1. Mr Taylor QC has responded to the LCRO on behalf of Ms Price where he is defending her conflict of interest and failure to abide by New Zealand legislation governing the practice of law. He is a colleague of hers. They worked together at Minter Ellison Rudd Watts for 5 years between 2002 and 2007 and both are very heavily involved in the wind farm industry. By choosing Mr Taylor [Mahinerangi wind farm – 100 turbines] to represent her, rather than an independent counsel, Ms Price has shown a lack of judgment similar to her recent "tarnbabe67" debacle.

2. Mr Taylor in his brief rebuttal has provided no evidence of consequence in support of his client, preferring to rely on the specious arguments of the Wellington committee 3 where he makes no less than 6 separate appeals to their faulty decision. These appeals are made in paragraphs 2, 3, 7,10,12,14.

3. Mr Taylor makes no reference to the ridiculous legal precedent on which the Wellington Standards Committee 3 decision is based but merely repeats the diversionary tactic of claiming Price has no obligation to me.

4. Mr Taylor has willfully ignored all legislation governing the conduct of the legal profession, including the Law Society, to which Price is bound hand and foot. These are covered in detail in my previous submission. Mr Taylor has deliberately ignored every breach of this legislation by Price.

5. Mr Taylor has shown he has no valid argument by pounding on the table with a thesaurus, using inflammatory adjectives and phrases, including, “scurrilous, wholly implausible, extreme in nature, air of unreality, extreme and inherently implausible, outlandish, misconceived, baseless nature, abuse of the complaints process” etc.

6. Mr Taylor has advised the LCRO that his client is unwilling to appear before her peers to answer this extremely serious complaint and casually claims in a bracketed aside in paragraph [9] that Price was not involved in the preparation of the Wind Farm Agreement. As Price was in charge of the entire process from scoping through to consenting,

and has confessed this on the ChanceryGreen website, this claim by Mr Taylor on Price's behalf is simply not believable. Does Mr Taylor name names or provide an affidavit? No, he does not. Nonetheless Price was the one running the entire show and the one who signed off on this fraud and bears full responsibility. Mr Taylor does not address the corrupt variation to the agreement and this can only be so on the basis that this variation is so outrageous that Price is very keen to avoid scrutiny by the LCRO. Is this not a clear case of lying by omission? Additionally Mr Taylor incorrectly uses the word "concessions" in paragraph [5] as a substitute for the word "confessions". The confessions by Price on the ChanceryGreen website of her intimate involvement cannot be spun out of existence by Mr Taylor no matter how hard he tries.

Furthermore the eventual looting of Palmerston North ratepayers' equity had its genesis in Price's master's thesis, and a visit to the IPCC by Price in 1991.

http://my.lawsociety.org.nz/events/auckland/climate_change_law_and_carbon_markets_update/LEANZ_-_Carbon_Markets_26_April_2012.doc

"Karen is recognised as a leader in climate change issues internationally. In 1991 she was part of the NZ delegation to the IPCC negotiations having written a master's thesis on climate change issues and the dynamics of international negotiations. Since then she has negotiated the only two Negotiated Greenhouse Agreements with the Crown, facilitated securitisation and trading in carbon credits on international markets for a range of clients, and advised a foreign government crafting a legal regime for its domestic climate change policy response."

It appears that sometime after 1994 Price's involvement with the future Turitea wind farm began. Note there are long lead times in the planning and developing of such a project. She worked with former Palmerston North City Council employee, Water and Waste Services Manager, Chris Pepper, whose CV on Linkedin states.

"Also took the lead role in the following major projects:
- resolving discoloured water issues in Palmerston North and Ashhurst
- the proposed Turitea wind farm in the water supply reserve."

On January 18 2005 Pepper, stated on the Horizons website that the Tararuas inside the city boundary could be used for a wind farm and that *the council had known this for ten years*.

"Water and Waste Services Manager, Chris Pepper, says the Council has known for the last 10 years that the top of the Tararuas, which is part of the Turitea reserve, could be effectively ulitised for wind generation."

https://turiteadocuments.files.wordpress.com/2012/04/ourregion-manawatu-council-seeks-partner-for-windfarm-development-chris-pepper.png

City ratepayers, including my wife and I, by now owners of a residential section right up against proposed 131 forty story wind turbines almost all inside the city boundary, were none the wiser.

At this juncture it is pertinent to recall the exact words written and posted and approved by Price. Here is a representative sample from a Google search. In particular note the use of the word "strategy"

"Karen Price and Senior Associate Helen Andrews advised Mighty River Power throughout the scoping, feasibility, consultation and consenting process for the Turitea Wind Farm, a significant wind farm proposed to be located in the Tararua Ranges near Palmerston North."

http://www.chancerygreen.com/index.php/what-we-do/our-projects/mighty-river-power-turitea-wind-farm

"Karen has consented numerous significant projects and advised on some of the country's biggest designations. She leads large project teams on major and contentious developments from their inception through to consent, providing legal advice and strategy to get projects over the line."

http://www.chancerygreen.com/index.php/senior-team/10-our-people/36-karen-price-2

"She leads large project teams on major and contentious developments from their inception through to consent, providing legal advice and strategy to get projects over the line."

http://www.haynesboone.com/files/Uploads/Documents/Virtual%20Round%20Table%20-%20Enviroment%20Law%202014%20PDF.pdf

"She leads large project teams on major and contentious developments from their inception through to consent, providing legal advice and strategy to get projects over the line."

http://www.iclg.co.uk/firms/chancery-green/karen-price

"Karen has consented numerous significant projects and leads large project teams on major and contentious developments from their inception through to consent, providing legal advice and strategy to get projects over the line."

http://www.willmsshier.com/docs/default-source/articles/virtual-round-table---environment-law-pdf.pdf?sfvrsn=2

From the capability statement on Price's website

"We use our experience to prevent projects being sidetracked by 'unforeseen' issues arising during the consenting process."

