

**From:** [Grace Haden](#)  
**To:** ["Doug.McKay@aucklandcouncil.govt.nz"](mailto:Doug.McKay@aucklandcouncil.govt.nz)  
**Cc:** ["len.brown@aucklandcouncil.govt.nz"](mailto:len.brown@aucklandcouncil.govt.nz); ["sasha.lockley@aucklandcouncil.govt.nz"](mailto:sasha.lockley@aucklandcouncil.govt.nz); ["Cathy.Casey@aucklandcouncil.govt.nz"](mailto:Cathy.Casey@aucklandcouncil.govt.nz) ([Cathy.Casey@aucklandcouncil.govt.nz](mailto:Cathy.Casey@aucklandcouncil.govt.nz)); ["Councillor Sharon Stewart"](#); ["Cameron.Brewer@aucklandcouncil.govt.nz"](mailto:Cameron.Brewer@aucklandcouncil.govt.nz) ([Cameron.Brewer@aucklandcouncil.govt.nz](mailto:Cameron.Brewer@aucklandcouncil.govt.nz)); ["Councillor Calum Penrose \(calum.penrose@aucklandcouncil.govt.nz\)"](mailto:Calum.Penrose@aucklandcouncil.govt.nz); ["Councillor Sandra Coney"](#); ["Councillor Chris Fletcher \(Chris.Fletcher@aucklandcouncil.govt.nz\)"](#); ["Councillor George Wood"](#); ["Councillor John Walker"](#); ["Councillor Mike Lee"](#); ["Councillor Penny Hulse"](#); ["Councillor Sandra Coney"](#)  
**Subject:** harrasment by council  
**Date:** Sunday, 22 July 2012 1:09:22 p.m.  
**Attachments:** [water care demands original.pdf](#)  
[pool fencing.pdf](#)

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For the past six years I have failed to get accountability or an investigation from council with respect to a perfect fraud where by a council manger was using the council infrastructure, resources , vehicles and staff to derive an income.

This form of gross corruption has been seemingly condoned by council and I have been left severely out of pocket due to being a whistle-blower.

Not only did the council kick me in the teeth I am now apparently being harassed by council.

First of all on Thursday 19july I received a pay up or else demand for \$348.78 sent to me on behalf of Water care. I was extremely confused by this as my water care bill arrived the same day and it claimed that my total bill was \$ 56.89. I spent considerable time sorting this out only to find that someone in their wisdom had written my companies name on the bill in a fraudulent attempt to collect money.

It transpires that some 20 accounts all had the names of the person changed on them and mine was one of them , this is not a mistake this is fraud specifically forgery.

This has now been sorted in my case but there are many people who would not know how to tackle this issue and would pay up on such a fraudulent demand because it is cheaper to pay than it is to speak to a lawyer.

The following day I had a knock on the door, it was a pool inspector seeking to re inspect the pool fence, I told him I was still waiting for the reply from my earlier LGOIMA see below.

He told me that there had been an inspection on 22 June 2012 , and that the pool fencing did not comply because there is trellis attached to my neighbours side of the fence.

It appears that council has now gone the extra mile and the new owners of the property have removed their car port and taken down the trellis which was at the rear of it and instead nailed it to the back fence.

The mere fact that for the past 10 years a kid could have climbed up the trellis and jumped the fence from the top of the car port appears to beside the point, it complied in the past but it does not comply now that my neighbours have chosen to nail the trellis on to the back fence with four nails. I must add that I dispute that child could climb trellis which is stapled together and designed to hold nothing more than a vine. I would not put a child's safety at risk, besides the four nails which hold it would come out.

I am not gifted with x-ray vision and had no idea that my neighbours had the nerve to think that they could do whatever they wished on their property. However I am now aware of it and have made arrangements for it to be taken down.

The Pool inspector claimed that I had a copy of the report which I got from him and took a photo copy of

Under LGOIMA please advise me

1. Why I had not seen this report and why you have not seen it fit to communicate with me with regards to it.
2. Why I have not had a response to my previous LGOIMA as below

I would lie to assure you the fence is still as robust as ever. The fence has vertical batons. Is 2.25 meters high and complies with the act in every way.

