because he had no grounds or legal justification for doing so.

B. Kenderdine’s conduct, the Judicial Oath and independence of the judiciary

B.1

Kenderdine failed to honour the Judicial Oath

“I, [name], swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her heirs and successors, according to law, in the office of []; and I will do right to all manner of people after the laws and usages of New Zealand without fear or favour, affection or ill will. So help me God.”
Kenderdine worked hand in glove with government ministers in direct contravention of the stated sacred separation and independence of the judiciary from the executive. At a meeting at the Adam’s home, Mike Omer, Mighty River Power employee, told me that MRP wanted the call-in because the wind farm would never get approval in the Environment Court.

The Executive Summary in the Final Decision candidly states the problems Kenderdine faced in implementing a government directive.

“This is one of the first wind projects in New Zealand that will impact on a large population base. Visual amenity, landscapes and the potential effects the project may have on viewers’ perceptions and lifestyles were thus one of the most significant issues to be discussed during the inquiry”

The Turitea fiasco has completely compromised the New Zealand Judiciary.

The Ministry of Justice

22/ http://www.justice.govt.nz/courts/the-judiciary/home

- The New Zealand system of Government is based on the Westminster model which provides for a separation of powers between the Legislature, the Executive and the Judiciary. This separation ensures there are checks and balances within the system and that accountability and impartiality are maintained.

Independence of Judiciary and Executive

- In New Zealand the courts function is based on the constitutional principle that the judicial decision makers, the Judiciary, are independent of the policy makers, the Executive and Parliament.

- Judges make decisions by interpreting the laws which are passed by Parliament. Parliament passes laws that represent policy decisions which reflect the intention or interests of New Zealanders collectively. In this way society's standards are formally expressed by the enforcement of laws.

- If a series of judicial decisions result in an interpretation of the law which the Executive considers does not reflect the intention of the policy, the Executive can change the legislation. However, they can not direct or request a judicial officer to revise or reconsider a decision.
Similarly, the judges who interpret the law, do not create or determine the policies. Judicial officers are expected not to publicly comment on whether a policy is good or bad, or to have a view on what policy should be amended, or become law.

Each judge holds his or her authority as an individual and the consistent interpretation of the law is by professional agreement only, for example basing a decision on precedent. Even the Chief Justice cannot direct individual members of the judiciary in respect to their decisions.

Should there be a dispute between the Executive and Judiciary; the Executive has no authority to direct the Judiciary, or its individual members. The Judiciary are appointed by the Crown and are accountable to their oath of office and through the appeal process.

B.5

Kenderdine failed to follow these specific guidelines for Judicial Conduct issued by the Courts of New Zealand

[13] Judges should always disqualify themselves in any case where they have doubts as to their ability to be impartial

[14] Judges should always disqualify themselves in any case where they consider that a reasonable, fair minded and informed person would consider they might not be impartial.

[22] Judges must protect independence by rejecting any attempts to influence them except by public advocacy in the courtroom.

[30]..... It is important to avoid using judicial office to promote personal views and to avoid the appearance of capture by particular organisations or causes. It is important to avoid expressing opinions on matters which may arise in litigation and which may lead to concern about the impartiality of the Judge.

[31] Judgments must stand without further clarification or explanation.

[62] The Judge must hear a case in accordance with the principles of natural justice and on the evidence in the case. Communication between the Judge and one party, except in proceedings properly heard *ex parte,*
is not permissible.

[64] A Judge must be firm to maintain proper conduct during a hearing. Intervention is appropriate but should be moderate.

It is important a Judge does not appear from interventions to have reached a conclusion prematurely or, in the case of criminal trials before a jury, to have reached a view of guilt or innocence.

[70] Judges must disqualify themselves wherever they have personal knowledge of disputed facts in the proceedings or wherever they have a personal view concerning a party or witness of disputed fact in the litigation.

[72] Conflict of interest arises in a number of different situations. The Judge must be alert to any appearance of bias arising out of connections with litigants, witnesses or their legal advisors. The parties should always be informed by the Judge of facts which might reasonably give rise to a perception of bias or conflict of interest.

[74] Judges should disqualify themselves if in a close relationship to litigants, legal advisors or witnesses in the case.

C. **Kenderdine violates the Secret Commissions Act 1910**

C.1

From the 7th August 2010 Kenderdine was an agent of the Crown and produced along with her board in violation of this act a Final Decision which manifestly failed to adhere to its binding obligations under the RMA as communicated by Kenderdine to submitters in a memorandum dated 16 September 2009, 7 months after submissions had closed. See pages 4 to 5.