"We have cultivated and developed relationships with a wide range of consultants, staff within regulatory bodies, elected officials and independent commissioners. We are familiar with members of the Environment Court, and have studied their styles and preferences."

"Our track record speaks for itself. We have successfully managed the consenting of truly innovative energy generation projects, and major and controversial industrial, commercial, and residential developments. We are noted for thinking outside the box, and identifying opportunities and suggesting alternative approaches to challenges. We identify the risks, pro-actively manage them, and when any barrier is encountered, are ready with plan B (or C or D) to take another route."

"The answers to a problem are not always immediately obvious. We encourage and support novel solutions, and work with our clients to develop and refine them. When it will assist, we are also active in

exploring answers to regulatory barriers through dialogue in the political sphere."

Source: (Note the prominent image of a wind turbine on the page the last paragraph is taken from.)

capability_statement2013 Chancery Green

7. Mr Taylor believes that asking questions is not acceptable in a complaints process and that this is an abuse of the complaints process. By tilting the playing field 90 degrees in this manner to favour his client this means his client does not need to answer anything. However, note:

   29. Hearings before the LCRO, unless otherwise directed, are conducted in an investigative manner. The LCRO may put questions to the parties or witnesses.

   http://www.justice.govt.nz/tribunals/legal-complaints-review-officer/documents/lcro-guide

   By accusing the victim of abusing the complaints process, i.e. turning the victim into the villain, Mr Taylor has engaged in what is known in psychology as projection.

8. Mr Taylor absurdly takes exception to the naming of other individuals intimately involved in this fraud and appears unaware a complaint has been laid with the Law Society by another party against the Attorney-General Chris Finlayson for his role in the Kenderdine fraud.

9. Now let us turn to the citations in paragraphs [6] and [7] where 4 statements are made in support of not investigating and dismissing this case. These statements have the additional purpose of belittling the complaint.

10. The first concerns an allegation of bias against High Court Judge Venning J in a ruling on a tax avoidance arrangement where the appellants tried unsuccessfully to have the High Court decision set aside. This has no relevance to this complaint of fraud and Price's conflict of interest, and is a red herring, although it does provide a "local" flavour.

http://my.lawsociety.org.nz/in-practice/the-changing-law/case-commentary/ben-nevis-forestry-ventures-limited-v-commissioner-of-inland-revenue/Ben-Nevis-2014-NZCA-350.pdf

11. The second citation extrapolates from a UK sexual abuse case where suspect allegations of abuse had been made.

> " Lord Nicholls in *In re H (Minors) (Sexual Abuse: Standard of Proof)*, explaining (as Lord Hoffmann noted) that some things are inherently more likely than others, had used the following illustrations (at p 586):
>
> "Fraud is usually less likely than negligence. Deliberate physical injury is usually less likely than accidental physical injury. A stepfather is usually less likely to have repeatedly raped and had non-consensual oral sex with his underage stepdaughter than on some occasion to have lost his temper and slapped her."

Source:
http://www.publications.parliament.uk/pa/ld200708/ldjudgmt/jd080611/cd-2.htm

Mr Taylor is stretching credibility to breaking point by using such a case to cover for his client. It shows his argument is fatally weak in the face of both the evidence provided and the concrete obligations Price has to New Zealand legislation. These legal obligations were covered in detail in my submission to the LCRO and completely ignored by Mr Taylor.

12. The third citation is in addition to the second. It borrows from this case

Z v Dental Complaints Assessment Committee [2008] NZSC 55 is an important case which considers in depth just how quasi-criminal professional discipline proceedings should be. It is a decision of New Zealand's Supreme Court, their equivalent of our High Court, now 6 years old. It considers the disciplinary prosecution of a dentist, acquitted of sexually assaulting sedated patients, against whom disciplinary proceedings were brought in respect of the same conduct as was the subject of the criminal charges. That the rule against double jeopardy (i.e. the doctrine of autrefois acquit) had no operation

was accepted by the dentist. But he argued that the disciplinary proceedings were an abuse of process. Four of the five judges agreed with him in relation to one only of the particulars of professional misconduct, while one judge said even that should be allowed to go ahead. One of the four judges, Chief Justice Elias, held that all of the particulars of misconduct were an abuse of process. The second issue was what standard of proof these disciplinary charges had to be established to. All but the Chief Justice held that the appropriate standard was the civil standard informed by what we would call the *Briginshaw* principles. The Chief Justice, however, argued persuasively in favour of the imposition of the criminal standard in serious professional disciplinary proceedings.

