

# Speaker fails in his duty

**Speaker of the House Fails in his Duty by Protecting the Crown.**

On the 4 November last year the One New Zealand Foundation Inc. made an Official complaint to the Speaker of the House, Hon David Carter, re the Chief Ombudsman, Dame Beverley Wakem's; *"Inability to perform the functions of the office"*.

**Section 6 of the Ombudsman's Act states,** (1) Any Ombudsman may at any time be removed or suspended from his/her office by the Governor-General, upon an address from the House of Representatives, for the inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct

While his Private Secretary, Liza Kinloch has replied on numerous occasion, *"I can assure you a response will be forthcoming from Mr Speaker as soon as he is ready and able to provide it"*, we have not receive a response from the Speaker after 4 months.

It is obvious from his Private Secretary the Speaker does not know how to handle our complaint. It seems he has put it in the "Too hard basket" hoping it will go away.

From the documents we have on file from those involved at the time it will never go away, the list of people involved in the corruption when Allan Titford had his free hold titled farm taken by the government under duress, without legal representation and the sale documents being tampered with by the Crown Law Office is there for all to see.

Allan Titford has been jailed for 24 years because the Crown became involved in laying charges against him with the help of his estranged wife who had been given immunity by the Crown Law Office. Mr Titford was not given the opportunity or allowed to call witnesses in his defence by his Crown paid lawyer. *"One of the most crucial aspects of a fair legal trial is the right to call witnesses on both sides"*. See article below, **"Why Allan Titford was jailed for twenty four years"**.

**Copy of Official letter of Complaint to the Speaker of the House, Hon David Carter.**

**From:** [Ross Baker](#)

**Sent:** Monday, November 9, 2015 5:28 AM

**To:** [David.Carter@parliament.govt.nz](mailto:David.Carter@parliament.govt.nz)

**Subject:** RE: Official Complaint from the One New Zealand Foundation Inc.

Hon David Carter,  
  
Speaker of the House,  
  
Parliament Building,  
  
Wellington.

Dear Sir,

Please find attached an Official Complaint from the One

New Zealand Foundation Inc., re the Ombudsman's, *"Inability to perform the functions of the office"* and a PDF copy of , *"Why Allan Titford was jailed for twenty four years"* .

Please refer all correspondence to: [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au)

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

**ONE NEW ZEALAND FOUNDATION INC.**

Email: [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au)

4 November 2015.

Hon David Carter,

Speaker of the House,

Parliament Building,

Wellington.

Without Prejudice

Dear Sir,

**Re: Official Complaint from the One New Zealand Foundation Inc., re the**

**Ombudsman's, *"Inability to perform the functions of the office"*.**

The One New Zealand Foundation Inc. believes it has a duty to inform Parliament of the Chief Ombudsman, Dame Beverley Wakem's ***"Inability to perform the functions of the office"***.

On the 26 March 2007 the One New Zealand Foundation Inc. asked the Chief Ombudsman, Beverley Waken to investigate sale documents that had been tampered with by the Crown Law Office when purchasing Mr Allan Titford's farm at Maunganui Bluff in 1995. On the 15 May 2007 the Chief Ombudsman agreed to investigate our complaint, *"Regarding the circumstances surrounding the execution of the agreement and deed relating to Mr Allan Titford's former farm, and the rather confusing number of copies which had appeared"*.

Since this time, the Chief Ombudsman, Dame Beverley Wakem continues to state, *"I could find nothing to support your allegations"*. But her reports, her Officer's investigations and the documents we have on file from those involved at the time tell a completely different story as shown below.

**1. The Chief Ombudsman's report dated the 27 July 2007, states, *"From my Officer's perusal of a substantial number of files held by the Office of Treaty***

*Settlements and by the Crown Law Office, there is no doubt that Mr Titford had, rightly or wrongly, a sense of grievance about the sale of his farm. He held the view he was pushed into the sale without justification".* From the investigations by the Ombudsman's officials, there is no denying Mr Titford sold his farm under duress and without justification, but the Chief Ombudsman refuses to acknowledge this fact.