It appears very much that I am being harassed by Council. I have saved the public from a perfect fraud which it would appear that the council condoned.. and you are now harassing me in retribution because you wish to cover up the same of what you allowed to occur under your very noses. The details of this is found on my anticorruption web site together with the evidence of the incompetence of the council in pretending that

I have already received an apology from water care and look forward to the harassment of council to stop.

If it wasn't for the fact that all these events happen to me at once I would be persuaded to believe that it is incompetence such as what existed when council allows its managers to run their own businesses during paid time.

Regards  
Grace Haden

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

**Sent:** Wednesday, 20 June 2012 11:22 a.m.

**To:** 'Doug.McKay@aucklandcouncil.govt.nz' (Doug.McKay@aucklandcouncil.govt.nz)

**Cc:** 'sasha.lockley@aucklandcouncil.govt.nz'; 'Mayor Len Brown'; 'Councillor Penny Hulse'; 'Councillor George Wood'; 'Councillor Ann Hartley'; 'Cr Northey, Richard'; 'Councillor John Walker'; 'Councillor Cathy Casey'; 'des.morrison@aucklandcouncil.govt.nz'; 'cameron.brewer@aucklandcouncil.govt.nz'; 'Chris.Fletcher@aucklandcouncil.govt.nz'; 'Councillor Alf Filipaina'; 'Councillor Sharon Stewart'; 'penny.webster@aucklandcouncil.govt.nz'; 'Councillor Sandra Coney'; 'Councillor Calum Penrose';

'Councillor Mike Lee'

**Subject:** FW: Council abuse of powers and lack of accountability

Good morning Doug.

What Part of my email below did you not understand????? Why is the council not concerned with corruption ???

I am in the midst of raising \$222,000 which I have to pay up because the council could not see that corruption was occurring under its nose , You have done nothing with that except seemingly condone it

YET

I have just had a knock on the door from some pompous upstart in a suit flashing card at me which could be any ones and telling me that he is here to inspect the pool.

He then has the nerve to say that I am wasting council money????? Run that past me again.

You condone a manager running his own business from council premises using all its resources and utilising 40% of the resources for something which was not a council responsibility and the council complaint to me that I am wasting their money on an illegal pool inspection.

You condone corruption I am financially wrecked because the council allows private trusts to suck funds from the public coffers in an uncontrolled unaccountable manner and you have the nerve to say to me that I am wasting council money.

This has cost me 6 years of my life. I should not have been able to say who or what is AWINZ and why is it operating from council property using the council logos.

Yet you do nothing ..

But my pool which is perfectly safe is an issue

Regards  
Grace Haden

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visit us at [www.verisure.co.nz](http://www.verisure.co.nz)

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

**Sent:** Friday, 8 June 2012 11:50 a.m.

**To:** 'Doug.McKay@aucklandcouncil.govt.nz' ([Doug.McKay@aucklandcouncil.govt.nz](mailto:Doug.McKay@aucklandcouncil.govt.nz))

**Cc:** [sasha.lockley@aucklandcouncil.govt.nz](mailto:sasha.lockley@aucklandcouncil.govt.nz); 'Mayor Len Brown'; 'Councillor Penny Hulse'; 'Councillor George Wood'; 'Councillor Ann Hartley'; 'Cr Northey, Richard'; 'Councillor John Walker'; 'Councillor Cathy Casey'; 'des.morrison@aucklandcouncil.govt.nz'; 'cameron.brewer@aucklandcouncil.govt.nz'; 'Chris.Fletcher@aucklandcouncil.govt.nz'; 'Councillor Alf Filipaina'; 'Councillor Sharon Stewart'; 'penny.webster@aucklandcouncil.govt.nz'; 'Councillor Sandra Coney'; 'Councillor Calum Penrose'; 'Councillor Mike Lee'

**Subject:** Council abuse of powers and lack of accountability

Good morning Doug

LGOIMA & privacy act request

I am copying this to ethics and to the councillors as I believe it is an ethical issue when the council portrays itself to have powers which it does not have and I believe that the councillors need to know just how much council officers are out of line by taking the law into their own hands and making up laws which do not exist, while turning a blind eye to public accountability .

