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## LEGAL COMPLAINTS REVIEW OFFICER

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16 December 2014

Paul Stichbury  
Email: paulstichbury@gmail.com

Dear Mr Stichbury,

**LCRO 236/2014 – Paul Stichbury v Karen Price**

For your information, I enclose a copy of Ms Price's comments dated 15 December 2014, relating to the Application for Review.

The Standards Committee file has been received, and this along with the Review file will shortly be referred to the Legal Complaints Review Officer (LCRO) for assessment as to how the matter should progress.

Unfortunately due to our current workload, we are experiencing some delay in the progression of files. These delays are regrettable, and our office is working to progress matters as expeditiously as possible.

We will be in further contact with you once a direction from the LCRO has been issued.

Please do not hesitate to contact me if you have any questions.

Yours sincerely

Nicole Gordon  
Case Manager  
LEGAL COMPLAINTS REVIEW OFFICER

DDI 09 356 5654  
Fax 09 356 5664  
Email [Nicole.Gordon@justice.govt.nz](mailto:Nicole.Gordon@justice.govt.nz)

Enclosed: Letter dated 15 December 2014

# LES TAYLOR QC

15 December 2014

Nicole Gordon  
Case Manager  
Legal Complaints Review Officer  
Private Bag 92535  
Auckland 11412

Dear Nicole

## **File 11989 – Complaint by Mr Paul Stichbury against Ms Karen Price**

1. I act for Karen Price.
2. I have reviewed the notice of decision, the complaint by Mr Stichbury and the application for review of the decision of the Wellington Standards Committee 3 to take no further action. Ms Price fully supports the decision of the Standards Committee 3 to take no further action in respect of the complaint.
3. The reasons given by the Standards Committee 3 clearly justify the decision to take no further action and Ms Price agrees with those reasons. In addition, however, I make the following submissions in support of the decision to take no further action.

### **The complaint**

4. The complaint is a series of generalised questions by Mr Stichbury which in turn are based on a number of scurrilous and wholly implausible allegations of fraud, corruption, collusion between the Chair of the Board of Inquiry and Ms Price and the taking of secret commissions involving the Chair of the Board of Inquiry, Ms Price and the Attorney-General. The latter allegations appear to stem from a misconceived belief on the part of Mr Stichbury that the Chair of the Board of Inquiry not holding a judicial warrant means that any payment received by her, or Ms Price, were secret commissions. In that regard I note that section 149(J) (previously section 146(5)) of the Resource Management Act expressly permits appointment of a retired Environment Court Judge to a Board of Inquiry. Even if it did not, however, the allegations of breach of the Secret Commissions Act by Ms Price are clearly baseless.
5. Some of the allegations are purportedly supported by “stunning” and “irrefutable” concessions taken from the Chancery Green website which, it is alleged, give rise to “unparalleled breaches of ethical conduct”. The allegations against Ms Price and others, including the Chair of the Board of Inquiry, the Attorney-General and senior counsel involved in the inquiry are extreme in nature and are not supported by any evidence which could justify further action under the complaints process.

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6. As noted by the High Court the seriousness of allegations does not in itself constitute substance and an allegation of serious misconduct of itself carries no weight at all.<sup>1</sup> Further, the more serious an allegation is the less likely it is that the event occurred and the stronger the evidence would need to be before a conclusion could be reached that the allegation is established.<sup>2</sup> Clearly, in exercising the discretion whether to take further action the Standards Committee (and the LCRO on review) are entitled to take into account the sufficiency of the evidence in support of allegations which, on any view of it, have a complete air of unreality.
7. The allegations made are not supported by any cogent evidence which could meet the burden of proving the allegations made in the complaint. The decision of the Standards Committee 3 could properly be justified and upheld on that basis alone.<sup>3</sup>
8. The allegations made by Mr Stichbury are both extreme and inherently implausible. There is nothing in the various materials referred to by Mr Stichbury which could constitute evidence of the standard and cogency required to justify further action in respect of the complaints. There is no proper basis for the complaints and any further action in respect of them would, if it is respectfully submitted, constitute an abuse of the complaints process.
9. Many of the allegations, for instance those alleging involvement by Ms Price in the drafting and signing off of an agreement between Mighty River Power and the Palmerston North City Council, could not, even if they were true (and they are not-- Ms Price was not involved in the preparation of that agreement), form a plausible basis for a legitimate complaint in respect of Ms Price. As pointed out by the Standards Committee they appear to stem from a misunderstanding that Ms Price owed duties to Mr Stichbury and other landowners apparently because, in Mr Stichbury's view, they are "prospective clients"
10. Whilst Mr Stichbury is clearly unhappy with the process and the result of the application by Mighty River Power to establish a windfarm, the Standards Committee 3 was correct to conclude that the complaint against Ms Price stems from a misconceived belief that, in representing and advising Mighty River Power in respect of the proposed windfarm development, Ms Price was somehow acting unethically and in breach of duties owed to Mr Stichbury and other submitters. The complaints process is, in effect, being misused for the purpose of complaining about the processes and decision of the Board of Inquiry.
11. Finally I note that Mr Stichbury, in his application for review, has indicated that he will not be satisfied until all of the questions he has asked in the complaint have been answered by the Standards Committee. The complaints process is not there to answer Mr Stichbury's questions. This also demonstrates that the decision to take no further action is correct.
12. It is respectfully submitted that the decision by the Committee to take no further action is fully justified. To allow the complaints process to proceed would, given the outlandish, misconceived and baseless nature of the allegations made, amount to an abuse of the complaints process. The Standards Committee 3 was therefore clearly right to conclude that further action was not necessary or appropriate.

#### **Disposal of the application for review**

13. Given Mr Stichbury's residence overseas it seems appropriate that the application for review be dealt with on the papers and Ms Price consents to that. In any event, but subject to any views the Complaints Review Officer may have, Ms Price would be happy for any hearing to proceed on an Applicant only basis.

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<sup>1</sup> *Bradbury & Ors v Judicial Conduct Commissioner* [2013] NZHC 989 at [157]

<sup>2</sup> *Re H (Minors)* [1996] AC 563 at 586 and *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1 at [100] and [101]

<sup>3</sup> *B v Canterbury District Law Society* [2002] (HC) 3 NZLR 113 at [18] and [2005] (CA) 2 NZLR 753 at [21]

**Conclusion**

14. It is submitted that the decision of the Standards Committee 3 not to take any further action is fully justified. Ms Price requests that the decision of the Standards Committee 3 be upheld and the application for review be dismissed.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Les Taylor', written in a cursive style.

Les Taylor QC

## Gordon, Nicole

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**From:** Les Taylor <les.taylor@stoutstreet.co.nz>  
**Sent:** Monday, 15 December 2014 5:07 p.m.  
**To:** Gordon, Nicole  
**Subject:** FW: LCRO 236/2014 Stitchbury v Price  
**Attachments:** File 11989 - Complaint.pdf

Hi Nicole. See below and attached. I think I might have got your email address wrong in the email below.

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**From:** Les Taylor  
**Sent:** Monday, 15 December 2014 11:47 a.m.  
**To:** 'nicole.gordon@justice.govt.co.nz'  
**Subject:** LCRO 236/2014 Stitchbury v Price

Hi Nicole,

Please see the attached letter. The original is in the post.

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