2. The Chief Ombudsman's report dated the 20 December 2007, states, "*The Crown's officials perhaps did not consider it appropriate for it to be authenticated as part of the agreement in view of the comments at the end of the document. For the documents to have been initialled might have suggested agreement with the views you had stated*". The document removed was Mr Titford's signed and witnessed Memorandum, "*To attach to the liabilities*" that was attached to the sale agreement when Notary Public, Mr Sam

Samec, returned it to the Crown Law Office on the 12 December 1995. Mr Titford had stated at the end of the document, *"I, Allan Titford believe we have been pushed into this list of creditors as a result of the Waitangi Tribunal claim"*. The Crown Law Office had no right to remove this Memorandum by tampering with the agreement after Mr Titford had signed it and Notary Public, Mr Sam Samec had witnessed it. But the Chief Ombudsman stated, *"I could find nothing to support your allegations"*.

3. On the 6 March 2008, we wrote to the Solicitor General, Dr David Collins, QC explaining the discrepancies with the sale documents to acquire Mr Titford's farm. On the 17 March he replied, *"The Ombudsman dealt with this matter in a previous communication with you last year. I understand the Ombudsman found nothing to support your allegations of tampering or corrupt use of the documents. Rather the Ombudsman commended there was a clerical error or errors in the handling of the documents at the time. I consider the Ombudsman's inquiry disposes of the allegations"*. The clerical errors were in fact, the Crown Law Office had deliberately removed the Memorandum from the sale agreement and had substituted page 11 of the sale agreement after Mr Titford had signed it and Mr Samec had witnessed it. Hardly *"A clerical error or errors"*!

4. On the 25 February 2013 we wrote to the Solicitor General, Mr Michael Heron, QC asking him if the Titford's had legal advice when they signed the Sale Agreements on the 12 December 1995. He replied, *"Please refer to the letter of 27 June 2007 sent to you by the Ombudsman. That letter set out the findings of the Ombudsman's investigation into circumstances surrounding the execution of the sale agreement. The Ombudsman found that Mr. Samec provided legal advice to the Titfords and that "there is no substance in the allegations that Mr and Mrs Titford did not receive legal advice at the time of the execution of the 1995 documents".* The Solicitor General had used the Ombudsman's false information to clear the Crown Law Office of executing the sale agreement without the Titford's having legal advice. Notary Public, Mr Samec was employed and paid by the Crown to witness the documents.

The Ombudsman's report dated the 27 June 2007, page 6, (30) (1) states, *"Mr Sam Samec (who I think is in his 80's) now has no recall of the transaction. His file has been destroyed"*, but we found in June 2009, Mr Samec was in his 60's and still

working for Crisp, Hudson and Mann, Solicitors, Tasmania.

How could the Ombudsman have found Mr Samec provided legal advice when she states he had no recall of the transaction and he had destroyed his file? The only conclusion we can come to, the Chief Ombudsman was supporting the Crown Law Office when it used corrupt documents to acquire Mr Titford's farm under duress and without legal advice

In an affidavit from Notary Public, Mr Sam Samec to the Tasmanian Disputes Tribunal dated the 19 June 2009, he stated, *"I suspect I was merely acting as a Notary Public, but possibly I was acting as a solicitor for the New Zealand Crown"*. He also stated on page 3 (10), *"I reject any allegation that I instructed Mr. or Mrs. Titford to sign anything. I was merely a witness. I did not stop Mr Titford from amending the documents"*.

Mr Titford's New Zealand lawyer Clive Jackson stated in his letter dated the 23 August 2000, *"I did not provide you with any legal advice in respect to the final agreement and if I had, my advice to you would have been, not to sign it"*.

The Ombudsman refuses to notify the Solicitor General that she made an "error" when she informed him the Titford's had legal advice when they did not!

5. In the Chief Ombudsman's letter dated the 16 September 2015, she states, *"Neither you, nor for that matter Mr Titford, has been directly and personally affected by the alleged omission of Corrections....than any member of the general public"*. I have known Ulanda Titford since



she was a baby and therefore, far more directly and personally affected than any member of the general public. I am sure her father, Allan Titford would have also been far more directly and personally affected than any member of the general public when his 15 year old daughter was allowed to sleep with a 23 year old man and later became pregnant to him. The Chief Ombudsman comment here is unbelievable, no parent would want this to happen to their 15 year old daughter, especially when she was under the care of CYFS and the Police.