I have just received the attached letter “ notice to enter land” and a demand from the council to enter on to my property when for years I have been saying to them comply with the act and I will allow you to . Instead the council officers send me a letter which I know would convince 99.99% of the ratepayers but not me.

I note somewhat of the same coercive approach in the paper last week where a woman had her house broken into and her unregistered dog taken , I have reported that matter on my blog <http://www.anticorruption.co.nz/2012/06/03/shooting-the-messenger/> in this article I also cover the awinz matter which council has condoned for the past 6 years . ( use of council, resources ,facilities & staff for a private income )

It appears that council officers are giving themselves powers they don't have on the one hand and no one is keeping them accountable on the other so much so that rate payers money is oozing out to trusts run by former councillors who simply write [\\$751.196 off to “ overheads](#) .the former councillors being [Derek Battersby](#), [Mike Jolley](#)

On that issue could you please provide by way of LGOIMA details of any and all grants, payments, contracts that the council has had with this ecomatters trust and the associated trusts as shown on [their web site](#) and also advise if the council owns the property at Olympic park and if so how much rent this trust pays for the use of this property and if no rent is paid please provide the documentation relating to the use of the premises at Olympic park by any third party probably the olympic park trust of which former councillors [Ross Clow](#) and [Derek Battersby](#) are trustees.

Now to the issue which brought about my letter to you

I have attached the letter “ notice to enter land”

The letter states that

1. *“An authorised and warranted officer attempted to carry out an inspection on 8 June2008, 19 April 2012, and 16 February 2012.”*
2. *“This was to determine whether the swimming pool number SWP1998/3007799 it still*

*fenced in accordance with the Fencing of Swimming Pools Act 1987. The inspection was unsuccessful because you refused access to the property.”*

3. *“I advise that in my opinion there are reasonable grounds to believe that there is on the above land a swimming pool that is required to be inspected in terms of section 10 of the Fencing of Swimming Pools Act 1987.”*

### **LGOIMA request**

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#### **Re statement 1**

could you please provide details as to

1. Who the officer was on each occasion
2. The act and section under which he was warranted
3. The date that he was appointed
4. Details of how and where I can verify that information .. i.e. is there a register of warranted officers or are the appointments recorded in minutes at council meetings?
5. The method of appointing and warranting officers and what background screening is done , this is particularly important when I am allowing a total stranger into my home.
6. I also do not know what a legitimate warrant looks like could you please direct me to some legislation or by-law where a sample of the warrant can be found
7. Are the warrants general or are they issued on a case by case basis, ie is it a warrant for the inspector to inspect my property or is a discretionary warrant, again please provide legislative references for all replies.
8. The act and section where by councils can inspect pool whenever they feel like it by just turning up on the door step without having any reasonable grounds to believe—that the pool is not fenced as required by the Act,
9. Please provide the reports for each of those dates set out in the letter as recorded by the inspector

#### **Re statement 2**

10. Additionally under the privacy act I would like all copies of the correspondence covering the period mentioned and all council file notes which pertain to my property.
11. And please by way of LGOIMA advise me why I should have allowed the council employee to just to arrive on my doorstep and claim that he was there to inspect the pool.
12. Please provide what legal authority he had to do so and why
13. I did not have a right to refuse the breach of privacy I was being subjected to out of the blue.
14. Please further provide any privacy policies which you have which consider the rights of residents and rate payers quiet and peaceful use of their own property safe from the unwarranted intrusion of council employees.

#### **Re statement 3**

15. I have previously requested this and I request again Could you please provide all information under LGOIMA and the privacy act which is in possession of your officer to give him a foundation for his “opinion there are reasonable grounds to believe that there is on the above land a swimming pool that is required to be inspected in terms of section 10 of the Fencing of Swimming Pools Act 1987”

I do hope that the reasonable grounds are beyond speculation .