Source: http://lawyerslawyer.net/2010/09/14/z-v-dental-complaints-assessment-committee/

Mr Taylor quotes from cases, where apparently unjustified claims were made of sexual perversion, in order to belittle the claims made against his client and colleague and at the same time equate the evidence I have put before the Law Society as just as unbelievable and that I am by association some sort of pervert for having done so. This may cause some private amusement among QCs gathered around the water cooler but is totally unacceptable to me and to all parties affected by the Turitea wind farm. Could I remind Mr Taylor through this forum that what appeared to be fantastic claims of sexual misconduct against Jimmy Savile, Rolf Harris, Jerry Sandusky, Pakistani gangs (raping and abusing a total 1,400 children in the UK town of Rotherham for 16 years) etc, all turned out to be true. Had I been Mr Taylor's client and he had taken this scatological line of defence I would have shown him the door.

13. The fourth citation, but note this is footnoted as number 3.

"The nature of the complaint was that a sum of $1500.00 paid into the trust account of the Law Firm X by Ms London on 31 August 2005 had not been properly accounted for."

http://www.justice.govt.nz/tribunals/legal-complaints-review-officer/LCRO/lcro-decisions/2009-decisions-1/136-2009-Evesham-v-Auckland-SC3.pdf

To compare a convoluted dispute over a trivial sum against the huge financial loss incurred by my wife and I and the certain massive devaluation Palmerston North and Tararua will face when the wind farm is built is totally unacceptable.

The fact that the complainant in this case was ordered to pay costs is a less that subtle ploy to intimidate me and does not accord with the principle of natural justice on which the LCRO is mandated to operate. This aspect of the case is also intended by Mr Taylor to give the LCRO some "guidance."

14. In short Mr Taylor has indulged in an offensive hand waving exercise and has couched his toothless defense of Price in what appears to be that of calling in a favour.

15. The following intertwined matters require a detailed response.

[A] Warrants, [B] Collusion, [C] The Secret Commissions Act.

Note the issue of Ms Price's conflict of interest is systemic throughout.

Mr Taylor is a relatively freshly minted warrant bearing QC [2013] He insincerely trivializes the importance of a warrant and is deliberately obfuscating in paragraph [4] the requirement for a judge to hold a warrant. For clarity and to educate Mr Taylor this is the situation in respect of warrants.

[A] Warrants

1. Kenderdine was appointed to the Board of Inquiry as a "retired judge" with a then current judicial warrant.
2. On the 6th August 2010 she was permanently removed from the judiciary after her second and final two year reappointment expired and her warrant to make legally binding decisions was at the same time permanently withdrawn.

3. The judge chairing a Board of Inquiry is required to possess a warrant.
4. The term "former" judge in the RMA legislation, in such an appointment, can only mean a retired judge eligible to be reappointed with a warrant and who has not yet reached the final stage where he /she must, by virtue of age, be compulsorily and permanently removed from the judicial roll.
5. Kenderdine reached that final stage and from the 7th August was no longer a warrant holding retired judge, and as such, was correctly described by Governor-General Satyanand in layman's language, two weeks later, as a "former judge" in an official welcome to Government House.
6. Satyanand knew full well that Kenderdine was no longer a judge and did not have a warrant or any legal authority, as he was the one who canceled her warrant on the advice of the Attorney-General. It should also be noted that Satyanand as a District Court Judge was a colleague of Kenderdine's and, while he held a warrant, had developed programmes for judicial orientation and education.
7. When a warrant holding judge is unable for any reason to carry out his/her duties, then that judge is compelled by NZ law to withdraw. Recusal is a regular occurrence. Kenderdine, however, simply continued on as before without any public announcement of her change of status, i.e. that she was now just Ms Kenderdine, a member of the public.
8. From the 6th August 2010 the Board of Inquiry no longer had an appointed judge with a warrant heading it. In effect the Board of Inquiry ceased to exist.
9. Since the Board of Inquiry did not exist, but in name only, the claim by the Wellington Standards Committee 3 that the complaints process would be acting as a substitute for the Board of Inquiry and would undermine the Board of Inquiry is fallacious. (See paragraph [12] in the 14th October decision) You cannot make this claim when the Board from 6th August 2010 was a secret, illegal parody of itself.
10. Kenderdine sailed off into the sunset to chair the Historic Places Trust, appointed by the very man, Finlayson who cancelled her warrant. He subsequently, without going through the proper legal channels, extended her tenure for another 10 months until May 2014.

11. “Pursuant to section 28 and clause 1, Schedule 5 of the Crown Entities Act 2004, I appoint Shonagh Kenderdine, of Wellington as a member and chair of the New Zealand Historic Places Board of Trustees for a term of office from 23 August 2010 to 31 July 2013.

    Dated at Wellington this 17th day of August 2010.

