



Request 5. To Doug McKay

My email dated 7 November 2012 as below

This is an email addressed to the mayor and diverted by Wendy Brandon. Since this complaint related to her actions I believe that there is an element of concealment which makes the diversion even more sinister.

If it did not go to those addressed could you please take action on this email now.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Grace Haden'.

Grace Haden
Licenced Private Investigator

From: Grace Haden [mailto:grace@verisure.co.nz]

Sent: Wednesday, 7 November 2012 2:08 p.m.

To: 'Mayor Len Brown'

Cc: 'Councillor Penny Hulse'; 'Councillor Cathy Casey'; 'Cr Northey, Richard'; 'Councillor Sandra Coney'; 'penny.webster@aucklandcouncil.govt.nz'; 'Councillor Mike Lee'; 'Councillor John Walker'; 'Councillor Sharon Stewart'; 'Councillor Michael Goudie'; 'Councillor Ann Hartley'; 'cameron.brewer@aucklandcouncil.govt.nz'; 'Chris.Fletcher@aucklandcouncil.govt.nz'; Catriona McDougall (Catriona.McDougall@ombudsman.parliament.nz); 'Councillor Alf Filipaina'; 'Councillor George Wood'; 'des.morrison@aucklandcouncil.govt.nz'; 'Councillor Calum Penrose'; 'noelene.raffills@aucklandcouncil.govt.nz'; 'Wayne Walker'; 'Dick Quax'; 'arthur.anae@aucklandcouncil.govt.nz'; 'Bernard.Orsman@nzherald.co.nz'; 'brian.rudman@nzherald.co.nz'; wendy.brandon@aucklandcouncil.govt.nz

Subject: Councillors kept in the dark with regards to corruption

Open letter and LGOIMA to Mayor Brown with regards to Corruption apparently being condoned by counsel for Council .

Sir, please find here with a most condescending reply from your [general counsel Wendy Brandon](#)

I originally [requested speaking rights](#) with regards to serious corruption which occurred within Waitakere city council, it involved public office for private pecuniary Gain and my assertion is backed with solid evidence. I followed this up with [LGOIMA requests](#) and [second LGOIMA](#) seeking the ability to discuss the matter with a councillor

Instead of solutions I receive a put down by Brandon who is severely neglectful of both her duties as an officer of the law and as a counsel to council

The [fundamental obligations of a lawyer are to the rule of law](#) and as such she is employed in a public capacity and is all that stands between the exposure and concealment of corruption.

AWINZ is an "organisation" run by the then dog and stock control manager and existed on council premises used the council staff and vehicles emblazoned with identical logos as used by AWINZ the "organisation" .

While council denied its existence MAF at a [time of an audit recorded](#) *"it was at times difficult during the audit to distinguish where the structure of AWINZ finished and where WCC began hence it was at times difficult to separate the AWINZ organisation from that of WCC. For example AWINZ inspectors are not employed by AWINZ but are all employees of WCC"*

Effectively this independently proves my allegations of Public office for private pecuniary gain .

Counsel has responded to me and attacked me(if you can't attack the issue it appears that you attack the person) , she does not get the point that the issue I am raising has nothing to do with any court action but has everything to do with corruption within council.

Previous counsel for Waitakere Denis Sheard denied emphatically that AWINZ existed on the premises. The independent evidence which I have provided to council on the 21st October shows that this was the case.

Wendy Brandon should be asking questions with regards to the MOU attached and be asking

1. Why was the council lawyer was not involved in the drafting and supervision of the [signing of the MOU with AWINZ](#) .