“Section 148(2) of the Call-In procedures requires that the draft report-

(a) must state the board’s decision;

(b) must give reasons for the decision;

(c) must include the principal issues;
(d) must include the findings of fact.”

C.2

The Secret Commissions Act 1910 states:

16 (c) every person in the service of the Crown, or acting for or on behalf of the Crown, or holding any office in the public service, shall be deemed to be an agent of the Crown:

6 Giving false receipt, invoice, etc, to agent an offence Every person is guilty of an offence who, with intent to deceive the principal, gives to any agent, or signs or otherwise authenticates for the use of any agent, any receipt, invoice, account, or other document of any nature whatsoever in relation to the affairs or business of the agent or his principal which contains any statement which is false, defective, or misleading in any material particular or which omits to state explicitly and fully the fact of any commission, percentage, bonus, discount, rebate, repayment, gratuity, or deduction having been made, given, or allowed, or agreed to be made, given, or allowed, in relation to the matters referred to in that document.

7 Delivery of false receipt, etc, to principal an offence

Every agent is guilty of an offence who delivers or presents to his principal any receipt, invoice, account, or other document of any nature whatsoever in relation to the business or affairs of his principal which to the knowledge of the agent is false or defective in any material particular, or is in any way likely to mislead the principal…

C.3

The Final Decision based on the Draft Report is under the provisions of this act a spectacular failure. A person who commits an offence against this Act is liable to imprisonment for a term not exceeding 7 years. It is the Attorney-General however who institutes a prosecution. See the conclusion for comment.

C.4

Unanswered letter to the Attorney-General and executive


C.5

The following principal issues and findings of fact were either,
1. Ignored,
2. Deliberately omitted,
3. Misrepresented,
4. Stated falsely,
5. Left unresolved
6. Manipulated to favour the applicant
7. Or a combination of the above.

**Principal issues**

1. The corrupt contract between Mighty River Power (MRP) and Palmerston North City Council (PNCC) and consequences

1.1

Rumours of a punitive Mafia style contract had been in circulation since the farcical Turitea Reserve consultation process, a consultation which PNCC was forced by public pressure to undertake. PNCC at the last minute to appear to be the honest broker held a workshop for submitters.


1.2

The contract in a scanned and non searchable format was placed on the Ministry for Environment website as part of MRP’s evidence, hence, while virtually no submitters other than myself saw it, it was no longer a secret.

1.3

This fraudulent and highly sensitive contract was subsequently deleted from the Ministry website.

1.4

The contract.

26/ **http://turiteadocuments.files.wordpress.com/2011/11/christopher-shaw-
1.5

Five submitters asked Kenderdine to discuss the corrupt contract in their submissions on the Draft Decision, in my case quoting directly from the contract, but Kenderdine ignored all requests and as a result the founding document for the wind farm was deliberately and corruptly excluded from the principal issues and findings of fact mandated by the RMA Call-In protocols. Two submissions are provided as evidence.


1.6

This contract abrogated our rights and the rights of all PNCC ratepayers and is still in effect today underlying and driving every corrupt and nefarious act relating to the wind farm.

1.7

In April 2014 the Final Draft of a damming survey of more than one million property transactions near UK wind farms, taken over a twelve period, was issued with much publicity in the UK media. Applying the methodology in this survey, commissioned in part by the Welsh Government, Palmerston North ratepayers stand to lose more than $100 million in equity. There will be properties which are unsalable.


Updated Final Version April 2014

1.8

The owners of approx 2,000 properties within a 3 plus kilometre radius of the wind farm are the victims of both an environmental and premeditated financial fraud blessed as we now know by a fake judge. The survey cited in 1.7 above, however, extends the economic impact of this fraud to the entire city.

1.9

The link below is 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 Variation appeared for a time on the MFE website only to disappear in order to hide this corruption from submitters. Subsequently all documents on the Turitea Call-In have been deleted from the Ministry for the Environment website including the MFE internet archive.


See clause 3.2 and its replacement 5.2
33/**https://turiteadocuments.files.wordpress.com/2012/04/variation-to-the-wind-farm-agreement.pdf

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 and directing the judiciary but this time was taking no chances.

In the Final Decision Ms Kenderdine with her silent assent to this secret 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.

1.10

Kenderdine smoothed the way for the wind farm. The Law Commission warned of the danger.
Kenderdine continued to be rewarded by the executive in a now familiar and predictable manner with the chairmanship of the Historic Places Trust; even though her position expired in July 2013 she was illegally kept on by the Attorney-General for almost another year. She disappeared without fanfare when her replacement Wyatt Creech was announced 22 May 2014.