    HON CHRISTOPHER FINLAYSON, Minister for Arts,

    Culture and Heritage”

    https://www.dia.govt.nz/pubforms.nsf/NZGZT/NZGazette108Aug10.pdf/$file/NZGazette108Aug10.pdf

    Section 28 of the Crown Entities Act

    http://www.legislation.govt.nz/act/public/2004/0115/latest/DLM329954.html

    http://turiteadocuments.files.wordpress.com/2012/04/new-zealand-historic-places-trust-ministry-for-culture-and-heritage.png

    Kenderdine replaced 22 may 2014 by Wyatt Creech

    https://www.national.org.nz/news/news/media-releases/detail/2014/05/22/heritage-new-zealand-pouhere-taonga-board-members-appointed

12. The matter of Kenderdine’s “nine lives” as Chair illustrates that for the Executive the law was capriciously expendable to cover for her, by keeping her an “immune, unassailable” public figure – and by so doing also shelter and distance Price from potentially, highly damaging scrutiny. If Kenderdine was outed as a fake judge, Price would be dragged into the net and her conflict of interest and failure to abide by legislation governing the practice of law would be exposed. This explains why there was no government reaction to the Scoop news release or to the story in the Manawatu Standard outing Kenderdine. The strategy was obviously to let the matter die a natural death and by so doing marginalise both myself and John Adams.

http://turiteadocuments.files.wordpress.com/2012/04/complaint-lodged-with-sfo-over-turitea-wind-farm-scoop-news-part-page.png

https://turiteadocuments.files.wordpress.com/2012/04/wind-farm-consents-questioned-manawatu-standard-stuff-co-nz.png

As stated above Attorney-General Finlayson is the subject of a further complaint by another party but none the less the material provided in this paragraph and in paragraphs 10 and 11 on the link between Price and Kenderdine is very relevant to this case.

13. Price, the subject of the complaint to the Law Society, knew full well that Kenderdine had no legal authority from 6th August 2010. At this point Price was legally obliged to withdraw her services. That she did not has besmirched the legal profession and breached legislation governing the practice of law. No one was ever supposed to find out.
14. The reason Price continued has everything to do with her attempt to monetize her huge conflict of interest as director of the Carbon Exchange she established in 2004.
15. Risible responses from warrant holding government ministers and others to date have all hinged on the word "former" as a cover up for Kenderdine, but as demonstrated this is fraudulent nonsense. The letters have concluded with the statement "I am satisfied that ….." without any valid legal argument in support.
16. Kenderdine was fully aware of her non status as a judge and on the 5 public documents she signed after 6th August 2010, and unable to make up her mind, she vacillated between "retired Environment Judge" and "Environment Judge" in the hope that no one outside the inner circle would notice. Both designations, however, were false and fraudulent. As noted above "retired judge" can only describe a judge reappointed beyond the retirement age for two, two year terms until compulsory removal from the judicial roll. She was permanently removed on the 6th August 2010.The most important documents, the Draft Decision and the Final

Decision are signed off by her as “Environment Judge”. The evidence in order of specific dates is recorded here.

17. http://turiteadocuments.files.wordpress.com/2012/04/a-tissue-of-lies-and-a-fraudulent-turitea-wind-farm-consent-2-january-20132.pdf
18. Note that at no time did Kenderdine sign any documents as “former judge” or “former environment judge” The Serious Fraud Office itself fraudulently and absurdly claimed that not signing off as “former judge “ was simply an administrative oversight and that this excuses her. Ironically administrative oversights are, however, the very grounds for dismissing legal cases and the SFO’s response gives the Government the out it needs to tear up the invalid Turitea consent.
19. Correspondence received to date from all parties involved has specifically avoided the plain unvarnished fact that Ms Kenderdine did not have a judicial warrant for thirteen months before she fraudulently issued the Turitea Final Decision in her 76th year, a decision equivalent to that of any made by a judge with a legally possessed and current warrant, be it in the Environment Court or District Court.
20. Kenderdine has knowingly committed fraud and this fraud has been covered up at the highest level. Mr Taylor to his great discredit is now chiming in on Price’s behalf to do the same.
21. Kenderdine has a consultancy business and here she lies about her time as a judge to cover up her lack of a warrant.
22. http://turiteadocuments.files.wordpress.com/2012/04/about-shonagh-kenderdine-fraud.png
23. Like Price she is, comically, a member of LEADR, a dispute resolution service.
24. The Government, to validate the Turitea Final Decision, would need to amend the law to state that legal decisions no longer need to be made by current, warranted and accountable judges. This of course means that ordinary NZ citizens could then also claim they no longer needed, for example, current, valid drivers’ licenses or any current, valid professional practicising certificates or qualifications.
25. This should be sufficient to educate Mr Taylor QC on this matter but just to be sure these three letters should do the trick. Note the devious, arrogant response from the Attorney-

General, a NZ Law Society member, who avoids the issue entirely.

26. http://turiteadocuments.files.wordpress.com/2012/04/letter-to-hon-c-finlayson-5-november-2013.pdf
27. http://turiteadocuments.files.wordpress.com/2012/04/hon-c-finlayson-responds-11-september-2013.pdf
28. http://turiteadocuments.files.wordpress.com/2012/04/letter-to-hon-c-finlayson-26-august-20131.pdf

29. Tony Molloy QC in the Sunday Star Times severely criticized the New Zealand legal system.

    NEW ZEALAND is making a hash of its legal structures, tinkering with legislation and losing its reputation as a place where the legal system can be trusted to produce authoritative and internationally respected judgments, Tony Molloy, QC, said last week.....