2. Why was Animal welfare services able to enter into an agreement with a trading name(AWINZ does not exist as a legal person) and be questioning the research if any which was done to establish who represented the name the animal welfare institute of New Zealand. The document concerned is the [MOU attached and available here](#)
3. Why was Mr Wells employed by council without consideration to the conflict of interest this posed ,which by the way was [not declared on his application](#) ,
4. Further Counsel and Council should be aware that the manager whom [Mr Wells signed this MOU with](#) became a member of the so called trust which was set up as a [cover up on 5 December 2006](#)
5. And was the council aware that Mr Didovich had used [council funds to pay Mr Wells](#) to set up the trust (this is one of many invoices .
6. And that [Mr Didovich collected and witnessed the signatures](#) of the alleged trustees of the 2000 AWINZ trust [while he was on leave](#) .
7. Mr Didovich also wrote to the minister approving of the use of staff, he did this on the letter heads of [North shore](#) and [Waitakere city council](#) . MAF were looking for assurances from council but only got these assurances from an accomplice a council manager without consultation through the proper avenues in council .” **MAF would appreciate a written assurance from the Waitakere and North Shore City Councils that they have the legal power to spend money derived from rating on animal welfare (by paying inspectors when they undertake animal welfare work).”**
 - a. It should be noted that [Lesley Wear asked for an explanation](#), and questioned what the risks were for council it would be good to see if this was ever addressed
8. Mr Didovich [also sought a legal opinion](#) , which circumvented the councils solicitors and obtained the Kensington swan opinion. When crown law opposed the involvement of council in the animal welfare work due to it being ultra vires a second legal opinion was sought. A draft was sent back to Didovich and then the final version came back which was a decision the minister relied upon... this final document had information which indicates significant input from Mr Wells with his personal knowledge of the event on the select committee.
 - a. Council should be asking why was the council lawyer left out of the loop ?
 - b. What was the costing estimate how much did the legal opinion cost? And how was it paid, who authorised it.

I sincerely believe that Council is keeping the lid on this matter because by exposing it - it would open a can of worms.

By Way of LGOIMA I request

1. documents which show that council has investigated the use of the council facilities , staff and resources by AWINZ.
2. Documents and policies which allow the managers of divisions such as dog and stock control to independently contract / sign agreements to third parties and the processes which need to be followed. E.g. Mr Didovich [writes on behalf of Waitakere city council](#) , what authority did he have to give these assurances on behalf of council?
3. Mr Wells in the guise of AWINZ also told MAF that AWINZ was going to take over the animal welfare services please provide any documentation discussion papers etc which would have given Mr Wells foundation for this statement. , see [application](#)
4. Invoices for the payment of Kensington swan for all legal opinions requested by council or by Dog and stock control for the legal opinions in 2000 which persuaded the Minister to give approval to AWINZ as an approved Organisation links to the legal opinion are here [initial opinion](#) [Draft](#) [final](#)

5. Why council continued to push for AWINZ to be approved when [crown law](#) said that it was ultra Vires and any minutes of any council meetings which gave a mandate for this use of council funds.- plus any documentation which considered the cost benefit analysis of this action.
6. What was Lesley Wears position with council and was the question raised [in the fax located here](#) addressed please provide a copy of the response
7. In [an email Neil Wells](#) states "while that could have been answered immediately by the council legal section , council decided to obtain independent legal opinion from Kensington Swann that opinion has now come to hand this week and confirms the previous legal opinion sent to MAF policy in past years " Please provide all council documents which supports this statement and who in Waitakere city was waiting for directions as to where the Kensington swan letter should be sent to .
8. All documents after 2000 relating to animal welfare were not made available to me, I request that these be made available for my perusal and copies as required arising from that.

I wish to add that the Ms Brandon is not employed to conceal corruption and she has an obligation to facilitate transparency and accountability , documents which I have obtained in the past show that as much as 40% of the work for animal welfare services in Waitakere was being Animal welfare work which according to the documents I have was ultra Vires for council .

Mr Wells appears to have been able to control and influence council and derive a personal income from animal welfare prosecutions undertaken as a result the involvement of council officers working in council vehicles paid by the public. [the evidence is shown in the chronology](#) this is Public office for private pecuniary income a recognised form of corruption .

He effectively ran an SPCA type organisation using council staff resources and vehicles. All income and no expense. And it appears that Wendy Brandon is condoning this .



No wonder our rates are sky high.

A full chronology is available at <http://www.transparency.net.nz/wp-content/uploads/2012/11/full-chronology-AWINZ.pdf>

Truth is never defamatory I am not denigrating Mr wells I am stating fact supported by the 5000 or so documents on my chronology .