PNCC’s financial difficulty made it an easy mark. The 2013 rankings for financial performance put Palmerston North at 62 in a league table of 67 territorial local authorities.

The corrupt contract forces PNCC into total compliance regarding the wind farm with a three million dollar penalty imposed on the city if it helps any of the 2,000 plus affected property owners. PNCC faces unlimited liability if it actively opposes the wind farm. Additionally it had no choice but to agree to the variation to the agreement and participate in subverting the law should it be necessary.

The PNCC/MRP wind farm contract and the variation explain the lies, obfuscation, intimidation and deception which PNCC ratepayers have endured when asking legitimate questions about the wind farm and how it affects them.
The Change of Purpose Consultation process which hundreds of ratepayers forced PNCC to undertake in a series of bitter public meetings was sparked by a document circulated to PN households, which in light of the content of the secret wind farm contract is plainly fraudulent.

This document too has unsurprisingly been deleted from public view.

A digital copy which at one time was put on the consultationweb website has been saved.

This fraudulent document driven by the PNCC/MRP contract is a prominent element of the conspiracy against Palmerston North. It lauds a proposed eco-park, contains deceptive imagery of the Turitea Ranges behind the city and makes promises which were never going to be fulfilled.

PNCC claimed in the fake consultation document that the proposed Eco Park, which includes the reserve, a protected and strictly off limits water catchment, would provide the following ludicrous recreational and tourism opportunities – all, as submitters found out much later, in, among, and under 131, 125m wind turbines with blade tips travelling in normal service at 200 kms per hour.

1. 4WD access
2. Orienteering
3. Cross country
4. Triathlon
5. Tramping
6. Battery powered boats on the two city water supply reservoirs

7. An up market Eco Lodge

8. Turbine treks

9. Abseiling off the dam

10. Mountain biking

11. Kayaking

12. Horse trekking

13. Quad biking

14. Guided walks to the water's edge in the reserve

15. Regular steam train rides loaded with “excited” tourists who then make a bee line to the “Eco” Park.

1.19

This document will go down in NZ history as the most egregious example ever of a local authority trying to deceive those it is meant to serve into accepting a vanishingly vague development which was manifestly not in their interests. There is no question that the Government was the driving force behind this document.

1.20

The eco-park was a fraud from day one. There was never any intention to build or fund it and of course Kenderdine endorsed the fraud by killing it in the Final Decision. None of the other promises in this document have ever been mentioned in public again. They were just a pack of lies and Kenderdine knew it.

1.21

“The Board also confirms that the eco-park proposal put forward by MRP should be put to one side in its consideration of the wind farm proposal.”

1.22

It was the equivalent of proposing a very large off limits “zoo” in a pristine area of native forest which was then to be turned into a massive industrial zone.
The then Mayor Heather Tanguay pretended to have given ample information about the wind farm to ratepayers and made this statement which was published in the Manawatu Standard November 21, 2006

"Mayor Heather Tanguay said she did not agree there has been a lack of information about the wind farm proposal. I think the information (available) has been very substantial."

She omitted
1/ the number of turbines
2/ their size
3/ their location
4/ where the so called "eco park" was.

Mayor Tanguay was not re-elected and was replaced by Jono Naylor whose campaign was funded by wind farm interests and a secret trust. Naylor is currently a National Party list MP. Both voted for the wind farm.

The MRP/PNCC contract had other ramifications. At the time of the change of purpose farce another was played out to make PNCC look like a progressive environmentally focused local authority. The proposed Kahuterawa Outdoor Recreation Centre right under the wind farm went through an elaborate consultation and subsequently it too along with documentation went down the memory hole. There was never any intention to implement it.

The Kahuterawa Outdoor Recreation Centre was nothing more than a smokescreen which had it been implemented would have deliberately placed cyclists and other recreational users in physical danger from the 5,800 + wind farm truck movements on the winding, narrow Kahuterawa valley road.

The documentation survives on the internet archive.

1.29

Later PNCC came to the realization that the wind farm will seriously erode its rates income from affected properties. Subsequently it successfully campaigned to claim 1,100 properties from the Manawatu District against strong opposition.


1.30

The PNCC/MRP contract has seriously compromised the Manawatu Standard, a Fairfax newspaper. Initially it made a genuine effort to report on the wind farm to its readers but quickly came under pressure when PNCC withdrew all advertising, a significant source of revenue, unless it toed the government line. High level discussions did not resolve this issue. The paper is fully aware of the contract. Palmerston North residents still do not know about it.