She then states, *"Even if the information you are referring to had been passed onto the Police, there is no way of knowing what action the Police would have taken"*. Section 134 of the Crimes Act 1961 states it is an offence for a 23 year old man to sleep with a 15 year old girl, especially if she becomes pregnant, therefore, it was not up to the Police to interpret the law, they are there to uphold the law and the court to decide what action should be taken.

6. In the Ombudsman's letter of the 16 September she made her most serious "error" to date, stating Mr Titford was convicted of, *"Sexual offences towards his children"*. Mr Titford was not charged or convicted of sexual offences against his children. This is a very serious "error" and shows the Chief Ombudsman's, *"Inability to perform the functions of the office"*.

While Ms Wakem continually states *"I could find nothing to support your allegations"*, this was not the findings in her reports, her Officers investigations or the documented evidence we have on file and have supplied to her from those involved at the time.

**These "errors" prove the Chief Ombudsman, Dame Beverley Wakem's, *"Inability to perform the functions of the office,***

## ***neglect of duty and misconduct”!***

If the truth had been told originally when Ms Wakem first investigated our complaint in 2007, Mr and Mrs Titford would not have gone through the stress that caused them to separate and the Crown to become involved in their matrimonial dispute by giving Mrs Titford immunity to help the Crown lay 58 charges against her husband resulting in Mr Titford being jailed for 24 years without a fair trial because of political interference. No family deserves what the Ombudsman, the Crown and the Police put Mr and Mrs Titford and their young family through to clear the Crown of any wrong doing when it acquire his farm at Maunganui Bluff in 1995. An innocent family that had their freehold titled farm taken in 1995 by the Crown, under duress, without legal advice and the use of corrupt documents by the Crown Law Office to help settle Te Roroa’s “alleged” Treaty of Waitangi claim. Attached please find, **“Why Allan Titford was jailed for twenty four years”**.

We are extremely disappointed by the Chief Ombudsman’s investigations, findings and reports and are in no doubt the Chief Ombudsman has been supporting the Crown in this matter for many years. This is not what is expected from the Chief Ombudsman, Dame Beverley Waken, DNZM, CBE, she must not support or be seen to support the Crown.

**Section 6 of the Ombudsman’s Act states,** (1) Any Ombudsman may at any time be removed or suspended from his/her office by the Governor-General, upon an address from the House of Representatives, for the inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct.

Sir, we believe the Chief Ombudsman, Dame Beverley Wakem must be removed from office as she has shown her, *“Inability to perform the functions of the office, neglect of duty and misconduct”* by not accurately reporting her Officer’s findings, not correcting false information she gave to the Crown Law Office and her most serious “error” to date, that

Allan Titford was convicted and sentenced to sexual offences against his children when he was not!

There is no doubt, these “errors” helped the Crown convict and sentence Mr Allan Titford to 24 years jail to cover up any wrong doing by the Crown. If the Chief Ombudsman had truthfully reported the findings of her Officers investigations and the information we have supplied to her from those involved at the time, it would have been found; the Crown Law Office used corrupt documents to acquire Mr Titford’s freehold titled farm at Maunganui Bluff under duress and without legal advice to help settle Te Roroa’s “alleged” Treaty of Waitangi claim in 1995.

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

P.S. The Chief Ombudsman, Dame Beverley Waken has copies of all the letters, emails and documents etc. referred to in this letter.

1. Members of the One New Zealand Foundation Inc.

**Attachments: “Why Allan Titford was jailed for twenty four years”.**

**From:** Ross Baker [<mailto:onzf@bigpond.com>]

**Sent:** Thursday, 7 January 2016 8:16 a.m.

**To:** Rt. Hon. David Carter <[David.Carter@parliament.govt.nz](mailto:David.Carter@parliament.govt.nz)>

**Subject:** Fw: Official Complaint from the One New Zealand Foundation Inc.

Hon David Carter,  
Speaker of the House,  
Parliament Building,  
Wellington.