I have paid well over \$300,000 because I did some pro bono work for a council officer who questioned why she was volunteering her council paid time to AWINZ. Council responded by sacking her and then taking her back to the ERA on allegations of breach of confidentiality. Others have been sacked and silenced as well , No wonder council staff do not speak up speak up and you lose your job.

Council should have investigated. It's not too late they can still investigate I have done the hard work not just for free but at a personal cost which is far too high.

It is through the neglect of council that I have had to endure 6 ½ years of litigation .

Is Council so irresponsible that it cannot see corruption even when it is pointed out to them? Is placing gagging orders over staff who speak out in concern a responsible thing to do ?How does that fit in with transparency????

By doing nothing Auckland council is proving that it condones corruption, this is a well-researched matter which proves how corruption occurs in council .

Auckland council by ignoring this shows that it prefers to attack the messenger rather than look out for the interest of the public. we pay the rates we should have accountability .

I look forward to a civil response and the information I have requested supplied.

Regards
Grace Haden

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1 November 2012

Official Information Requests Nos.
9000119609 and 9000119572
(Please quote this in any correspondence)

Ms Grace Haden
23 Wapiti Avenue
Epsom
Auckland 1024

Dear Ms Haden

Local Government Official Information and Meetings Act 1987

Re: Information considered by councillors and investigation into corruption

I refer to your two requests dated 23 and 24 October 2012:

Request of 23 October 2012

I refer to your request for information relating to a purported audit carried out in 2008 by the Ministry of Agriculture & Fisheries relating to the Waitakere City Council and the Animal Institute of New Zealand (AWINZ). Your request is refused on the following grounds:

- (a) all material held by the former Waitakere City Council relating to AWINZ has previously been provided to you in response to your several and varied requests made over several years. In this regard, I refer to the "voluminous" material that you have previously placed before both the District Court and High Court, as per references in the Decisions of those Courts respectively, and to WCC's and Auckland Council's previous advice to you, and/or
- (b) the material does not exist or cannot be found.

In any event, given the material you are requesting has apparently been referred to in a MAF report, I suggest you direct your inquiries to that agency; it is not material that is held by, or that can be located by, Auckland Council. I also note your allegation that the actions that are the subject of the MAF report and the information that is allegedly recorded in relation thereto, "were being undertaken without the official knowledge and consent of council, and this has been covered up for many years". If that is the case, then it is hardly surprising that the information you are now requesting either does not exist or cannot be found.

Your request is also refused on the grounds that it is vexatious in that it relies on a series of allegations and statements that are likely made in breach of certain Court Orders referred to below.

Request of 24 October 2012

I refer to your email received on 24 October 2012, requesting information about Information "considered and determined" by councillors.

I record that your request arose as a consequence of advice given to you in the context of a refusal of your request for "speaking rights as a whistle-blower on council corruption". The "council corruption" to which you referred related to the Animal Welfare Institute of New Zealand (AWINZ) and presumably, Mr Neil Wells. In that regard I refer also to a number of emails you circulated to councillors, council staff, the Ministers for Primary Industries and Local Government, MPs and various others on 23 and 24 October 2013.

Your request was declined on the basis of my advice to the Democracy Services staff that your allegations have been the subject of Court proceedings, and there is an injunction extant prohibiting you from "publishing or causing to be published the statements particularised in paras 20 - 35 (of the statement of claim) or words to similar effect.". In granting the injunction, the Judge referred to the fact that nothing that has occurred or been required of [you] so far has deflected you from "reviling and denigrating Mr Wells" and the Judge had no hesitation in granting the injunction in the terms sought.

In light of the Orders made against you, if you have fresh evidence, then you must return to the Court and seek orders setting aside the injunction before that material can be published in a council forum, or otherwise. It was my advice to council that unless or until you have persuaded the Courts to set aside the injunction, any publication of any material that may, or may potentially, "revile or denigrate" Mr Wells is prohibited. In my view, your allegations of "Council corruption" clearly fall within the terms of the injunction and any publication of those allegations in a Council forum, or elsewhere, will be a breach of the Court Orders unless or until the injunction is set aside.