If the news had came out that PNCC was hostage to an undemocratic, secret contract which directly impacted on the personal finances and amenity of the 10% of the city’s population living under the wind farm, then PNCC was facing a potentially unlimited liability, which would be borne by all city ratepayers.

The Manawatu Standard continues to suffer a decline in circulation, which jeopardizes its future as it appears readers have decided the paper does not act in the interests of the city. The steep and accelerating decline cannot be attributed simply to growing internet use.

Standard circulation data:

2003 = 20,360
2016 = 9,393

Kenderdine was fully aware of all these undercurrents but was tasked with seeing they did not see the light of day.

2. The Turitea wind farm and the Wellington and Northern Ohariu fault lines and fraud on investors

2.1

Ludicrously the Board of Inquiry spent considerable time speculating about Turitea wind speed and rainfall decades into the future but deliberately ignored the fact that the entire wind farm is literally right on what are arguably the 2nd and 4th most dangerous terrestrial fault lines after the South Island Alpine fault.
I raised the issue of the wind farm being on fault lines in my very first submission in February 2009, never thinking for a moment that this matter was to be buried and covered up. See pages 14 to 15

43/ https://turiteadocuments.files.wordpress.com/2012/04/325stichburypaulw.pdf

2.2

“It is estimated that the Wellington Fault is capable of generating earthquakes in the order of M 7.5 Such a rupture could move the ground along the fault horizontally by 4-5 metres and vertically by about 1 metre (Froggatt & Rhodes 1996, Van Dissen & Berryman 1996). NB these movements occur at a speed of 3km per second.

2.3

The Northern Ohariu Fault, Gibbs Fault and Otaki Forks Fault are all capable of generating earthquakes M7+ and metre-scale surface rupture displacements ((Litchfield et al. 2004, Van Dissen et al, 2003).”

2.4

A letter was written to Judge Newhook in a vain attempt to remedy this situation.

44/** http://turiteadocuments.files.wordpress.com/2012/04/turitea-seismic-issues.pdf

2.5

Not one of the members of the BOI asked about the earthquake risk. BOI member Bunting, an engineer, and all of the board were well aware of the Christchurch earthquakes. This was deliberate as Karen Price, lawyer for MRP at the Call-In made sure the earthquake risk was not canvassed at all. I laid a complaint about Price to the Law Society covering her collusion with Kenderdine over this and other matters. NB Price at the time was married to then aspiring Prime Minister David Cunliffe. She is the major beneficiary of carbon trading from various wind farms etc. I am adding this information to round out the picture but for the purposes of the speakers at the Commonwealth Law Conference the Kenderdine fraud and the executive managed cover-up are the main focus.


2.6

Board member Bunting’s professional failure to exercise due diligence regarding the two earthquake faults was brought before the Chartered Professional
Engineers Council (CPEC). A whitewash ensued.

2.7

Beca Carter which did the woefully inadequate preliminary seismic survey is a member of the New Zealand Wind Energy Association. A proper seismic survey was to be done after the consent was granted.

2.8

This is a clear conflict of interest which Kenderdine ignored and a breach of the Code of Conduct for Expert Witnesses.

2.9

As noted in 1.10 above Kenderdine on 20th August 2010 was rewarded with her appointment by C Finlayson Attorney-General as chair of the Historic Places Trust.

2.10

Under Kenderdine’s guiding hand 200+ buildings in Tararua are now required to be earthquake strengthened.

2.11

Laughably Kenderdine has since gone on to lecture about the hazards posed to historic buildings by earthquakes. This deflection was nothing more than damage control “insurance”.

2.12

Tuesday June 12 2012
Shonagh Kenderdine

Standing Firm on Heritage: Building Resilience in the Face of Change

Shonagh, first woman Planning Tribunal Judge/Environment Court Judge (1990-2006) and is currently Chair of the New Zealand Historic Places Trust, will talk about Earthquakes: Lessons from Turkey and Italy (PowerPoint); impending legislation issues; new role for regional committees; insurance issues; community buy-in.

50/ [https://turiteadocuments.files.wordpress.com/2012/04/kenderdine-lectures-on-earthquakes.pdf](https://turiteadocuments.files.wordpress.com/2012/04/kenderdine-lectures-on-earthquakes.pdf) See page 4

2.13

The major seismic risk to Turitea was referred in Mighty River Power’s Puketoi wind farm application. Even then these weasel words do not disclose that Puketoi itself is right on top of the northern extension of the Wairarapa fault.