Dear Sir,

Could you please give an update on our complaint; re the Ombudsman's, *"Inability to perform the functions of the office"*.

*Yours sincerely,*

*Ross Baker.*

Researcher, One New Zealand Foundation Inc.

**From:** [Lisa Kinloch](#)

**Sent:** Tuesday, February 2, 2016 1:27 PM

**To:** [Ross Baker](#)

**Subject:** RE: Official Complaint from the One New Zealand Foundation Inc.

Good afternoon Mr Baker

Mr Speaker has been away from Parliament & these things take time for him to consider.

I can assure you that he will be responding to you as soon as he is able to.

Kind regards

Lisa

**Lisa Kinloch**

**Senior Private Secretary**

**Office of Rt Hon David Carter, Speaker of the House of Representatives**

**From:** Ross Baker [<mailto:onzf@bigpond.com>]

**Sent:** Tuesday, 2 February 2016 4:26 p.m.

**To:** Lisa Kinloch <[Lisa.Kinloch@parliament.govt.nz](mailto:Lisa.Kinloch@parliament.govt.nz)>

**Subject:** Re: Official Complaint from the One New Zealand Foundation Inc.

Lisa Kinloch,

Senior Private Secretary,

Office of Rt. Hon David Carter,  
Speaker of the House of Representatives

Dear Lisa,

It is now nearly a month since you said the Speaker of the House would look into the One New Zealand Foundation Inc. complaint against the Chief Ombudsman, Ms Beverley Waken dated the 4 November 2015.

If the Chief Ombudsman had not made her very biased judgements against Mr Allan Titford in the Crown Law Office's favour when the Crown took his freehold titled farm under duress, without legal advice and the use of corrupt documents, it is quite possible Mr Allan Titford would not be in the position he is in today.

Three months seems a long time for the Speaker of the House to give a decision when we have laid all the fact, with documented evidence in front of him.

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

**From:** [Lisa Kinloch](#)

**Sent:** Tuesday, February 2, 2016 1:27 PM

**To:** [Ross Baker](#)

**Subject:** RE: Official Complaint from the One New Zealand Foundation Inc.

Good afternoon Mr Baker

Mr Speaker has been away from Parliament & these things take time for him to consider.

I can assure you that he will be responding to you as soon as he is able to.

Kind regards

Lisa

**Lisa Kinloch**

**Senior Private Secretary**

**Office of Rt Hon David Carter, Speaker of the House of Representatives**

**From:** Ross Baker [mailto:onzf@bigpond.com]  
**Sent:** Tuesday, 16 February 2016 11:29 p.m.  
**To:** Lisa Kinloch <Lisa.Kinloch@parliament.govt.nz>  
**Subject:** Re: Official Complaint from the One New Zealand Foundation Inc.

Hi Lisa,

Another month has pasted and still no reply. Could the speaker also be protecting the Crown as the Ombudsman?

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

**From:** [Lisa Kinloch](#)

**Sent:** Wednesday, February 17, 2016 6:20 AM

**To:** [Ross Baker](#)

**Subject:** RE: Official Complaint from the One New Zealand Foundation Inc.



Good morning Mr Baker

I can assure you a response will be forthcoming from Mr Speaker as soon as he is ready and able to provide it.

Regards

Lisa

**Lisa Kinloch**

**Senior Private Secretary**

**Office of Rt Hon David Carter, Speaker of the House of Representatives**

**Speaker of the House Fails in his Duty by Protecting the Crown.**

We still await a response from the Speaker of the House, Hon David Carter some 4 months later. In the meantime, Dame Beverley Wakem has retired from being Chief Ombudsman but still the Speaker of the House, Hon David Carter will not respond to the One New Zealand Foundation's Official Complaint.

Could the Speaker of the House be protecting the Ombudsman, the Crown and the Crown Law Office of corruption when they stole Mr Allan Titford's freehold titled farm under duress, without legal representation and tampering with the sale

documents, then jailing him for 24 years without a fair trial. See article below, **“Why Allan Titford was jailed for twenty four years”**.

Compiled by Ross Baker, Researcher, One New Zealand Foundation Inc. © 2016.