    Molloy said counsel would be in breach of their duty of care and exposed to claims of negligence were they to litigate in areas beyond their expertise. **Yet judges often sit on cases they should not.**"What sort of madness has infected our legal system when **what would be misconduct for a barrister becomes routine – and consequence-free – for a judge**? It is certainly not consequence-free for the hapless litigant who gets seriously short-changed for his court filing and hearing fees."....

30. Note: Price is a barrister and was admitted to the bar in 1988

    http://www.stuff.co.nz/sunday-star-times/business/5033713/Law-system-a-laughing-stock

    The Attorney-General's response

    Attorney-General Chris Finlayson came out swinging this afternoon against senior lawyer Tony Molloy, calling on him to surrender his QC's warrant for attacking the judiciary.

http://www.nbr.co.nz/article/outraged-finlayson-says-judge-critic-tony-molloy-should-quit-qc-rank

31. Mr Taylor is endeavouring to apply the same consequence free conduct enjoyed by the warrantless Kenderdine to his client, Ms Price, a barrister with a massive conflict of interest. If he publicly tells the truth, as Mr Molloy has, then Finlayson to be consistent, will very likely tell him to hand in his warrant.

[B]Collusion

32. Kenderdine and Price knew each other well.
"Highlights for me were Judge Shonagh Kenderdine on how climate change is being treated in the Environment Court (with special reference to sea level rise), Karen Price on the process (and contractual pitfalls) of carbon trading"
http://hot-topic.co.nz/the-green-green-grass-of-home/
33. Kenderdine is a global warming extremist. This suited Price's agenda as a carbon trader perfectly. Nobody knew this until her presentation at the 2012 New Zealand Wind Energy Conference, where in a paper she presented, which detailed how to place wind turbines as close as possible to hapless human beings, she made her views abundantly clear.

    The following is from Kenderdine's presentation to the NZWEA annual conference, see page 19. The NZWEA quickly disappeared it from their website. Lovelock has himself repudiated this utter nonsense.

    http://turiteadocuments.files.wordpress.com/2012/04/shonagh_kenderdine.pdf

    'Global warming is now irreversible. Nothing

    can prevent large parts of the planet

    becoming too hot to live in with others

    sinking underwater by about 2040.

    'Our only chance now is to:

- Start planning how to survive

- Acknowledge we need more technology, not less'

Sir James Lovelock

34. Submitters were not permitted to challenge the collapsing orthodoxy around global warming as evidence and the process were cynically manipulated. The truth would torpedo Ms Price's Carbon Exchange in short order and tank Ms Kenderdine's deluded effort to "save the planet."

35. So, in summary, Price depended on Kenderdine's cooperation to remain silent about her massive conflict of interest and Kenderdine depended on Price to remain silent about her not being a judge with a warrant.

36. But what does the law say? Why this.

    The guidelines for Judicial Conduct issued by the Courts of New Zealand are specific. Kenderdine ignored them.
    [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.

37. Ms Price's unfulfilled legal obligations have already been outlined in detail. Please refer to my submission to the LCRO in response to the Wellington Standards Committee 3 decision.

Ms Price turned a blind eye to manifest errors and omissions in the Final Decision. The Call-In process is very precise as to the requirements for a valid report.

The report—

(a) must state the board's decision; and

(b) must give reasons for the decision; and

(c) must include the principal issues; and

(d) must include the findings of fact

She made no effort to have the report corrected as it interfered with her conflicting interests as a carbon trader. Additionally the "errors" were all part of Price's deliberate strategy to get this "contentious" wind farm "over the line "come what may.

The Final Decision

A selection of errors and omissions, although not limited to these identified in this list, which show Price as supervisor of the entire process implementing strategies to get the consent for Turitea "over the line."

1. The Turitea wind farm approved right on the Wellington and Northern Ohariu fault lines. This includes 60, 125 metre turbines, two substations and transmission towers. The BOI with strategist Price controlling the narrative ignored the earthquake issue entirely. The driver for this incredible outcome was money from carbon trading once the wind farm was built.

   http://turiteadocuments.files.wordpress.com/2011/11/evidence-alexander.pdf

   Note the matter of earthquakes was raised by me in my very first submission, 23 Feb 2009. See number 4 page 5. The very substantial financial risk was later transferred to individual MRP investors, but without their knowledge.

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

2. The noise standard was fraudulently developed; concrete evidence was provided to the BOI in submissions.

   This very serious issue is covered in detail. See 48 to 58 in my original complaint. Kenderdine and Price's strategy was to simply ignore the evidence provided. An honest standard, instead of one concocted by the wind farm industry, would have certainly precluded the wind farm

3. A callous disregard of amenity and residents' rights, in fact no noise assessment was done for the Tararua District at all.

   See comment and link 56 in my original complaint. The only way to exclude Tararua from noise effects would have been via a secret deal. The wind farm contract and the variation to it are all the evidence needed to show the corrupt lengths Price et al were prepared to go. Kenderdine was their essential enabler.

   The noise conditions like the traffic conditions were never agreed but simply imposed.

4. Absurdity as to the actual location of the wind farm. The Final Decision claims that the wind farm is 10 km South East of Palmerston North. This locates it more or less down the main street of Pahiatua.

