

Hon. J. Collins  
Minister of Justice

8 April 2013

Dear Hon. J. Collins

Ref: Fraudulent consent, Turitea wind farm.

On the 13 December 2012 I wrote to you asking that urgent action be taken to withdraw the Turitea consent on the basis that it was not issued by a judge with a warrant. You did not reply, but delegated what is a vital constitutional matter to a junior Minister, Amy Adams, who wrote to me on 1 February 2013, where she claimed that in effect Kenderdine did not need a warrant, one year and one month after she permanently and compulsorily surrendered it, to make a legally binding decision. This claim is complete nonsense. The RMA relating to Call-Ins, clause 149J states:

The Minister must appoint—

- (a) no fewer than 3, but no more than 5, members; and
- (b) 1 member as the chairperson, who must be a current, former, or retired Environment Judge or a retired High Court Judge.

This clearly means that the judge as chairperson must be “current.” In other words the chair must hold a judicial warrant and be eligible to hold a warrant. The adjective *current* modifies the following three types of person eligible to be the chairperson. There is no other possible interpretation of clause 149J.

There have been 5 Call-Ins to date. Four of them were chaired to a legally binding conclusion by judges with warrants, Turitea was not.

The Mighty River Power share offer document on page 58 states that MRP has a consent for Turitea. MRP does not have a consent as Kenderdine falsely signed off as Environment Judge and was not a warranted judge for the 13 months prior to the Final Decision being signed and issued by her.

Correspondence received from the Financial Marketing Authority states that MRP are aware of their obligations to disclose material information regarding Turitea. This has not been done. I note that James Miller is on the Boards of both MRP and the FMA. The issues I raised with the FMA cover the facts that the Turitea wind farm is directly on top of the Wellington and Northern Ohariu fault lines and that the Puketoi wind farm is right on the Wairarapa fault. Furthermore, the three million dollar penalty to be levied against Palmerston North City Council, if it helps in any way the hundreds of city rate payers whose amenity and property values will be ruined by the Turitea wind farm, has also been avoided.

I have no issue either way with the sale of Mighty River Power, but I do with the covering up of malfeasance and this blatant fraud on Palmerston North ratepayers and investors in the sell-off.

Yours sincerely

Paul Stichbury