16. Please provide the act and section which the council relies upon to inspect swimming pools on the off chance that they no longer comply with the fencing of swimming pool Act.

My pool passed inspection a number of times and nothing has changed.

17. Please advise me of any legislative changes which may have an impact on my pool no longer complying since the last inspection

I have asked all of this before and it all goes in to a dark hole only to be followed again by a letter which assumes authority which the council does not have.

For 6 years I have been given the run around with regards to AWINZ council refused to investigate something of public interest on council land yet council are very quick to want to inspect my compliant pool .

Until I have these answers and a sample copy of the so called warrant I will not permit any inspection .

Your officers have previously threatened me with a court warrant and I have simply said what are the grounds you are going to put on that, If you have grounds for a warrant then you can tell me why you think my pool no longer complies. Warrants are not a fishing expedition and to do so is an abuse of process.

18. Your records show that my pool complies.. why does your employee think otherwise???  
What evidence or information has he got? Please produce it

I wish to advise you that any council officer who enters onto my land is doing so illegally unless they can prove reasonable grounds to me prior to the event of entry.

The council finishes at my gate this is private property and for council to enter on to it they have to comply with the law.

I advise that any council officer entering on to my property is trespassing.

In a nut shell **if you claim my pool does not comply tell me why** and I will fix it and allow you to re inspect it when the work is done . Apart from sky diving toddlers I can assure you that my pool is safe.

In the mean time I have had to find and fork out \$125,000 because the council condoned corruption .

Regards  
Grace Haden

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19 June 2012

Posted

Me Grace Haden  
23 Wapiti Avenue  
EPSOM  
Auckland City 1051

**NOTICE TO ENTER LAND AND INSPECT SWIMMING POOL  
AT 23 WAPITI AVENUE: EPSOM; PURSUANT TO**

**Section 171 Local Government Act 2002 and  
Section 11 Fencing of Swimming Pools Act 1987**

An authorised and warranted officer attempted to carry out an inspection on 8 June 2008, 16 February 2019, and 12 April 2012.

This was to determine whether the swimming pool number SWP1998/3007799 it still fenced in accordance with the Fencing of Swimming Pools Act 1987. The inspection was unsuccessful because you refused access to the property.

Further to the above, and to letters and e-mails sent to you at this address, I advise that in my opinion there are reasonable grounds to believe that there is on the above land a swimming pool that is required to be inspected in terms of section 10 of the Fencing of Swimming Pools Act 1987.

**I hereby give you NOTICE and DIRECT:**

- a) That an authorised and warranted officer is entitled to enter land and carry out an inspection at the above address (not being a dwelling house) pursuant to the above legislation; and
- b) That such entry and inspection will take place at a reasonable time between 20 June 2012 and 27 June 2012 between 08:00 and 4pm, unless you arrange another date and time before then; and
- c) **THAT YOU MUST ENSURE THAT THERE IS FREE AND READY ACCESS TO THE POOL ON THE ABOVE DATE/s.**

Please Note: You do not have to be present when the inspection takes place unless:

1. The officer cannot gain access to the immediate pool area (eg; locked gates, dog free on the property, pool only accessible through the house), or
2. The house opens directly onto a swimming pool or spa pool and the house wall forms part of the barrier/fence. The officer will need to check latches and self-closers on doors and windows, or
3. You would like to be present when the inspection is conducted.





If one of the above applies, please telephone 09 3539143 as soon as possible to arrange a mutually convenient time for the inspection.

**It is an offence to fail to comply with a direction given under the Local Government Act 2002 (section 238). It is also an offence to obstruct an officer from exercising a power of entry conferred by the Local Government Act 2002 (section 229). A fine of up to \$5000 may be imposed if prosecuted and convicted.**

A handwritten signature in black ink, appearing to read 'Jan H Barnard'. The signature is written in a cursive style with a large, sweeping initial 'J'.

**Jan H Barnard  
Team Leader: Compliance and Enforcement  
Building Control Central  
35 Graham Street  
CBD  
Auckland**