   Palmerston North city boundary extends to the top of the Tararua Range. This is the reason there are so many PNCC rate paying properties impacted directly by the wind farm.

   However, in true Lewis Carroll fashion, all you need to do is say something three times and it's true. Price, the strategist, makes sure this statement, that the wind farm is 10 km South East of Palmerston North, is repeated endlessly despite it being pointed out by submitters as completely fallacious.

   From the Draft Report

   Introduction

   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. See page 3

https://turiteadocuments.files.wordpress.com/2012/04/turitea-forward-executive-summary.pdf

From the Final Decision

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.

5. http://mfe.govt.nz/rma/call-in-turitea/final-report/chapter-01.pdf

6. A single victim was selected for compensation on the basis of the restoration of an historic building - a matter of personal interest to Kenderdine, everyone else was ignored.

   http://turiteadocuments.files.wordpress.com/2011/11/appendix-2-compensation-issues-a.pdf

   http://turiteadocuments.files.wordpress.com/2011/11/appendix-2-compensation-issues-wheeler-b.pdf

   Guilt momentarily got the better of Price and Kenderdine

7. The corrupt contract between MRP and PNCC which imposed a $3 million dollar penalty on PNCC, if it helped any of the many hundreds of affected ratepayers. Note a change of mind by PNCC results in unlimited liability

   This and the Variation were approved strategies by Price and are covered in my two prior submissions. Incidentally the contract, like all Turitea documents, still survives online as it was picked up by the internet archive from the MFE website.

   https://web.archive.org/web/20110525105140/http://www.mfe.govt.nz/rma/call-in-turitea/rebuttal-evidence/christopher-shaw-attachment-1-part-a.pdf

8. Public safety concerns ignored by permitting 6 turbines next to a state highway, the Pahiatua track, contrary to manufacturer's specifications.

   The huge financial incentive for Price driven at the time by Kyoto based carbon trading was behind this.

   http://turiteadocuments.files.wordpress.com/2011/11/pahiatua-track-safety-issues.pdf

9. MRP given a free pass on espionage and the blatant perjury of Mark Henry and Douglas Heffernan.

   See supplementary evidence below where it suited Price's ambition to let these blatant lies stand.

10. The Turitea Board of Inquiry protocols, the Judicial Oath, Guidelines for Judicial Conduct, and objects of the Resource Management Law Association were not followed.

    http://turiteadocuments.files.wordpress.com/2012/04/turitea-board-of-inquiry-protocols.pdf

    http://turiteadocuments.files.wordpress.com/2012/04/judicial-oath.pdf

    http://turiteadocuments.files.wordpress.com/2012/04/guidelines-for-judicial-conduct.pdf

    https://turiteadocuments.files.wordpress.com/2012/04/objects-of-the-resource-management-law-association.pdf

    Price made no effort to see that the natural justice enshrined in the above was followed. Both Price and Kenderdine are members of the Resource Management Law Association.

11. Neither Price acting for MRP nor the Board provided photo-montages of any infrastructure, i.e. pylons and two substations, leaving residents when it was too late, to find out to their horror that they were severely impacted.

    http://turiteadocuments.files.wordpress.com/2011/11/turitea-puketoi-transmission-lines.pdf

Also see the commentary on and Horizons document below.

12. An MOU touted as evidence but not presented for public scrutiny despite requests. See p 845 to 853.

    https://turiteadocuments.files.wordpress.com/2012/04/day-8-hearing-schedule.pdf

13. No final photo-montage was ever provided; in fact MRP's only landscape report *prior* to the closing of the first round of submissions was deliberately kept from submitters. All part of the strategy of keeping submitters in the dark. [Note unless you submitted in the first round you were not eligible to submit at a later date. This effectively excluded a large number of people who became aware too late that they were impacted. This was a deliberate strategy]. I also draw the LCRO's attention to Section F 29 in my original complaint as further evidence of Price's conflict of interest manifesting itself in corrupt tactics.

    See pages 824 to 827
    https://turiteadocuments.files.wordpress.com/2012/04/day-8-hearing-schedule.pdf

14. There was no evidence that the comprehensive comments on the Draft Decision were even looked at.

[C] The Secret Commissions Act

1. The Wellington Standards Committee 3 claimed to have no jurisdiction to consider a breach of the Secret Commissions Act 1910, see paragraph [13] in their decision, yet Mr Taylor in paragraph [4] in his response believes that he does, but for reasons best known to himself. He dismisses the breach as baseless but does not say why.
2. This is the fact. We had a member of the public, Ms Kenderdine with the tacit assistance of Mighty River Power's Counsel, Ms Price; produce a faulty, corrupt document with the full force of a Court decision. This is unprecedented as far as we know in New Zealand's legal history; in fact it may well be a first in the Commonwealth.
3. No amount of gesticulating by Mr Taylor or others can hand wave this away. I stand by my earlier submissions on this matter.

Supplementary material for consideration by the LCRO

Pursuant to legislation guiding the complaints hearing process, viz

28. All evidence should be made available to the LCRO prior to a hearing. This will usually comprise of information considered by the Standards Committee (the Standards Committee file will have been obtained by the LCRO) and any further explanations and submissions provided by the parties for the review.

- I am providing further elucidation of the following points raised in earlier submissions which were ignored in their entirety by the Wellington Standards Committee 3 in their decision and additionally by Mr Taylor QC.