2.14

“The nearest major fault (the Wellington Mohaka Fault) is more than 20km away, so will not subject this site to any near fault amplification effects”

2.15

Prior to Mighty River Power shares being sold to the public an effort was made to ensure Mighty River Power met its legal obligations regarding full disclosure of the earthquake risk.


55/ [http://turiteadocuments.files.wordpress.com/2012/04/201210261737.pdf](http://turiteadocuments.files.wordpress.com/2012/04/201210261737.pdf)

2.16

The result of this effort failed to bring accountability and honesty

2.17

Investors in Mighty River Power’s share float were deliberately denied essential information. The Government’s friends were clipping the IPO ticket.

2.18

Kenderdine knew before the public ever did that this SOE would be partially sold and that Turitea was on two major faults.

2.19

Kenderdine and her board are complicit in a fraud against investors.

2.20

In the meantime the threat of a catastrophic earthquake in Palmerston North is exercising the minds of PNCC. The list of buildings in the CBD 8 km from the Wellington fault which will fail is growing.

2.21

The Turitea stream flood plain has now been excluded from residential building and for good reason. The Turitea dams are right under the wind farm and could potentially fail in a large earthquake.
In March 2001, the Parliamentary Commissioner for the Environment released the report

*Building on the Edge – The Use and Development of Land On or Close to Fault Lines.*

The Commissioner’s investigation arose following public concern that local authorities were not able to adequately manage the use and development of land on or close to active faults.


- *There is no technology to prevent earthquake damage to buildings built across faults.* [Emphasis added]

- Few territorial authorities identify and plan for seismic hazards, despite their responsibilities for subdivision and land use.

- Practical guidelines are urgently needed to reduce the risks associated with fault rupture.

Not only are 60, 125 metre (410 feet) turbines fraudulently “approved” on or right next to the Wellington and Northern Ohariu faults but so too are two substations and 45 metre pylons.

### 3 The fraudulent noise standard

**3.1**

The Executive Summary states

“A large number of rural residential properties are located on the slopes below the wind farm with the residents of these properties having major concerns primarily over visual and noise effects.”

**3.2**

This unanswered letter was sent to Judge Newhook.
3.3

Journalistic excellence in the Christchurch Press on the noise standard

3.4

The noise standard panned by expert Professor Dickinson

3.5

The applicant, MRP, writes the approval conditions that it will agree to be bound by and ignores the legitimate professional opinion of a dissenting expert. Kenderdine gave MRP a free pass.

3.6

It was only on 12/7/2013 that it was discovered that Tararua District Council (TDC) had agreed to not have any noise conditions imposed on the Turitea wind farm.

3.7

This astounding principal issue, the noise impact on Tararua, where at the time the wind farm totaled a massive 131, 40 story [125m] turbines, was never raised by Kenderdine in the hearings or addressed in the Final Decision. The then
Tararua Mayor Roland Ellis in 2017 has received recognition for his role in smoothing the way for MRP’s Turitea and Puketoi wind farms.


3.8

TDC abdicated its responsibilities to its own ratepayers. The memorandum from Kenderdine dated 16 September 2012 and circulated to submitters contained this fact on page 14 of a 14 page document.


3.9

It is highly likely that virtually no affected Tararua resident saw the application for resource consent for not meeting noise requirements.

3.10

Furthermore it was now not possible for anyone else in Tararua to submit, apart from the original 6, who made up just 0.85% of the total pool of 700+ submitters. One of those 6, Day, was a prospective wind farmer.

3.11

No noise assessment was done to protect Tararua residents’ rights and amenity. Note only those who submitted in the first instance were able to make further submissions.

3.12

This letter to the Environmental Protection Agency exposes the lies and distortions in the Final Decision.


3.13

No consideration was given to any Tararua owners of dwellings directly downwind from the wind farm, until Kenderdine’s conscience briefly got the better of her.
3.14

John Wheeler’s 3/3/2011 objection to Ms Kenderdine [now just a member of the public]

3.15

Ms Kenderdine makes this outrageous statement in the Final Decision.

“While the Board acknowledges that it is not bound by what NZS6808:2010 (or Mr Lloyd) say, the point remains that different individuals have different noise sensitivities. Irrespective of the noise conditions which may be imposed at Turitea, noise from the wind farm will be audible to varying degrees in the surrounding environs.