For that reason, you were advised by the staff, that your request was declined because the matter you wished to address in the public forum has been "considered and determined" in a judicial (i.e. not council) forum, (Standing Orders 3.21.3 refers)


Your request for information upon which Council relies "which suggests that this matter has been considered and determined" is refused because the Court Judgments in the District Court (CIV-2006-004-001784) and the High Court (CIV-2008-404-5500) are a matter of public record.

You have the right to complain to the Ombudsman if you wish and that Office's address is:

Office of the Ombudsman
PO Box 10152
Wellington 6143

Or: info@ombudsman.govt.nz

Yours sincerely



Wendy Brandon
General Counsel

9000119609 & 9000119572

COPY

MEMORANDUM OF UNDERSTANDING

BETWEEN

The Animal Welfare Institute of New Zealand, ("AWINZ")

AND

Animal Welfare Services of Waitakere City ("the linked organisation").

WHEREAS the Minister of Agriculture has declared AWINZ to be an approved organisation in accordance with section 121 of the Animal Welfare Act 1999 ("the Act") and AWINZ has agreed to implement and administer a programme ("the programme") in compliance with the criteria set out in section 122 of the Act.

AND WHEREAS the linked organisation desires that certain employees be appointed Inspectors under the Animal Welfare Act 1999.

1. The parties agree to implement the Performance and Technical Standards approved by the Minister on 1 April 2001 and the Memorandum of Understanding between the Ministry of Agriculture and Forestry and the Animal Welfare Institute of New Zealand signed on 4 December 2003.
2. The linked organisation agrees to—
 - (a) Provide the necessary funding to enable each employee so appointed to comply with the programme;
 - (b) Provide support services for Inspectors;
 - (c) Supply Inspectors with all necessary equipment;
 - (d) Install, maintain and adhere to a quality system provided by AWINZ for the administration of the programme;
 - (e) Allow time for the Inspector to carry out his or her functions in relation to each complaint or matter that arises from his or her performance as an Inspector;
 - (f) Carry out regular internal audits of its quality system;
 - (g) Facilitate auditing of the quality system by AWINZ and provide access to documentation as requested by AWINZ quality auditors;
 - (h) Advise AWINZ by facsimile or e-mail when an investigation is likely to result in a prosecution under the Animal Welfare Act 1999, and initiate such prosecution only when authorised to do so by AWINZ;
 - (i) Advise AWINZ of any decision not to prosecute where the investigation reveals that an offence has been committed but the circumstances warrant that no further action be taken or that a warning be given;
 - (j) Keep records secure in accordance with the Privacy Act 1993;
 - (k) Not disclose any information about the Inspector other than to those who are entitled to the information in accordance with the provisions of the Privacy Act 1993 or for any other lawful purpose;

- (l) Refer to AWINZ any serious complaint made against an Inspector and advise AWINZ of any trivial complaint made against an Inspector and the manner in which it was dealt with.

3. AWINZ agrees to:

- (a) Establish a written quality system which includes objective evidence of compliance with the programme;
- (b) Process applications for appointment of Inspectors on behalf of the employer without undue delay;
- (c) Ensure that training of Inspectors is carried out in accordance with the performance standards and technical standards with section 122 (2) of the Act;
- (d) Maintain training records for each Inspector;
- (e) Provide legal services to support Inspectors;
- (f) Prosecute those cases referred for prosecution;
- (g) Carry out regular internal audits of its quality system;
- (h) Facilitate auditing of the quality system by MAF and provide access to any documentation requested by MAF quality auditors;
- (i) Keep records secure in accordance with the Privacy Act 1993;
- (j) Not disclose any information about the Inspector other than to those who are entitled to the information in accordance with the provisions of the Privacy Act 1993 or for any other lawful purpose.

This agreement is dated this 20th day of January 2004

SIGNED by Thomas Didovich
on behalf of the linked organisation



SIGNED by Neil Edward Wells
on behalf of the Animal Welfare Institute of
New Zealand