Note at no time was I approached by the Standards Committee to elucidate any points, something which I had assumed they would do.

This is what I wrote in the email sent to the Law Society complaints dept.

"Please find attached a very substantial complaint concerning unethical conduct by Karen Price.

Please acknowledge receipt of this email.

Please contact me if you have any questions, need for clarification or additional information.

Note this complaint is not politically motivated, neither is it trivial in any way.

Yours sincerely

Paul Stichbury"

1. I wish to add additional material to item [59], a letter to Judge Newhook. It concerns the lies told by then CEO Heffernan and Mark Henry, Project Manager, to the Board of Inquiry, in particular regarding the interview which both Heffernan and I took part in on Radiolive.

2. Note this interview was deemed [obviously by Price the "strategist"] as very sensitive and was quickly deleted from the

Radiolive archive until accidently reinstated later when there was a site upgrade.

3. In the interview Heffernan claimed the size of the proposed Turitea wind farm was similar to Te Apiti, when in fact it was 4 times larger.

4. Both Dr Heffernan and Mark Henry stated that they had read the Code of Conduct for Expert Witnesses in the Environment Court Consolidated Practice Note 2006 and agreed to comply with this Code of Conduct and that their evidence had been prepared in compliance with this Code.

5. Both Dr Heffernan and Mark Henry breached the code for expert witnesses.

6. This is the transcript of Dr Heffernan's evidence to the board from day one of the hearings

   MR McCLELLAND: Yes, can you hear me? I just want to check a couple of things quickly. Were you the one that went on Radio Live and said this wind farm was to be the same size as Te Apiti? (INDISTINCT30 4.38.51)
   DR HEFFERNAN: I don't recall the actual interview but I think I do recall being asked about the type of turbines that were likely to be used and I do not ever recall being asked about the size of the wind farm. But I do recall being asked about the size of wind turbines, and I said that I expected that the type of technology would be similar to Te Apiti and therefore of a similar scale.
7. Source page 50 https://turiteadocuments.files.wordpress.com/2012/04/day-1-hearing-schedule.pdf
8. Pertinent transcript of the interview between Dr Heffernan [DH] and Marcus Lush [ML]

   ML In terms of Turitea what sort of size, number of turbines, and compared to the other one in the Tararuas - is it a bigger wind farm than that?

   DH Oh, -- it's of a similar size to the Meridian Te Apiti windfarm in the Tararuas - yes.

ML OK and it would be more than the Lammermoors in the South Island - is that right?

DH I'm not sure I don't know enough detail about the Lammermoor one.

9. The full interview is available online.
   http://www.radiolive.co.nz/tabid/506/Default.aspx?articleID=8347

10. Mr Mark Henry, Turitea Project Manager, claimed that Mighty River Power had not carried out internet surveillance and suppression/elimination of information, and that MRP showed no interest in the website I ran in defence of ratepayers' interests over the Turitea wind farm

    www.palmerston-north.info

11. See page 30:
    https://turiteadocuments.files.wordpress.com/2012/04/evidence-of-mac-henry.pdf

12. Were these lies told by Henry vetted and approved by Price the strategist? His written evidence had to have been checked very carefully. Note that I was the first of the submitters to be singled out and challenged by Henry. Mighty River Power has in the past used spy agencies to undermine opposition.

13. The following has been reported in the press.
    April-May 2006: State-owned power companies Solid Energy and **Mighty River Power admit hiring spies to monitor the activities of protest groups**, including Save Happy Valley, a group occupying the site of a proposed West Coast mine. The spies are recruited by an Auckland private investigation company, Thompson and Clark

    https://turiteadocuments.files.wordpress.com/2012/04/private-investigators-still-digging-on-west-coast-stuff-co-nz.png

14. I supplied copious evidence completely contradicting his lies. These were digital copies of visits by MRP recorded on the palmerston-north.info sitemeter. MRP visited the website literally hundreds of times.
Caroline van Halderen Project Co-ordinator Turitea Wind Farm Call-In was very reluctant to put my evidence online but agreed to when I insisted. However it wasn't there for long.
For the record here is a sample.

https://turiteadocuments.files.wordpress.com/2012/04/mrp-search-my-name.pdf

15. The parts of the code which are pertinent here are
5.1.2 *oral and written evidence must comply with the code*

5.2.2 *An expert witness is not an advocate for the party who engages the witness,* yet both Heffernan and Henry are paid employees of Mighty River Power.

5.3.1 section *f state that the expert witness has not omitted to consider material facts known to the witness that might alter or detract from the opinions expressed;*

16. Price's legal obligations are crystal clear

Presenting evidence and witnesses

13.10A lawyer must not adduce evidence knowing it to be false.
13.10.1If a witness (not being the lawyer's client) gives material evidence in support of the lawyer's client's case that the lawyer knows to be false, the lawyer must, in the absence of a retraction, refuse to examine the witness further on that matter. If the witness is the client of the lawyer, the lawyer must, in the absence of a retraction, cease to act for that client.

17 Behind the scenes, and unknown to Turitea submitters, Price was busy with plans to connect Puketoi to Turitea. [The Puketoi consent application was lodged on 3 August 2011] She issued a statement to the board on 30 May 2011 to say that Puketoi was no part of the Turitea wind farm application.