We also acknowledge Mr Lloyd’s description of the special nature of the location of the Turitea:

· The location is next to the currently quiet Tararua Ranges and the majority of surrounding areas are remote from significant roads or significant industrial activity;

· People come to such areas to escape from the close confines of residential or urban living; these people appreciate the aural amenity that is generally the quietness and peacefulness of the area (given that rural noise can be high from time to time);

· Wind farm noise is different from all other noisy activities in that it is generated over a wide area and spreads over a wide area of the surroundings – it is difficult to escape from.

Creating an environment where wind farm noise will be clearly noticeable at times of quiet background sound levels is not an option the Board condones, especially where large numbers of residents are affected. It is the Board’s view that energy operations in New Zealand will have to learn not to place wind farms so close to residential communities if they are not prepared to accept constraints on noise limits under such conditions.

Nevertheless, the Board did not go as far as accepting Dr Thorne’s and Professor Dickinson’s proposed primary and secondary noise limits as well as their
proposed minimum setbacks, instead preferring the evidence of the other experts on these matters.”

3.16

Kenderdine’s “other experts” created the standard in time to get around the very obvious problem to be created by the Turitea wind farm.

3.17

This is a scam of the first order and Kenderdine purposefully went along with it, mockingly commenting that the Board was not bound by the noise standard and then mockingly “tut, tuts “over the noise it is inflicting on ratepayers.

3.18

There is a legal requirement under the RMA to state valid, testable reasons and to mitigate. This did not happen.

3.19

This is just yet another scandalous failure to follow the Judicial Oath and the guidelines for Judges – note however Kenderdine was not a judge - it’s a novel replay of Catch 22

3.20

The noise conditions were never agreed as stated in the Final Decision – they were imposed.

3.21

Kenderdine was aware that the “granting “of the Turitea Consent gives the wind farm the status of already being in existence for legal purposes and that the change sought by MRP in the district Plan for unfettered conditions to operate a wind farm inside Palmerston North would mean no noise conditions would in effect apply. The granting of a 60 turbine wind farm would also under the District Plan not exclude further additional turbines being applied for and this outcome was communicated verbally to Anne Elliott who approached me over a house she and her husband were considering buying in Greens Road. Mrs Elliot was told by a PNCC employee that “they plan to fill in the gaps”

4 Bias exposed

4.1

The first submission period was from 24 January to 23 February 2009 when many people were away on holiday. If you didn’t submit in the first instance you were not able to submit later.

4.2

Diligent submitters analyzed the submissions

Submissions 198 - 215 were, all bar one, from Christchurch. 14 were in the same handwriting identical to Daniel Poff’s submission, number 204, while 4 others were different but said similar things. None wished to speak to their submission.

4.3

Submissions 404 - 449 also looked like the Poff family’s work as well. Three were from Waiouru and laughably one from the Shell Service Station in Waiouru stated a non belief in the use of fossil fuels. See submissions 416, 428, 429.

4.4

This left a grand total of 63 submissions in serious doubt, meaning almost 50% of the supporting submissions needed to be discarded leaving only about 10% of all submissions in favour.

4.5

This rigging of the submissions by a wind farmer’s family was brought to Kenderdine’s attention long before the hearings began and nothing was done.

4.6

Submissions on the redesign showed only two out of the 225 submissions received supported the wind farm. Both were from wind farmers; 249 Alley and 449 Poff.

4.7

The very protracted process purposely wore down submitters and subsequently there were only a few who were able to last the distance.

Submitters were sidelined. Natural justice was arrogantly denied.

“Three quarters of the people who want a board of inquiry to listen to their arguments about the redesigned Turitea Wind Farm proposal won’t get the chance to present their views aloud. Just 26 submitters out of 103 who indicated they wanted to speak have been given a slot by the board.”

Subsequent to the Final Decision being corruptly issued two key players in the Turitea wind farm process were feted by the New Zealand Wind Energy Association at their annual conferences.

In 2012 Kenderdine was a keynote speaker.

“Shonagh Kenderdine (recently retired Environment Court Judge) – Community dynamics and consenting issues
Shonagh Kenderdine’s experience includes hearing major wind farm consents. She will share her views on the consenting and community issues that need to be addressed to grow the number of wind farms in New Zealand, and some ideas on potential solutions. Shonagh Kenderdine will also lead a panel debate on community and consenting issues.”

Note the lie about Kenderdine’s “recent retirement” She was compulsorily retired in 2006.

Kenderdine’s bias was on show for all to see. In her presentation, now deleted from the NZEA website along with all mention of her and photographs of her in
judicial robes, she

· explained the process of how to place turbines as close as possible to dwellings,

· publicly lamented the loss of the Lammermoor wind farm (page 17), and

· announced her extremist belief that global warming dooms us all by 2040 (page 19). It should be noted that Sir James Lovelock has repudiated this utter nonsense and the science does not support it either.


4.14
Kenderdine’s presentation


4.15
The second participant to be feted by the New Zealand Wind Energy Association was Tararua Mayor Roland Ellis. Ellis’ role was ensuring no noise standard need be applied to the Turitea wind farm. All public evidence of Ellis’s involvement has also been removed from the NZEA website.

80/ http://turiteadocuments.files.wordpress.com/2012/04/2013-nzwea-conference-ellis.png

4.16
Kenderdine was in league with the applicant from the get go. This complaint was unanswered.


5 Geographical nonsense

5.1

From the Final Decision

Introduction
The proposed Turitea wind farm is located along the ridgelines of the northern Tararua Ranges in the Turitea Reserve and on surrounding farmland, on the outskirts of Palmerston North. [Emphasis added]

And

Chapter 1: Introduction

[1] The proposed Turitea wind farm is located along the ridgelines of the northern Tararua Ranges in the Turitea Reserve and on surrounding farmland, 10 kilometres to the south east of Palmerston North. [Emphasis added]

5.2

This lie was endlessly repeated by MRP in its promotional material and by other wind farm interests in the media to lull potential objectors into complacency. This deliberate lie is repeated by Kenderdine in the Final Decision, when she knew perfectly well that it was a lie.

5.3

The wind farm is in Palmerston North. The roads and subdivisions are not shown in detail on this postcode map but they stretch from the Pahiatua Track to Kahuterawa Valley to the top of the Tararua Ranges.


5.4

This is another blatant example of Kenderdine deliberately signing off on a fraudulent document thinking she would never be found out and be held to account.

6 Public safety put at risk

6.1

Kenderdine walked away from the issue of traffic conditions to the dismay of Kahuterawa valley residents. The traffic conditions were never agreed to.

Mighty River Power was present at the Kahuterawa Road traffic meeting but failed to railroad residents. Here they search for the minutes of this meeting.

83/ http://turiteadocuments.files.wordpress.com/2012/04/mrp-search-for-traffic-meeting-minutes.pdf
6.2

Kenderdine signed off a consent giving approval to 6 turbines close to and above the Pahiatua track contrary to manufacturers’ specifications. The Pahiatua track is an essential route when earthquake fractured rock periodically slips and blocks the Manawatu Gorge and under these circumstances is used daily by thousands of vehicles.

6.3

From the Vestas manual; page three

Stay and Traffic by the Turbine

Do not stay within a radius of 400m (1300ft) from the turbine unless it is necessary. If you have to inspect an operating turbine from the ground, do not stay under the rotor plane but observe the rotor from the front.

84/ http://turiteadocuments.files.wordpress.com/2012/04/vestas_complete_manual.pdf

6.4

Letter to Judge Newhook


7 MRP given a free pass on espionage and perjury

7.1

Evidence of blatant perjury by Douglas Heffernan and Mark Henry as expert witnesses giving evidence under oath was ignored by Kenderdine in direct violation of natural justice and the Code of Conduct for expert witnesses. The Board did not acknowledge the evidence supplied or apply any sanctions.


7.2

MRP is allowed to censor media comments and gets caught. Kenderdine turns a
blind eye.


8 MOUS kept from scrutiny


9 Manipulated evidence

9.1

89/ http://turiteadocuments.files.wordpress.com/2012/04/prejudice.pdf

9.2

An unsubtle public excursion by Kenderdine to lay blame elsewhere


10 Infrastructure

No photo-montages or plans of any infrastructure, substations or pylons were provided to the 700 + submitters, although they had been available for 5 years.

10.1

No final photo-montage was provided and no one other than the Board and applicant saw the fly through 3D animation of the wind farm, the K2 simulation. Kahuterawa valley residents in particular are severely impacted by pylons, transmission lines and a substation. Kenderdine managed to bury this matter entirely. Pylons, towers, transmission lines and substations are themselves subject to the Resource Management Act, be they on public or private land.

10.2

From the Final Decision.

“From an infrastructure perspective, the transmission lines required for the project will have significant effects, but we note that landowners have granted permission where these are located on private land”
Note: when landowners sell the royalties and payments go with them and not to the new owners.


11 Huatau Marae

The 140 members of this family marae were disgracefully marginalized. Cultural sensitivity and natural justice were ignored by the board in its quest for an economically viable wind farm.


12 Other issues

The Department of Justice is fully conversant with the Turitea fraud. There has been a complete failure of the Judiciary to discipline its own, indeed how can the Judiciary do anything when the Attorney-General their supervisor is in it up to his neck.