"In light of the above, it is not possible for Mighty River Power to provide the Board with specific "details" regarding the possible transmission line from Turitea to Puketoi, as requested. It is further noted that any necessary consent applications for Mighty River Power's Puketoi project have not yet been lodged, let alone granted. As such, it does not form part of the existing environment for the Turitea project. It is therefore outside the Board's jurisdiction with respect to, and irrelevant to its consideration of, Mighty River Power's present applications."

https://turiteadocuments.files.wordpress.com/2012/04/turitea-mrp-further-comments-to-board-puketoi-transmission.pdf

However a document recently accessed from the Horizons website paints a different picture.

https://turiteadocuments.files.wordpress.com/2012/04/app-8-new-assess-of-pncc-policies-objectives.pdf

This document shows transmission plans were already complete.

While dated 7th September this document was created on the 9th of August 2011 – note the image of the date stamp shows American dating, putting it more than four weeks before the Turitea consent was issued and 3 days after the consent application for the Puketoi wind farm.

To access the ineradicable date stamp all you need to do is open the pdf in Adobe Reader, right click, then click on document properties.

https://turiteadocuments.files.wordpress.com/2012/04/img_20150103_2137121.jpg

An additional Turitea document showing American dating is provided as further supporting clarification.

https://turiteadocuments.files.wordpress.com/2012/04/20150104_192954.jpg

This Horizons document was the latest in a series of consultations between Price and Brown MRP and PNCC over landscape assessment. The Final assessment, while dated 7 September, was obviously done months before the timestamp

date 9th August and clearly well before the issuing of the Turitea Final Decision on 6th September and the lodging of the Puketoi consent application 6 days earlier in August. Note also that final submitter comments on the Draft Decision closed on 20 June.

Here are the dates in order

30 May 2011 Memorandum to the BOI claims a possible link to Puketoi is not to be considered.
20 June 2011 last date for submissions on the Draft Decision
3 August 2011 consent application for Puketoi lodged
9 August 2011 Brown's landscape pdf report dated 7 Sept is created
6 Sept 2011 the Turitea Final Decision is released
7 Sept 2011 Brown's landscape report is allegedly sent

This is very important as it shows very disturbing aspects.

Collusion
Deception
Defrauding submitters
The urgent rush by Price the strategist to monetize her carbon trading interests
The PNC MRP contract as the driving force behind this deception

The document itself makes for horrific reading by submitters, not that they saw it. Basically it is saying that the impact of Puketoi transmission lines will be swamped by the colossal impact of turbines, Turitea pylons and substations. The latter two were available as photomontages but never shown to submitters. Neither was the K2 simulation ever shown to submitters.

The Turitea "Inquiry" strategy began by denying submitters access to a landscape report and ended in exactly the same way.

In my last submission I stated that ChanceryGreen had pushed the panic button and deleted all reference to Turitea and all CV's. This Google cache provides the evidence.

https://turiteadocuments.files.wordpress.com/2012/04/2014-11-08-11-07-45.png

Conclusion

I had no idea who Price was until the last election. I was aware by May 2011, as indeed other submitters were, that there were serious breaches of ethics if not the law. This is from my submission on the Draft Decision.

"I believe it ethically appropriate that all decision makers declare their own personal and financial positions on the matter of man-made climate change, in order to be above suspicion regarding matters of great public importance, as indeed this wind farm is. The statement I made saying the city had been sacrificed for the emissions trading scheme stands unchallenged, as does the substantial evidence I provided the Board showing that the city has been subjected to a lengthy and comprehensive fraud."

"The Draft decision makes the outrageous recommendation that the Turitea wind farm be connected to an unspecified, at present non-existent, wind farm to the south. This is totally outside the Board's brief, formed no part of the hearing, had no expert witness input and is a naked move to bolster the economic viability of Turitea. To the casual observer it looks like a cosy little in house arrangement has been negotiated by the Board behind closed doors."

"Both Dr Heffernan and Mr Henry, Mighty River Power employees lied to the Board under oath as expert witnesses. Despite my providing evidence of their perjury, the Board has not acknowledged this evidence, applied any sanctions or acknowledged the subversion of the Code of Conduct for expert witnesses."

Source

https://web.archive.org/web/20130214130919/http://www.mfe.govt.nz/rma/call-in-turitea/draft-report-decicion-docs/325-stichbury-paul.pdf

My submission on the draft covered earthquakes, the fraudulent noise standard, lies about the location of the wind farm, the corrupt PNCC MRP contract etc, etc, and like all submitters I was completely ignored by lead counsel, Price, and Ms Kenderdine.

This submission to the LCRO in response to Mr Taylor's risible defence makes it crystal clear why. Kenderdine and her legal coterie, on an "iterative" journey, were leading Palmerston North ratepayers up the garden path from 24 January 2009 until 6 September 2011.

Natural justice has not just been denied to my wife and I but to thousands of Palmerston North and Pahiatua residents.

There has been an enormous loss of confidence in the law and public processes. The LCRO must tackle this latter day version of the Augean stables and clean it out.

Yours sincerely

Paul Stichbury

13 January 2015