The Ministry for the Environment is also fully conversant with the Turitea fiasco.

Office of the Controller and Auditor-General

The Office of Controller and Auditor-General is central to ensuring the accountability of the public sector. Part of its role is to look closely at the way the public sector uses its money and to report any corrupt use to Parliament.

Office of Controller and Auditor-General (external link)
The office has 2 units:

- Office of the Auditor-General
- Audit New Zealand.

The Auditor-General independently reports on whether public organisations are behaving financially appropriately and are giving full and accurate accounts of their activities.

The Public Audit Act also gives the Auditor-General significant powers to access information.

These powers ensure there is a high degree of transparency surrounding the use of public money. These transparent arrangements are one of the reasons New Zealand is consistently seen as having low levels of corruption.

Audit New Zealand carries out auditing of all types of public sector organisations. An independent body, it enables domestic and international confidence in the thorough and unbiased investigations of New Zealand’s public sector finances.

Audit New Zealand website

Email correspondence to the Office of the Auditor General from 24/4/2012 It is clear the Office was acting on instructions.

100/ **To the Office of The Auditor
101/ **Response from The Office of the Auditor -General 30 April
102/ **Reply to Ms Hutton 30 April.
103/ **Response from The Office of the Auditor -General 1 May
104/ **Reply to Ms Hutton 1 May

MWH Global, the project coordinators for the Turitea Call-In, has quite understandably removed from their website all mention of their involvement.

105/ http://turiteadocuments.files.wordpress.com/2012/04/mwh-global-search-results.png
13 Government responses

Our case has been amateurishly rejected by various players, but in most cases simply ignored.

The Attorney-General


The only ever response from Finlayson, which is mendacious and copied to his co-conspirator, Nick Smith


No reply


Hon Nick Smith

109/ http://turiteadocuments.files.wordpress.com/2012/04/viewer-3.png

NZ Police

110/ http://turiteadocuments.files.wordpress.com/2012/04/police-response.png

Hon Amy Adams


112/ ** http://turiteadocuments.files.wordpress.com/2012/04/hon-amy-adams-replies-20-september-2013.pdf  Tries to pull the wool over our eyes and without being asked tells me Kenderdine was being paid

No reply


No reply has ever been received from Hon Judith Collins, then Minister of Justice, about this serious constitutional matter


other than this reported statement which is manifestly false
Conclusion

Sir David Gascoigne in his letter revealing the Kenderdine fraud claims that no judge will be pursued into retirement as a legislative policy. The Crimes Act 1961 says otherwise. Gascoigne lied and is implicated in the cover-up. Yes, the laws governing judicial and ministerial corruption are on the books but according to Gascoigne they will not be followed.

Attorney-General Finlayson is the only one who can initiate a prosecution under the Secret Commissions Act 1910. Since he would never initiate a case against himself or Cabinet Ministers he has carte blanche to manipulate the judiciary to the will of the executive without sanction and cover for the corrupt actions of others, in particular Kenderdine and her board’s fraudulent Turitea Decision.

Finlayson has participated in the rewarding of Kenderdine’s willingness to take bribes as a fake judge by appointing her to chair the Historic Places Trust and then illegally extending her term.

To cap it all off the executive further rewarded Kenderdine by giving her a QSO for unspecified “services to the judiciary” in the Queen’s Birthday Honours for 2014.

The claim that the New Zealand Executive and Judiciary function independently and lawfully is completely false. The legal mechanism permitting corruption and fraud as outlined continues to exist and there is no intention to rectify or amend it. The Attorney-General can operate behind the scenes unchecked with no fear of being outed. It’s only the Turitea fraud and the corrupt PNCC consultation document [see 1.17-1.22] and secret wind farm contract and variation which have exposed the true nature of the relationship between the Executive and the Judiciary.

For us any legislative revision is too late. The corrupt secret contract between Mighty River Power and Palmerston North City Council put us on the path to financial ruin. Link 119 formed part of a futile application for NZ superannuation as a trivial compensation.
Others will also face the same outcome without redress.

In an alternate universe I would have been lionized for exposing the fraud and warning that the wind farm poses a huge financial, reputational and environmental risk not only to Palmerston North but to the country as a whole. This final correspondence with Minister Smith including his sole reply spells it out.

Submitters have faced a government with all its regulatory branches secretly instructed to put every obstacle possible in their way. Governments by nature do not have a collective conscience but only possess a reflexive urge to double down on the self preservation of its, in this case, numerous high profile actors.

Paul Stichbury

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