

Speaker of the House Refuses to Act

Speaker of the House Refuses to Act

On the 9 November 2015 the ONZF lodged an Official Complaint with the Speaker of the House of Representatives, Hon David Carter re the Ombudsman's, *"Inability to perform the functions of the office"*.

After numerous emails asking when we would expect a reply to this letter, we received a reply on the 29 March 2016 stating, *"There is nothing in the material you have provided that demonstrates that the Chief Ombudsman did not carry out her function"*.

While the Chief Ombudsman's officials found that the Crown's documents to purchase Mr Titford's freehold titled farm to help settle Te Roroa's alleged Treaty of Waitangi claim had been tampered with and the Crown paid Notary Public stated he did not give Mr or Mrs Titford legal advice or representation as he was only a witness, the Chief Ombudsman refuses to accept this saying, *"She could find nothing to show the documents had been tampered with or that Mr and Mrs Titford had not received legal advice or representation when they signed the Sale Agreement"*.

When will this cover up by the Crown end and the Crown accepts the documents supplied by those involved at the time show the documents were tampered with and Mr and Mrs Titford did not have legal advice or representation.. Documents do not lie, only those hiding the truth lie!

In 2012 the Crown gave Mr Titford's estranged wife immunity to help the Crown jail Mr Titford for 24 years without a fair

trial by refusing him to call witness to defend the alleged conviction against him.

Please read emails from bottom up.

From: [Ross Baker](#)

Sent: Tuesday, April 19, 2016 9:49 AM

To: [Lisa Kinloch](#)

Cc: [John Key](#)

Subject: Re: Response from Rt Hon David Carter, Speaker of the House of Representatives

Rt. Hon David Carter,

Dear Sir,

So the Speaker of the House is quite happy for a Chief Ombudsman to mislead the Crown Law Office to allow the Crown to use corrupt methods to steal Mr Allan Titford's freehold titled farm to help settle Te Roroa's alleged Treaty of Waitangi claim.

This then led to the Crown giving Mrs Titford immunity to help the Crown lay charges against Mr Titford and convict him without a fair trial for 24 years.

While I thought it was only a few people in Government/Crown that were corrupt, it now seems the whole Government/Crown is prepared to continue with the corruption to hide the truth from the public.

Sir, it will never go away, the documents left by those involved at the time will not allow it.

It's very sad when a Government is prepared to let a man rot in jail to protect itself!

Yours sincerely,

Ross Baker.

Researcher, One New Zealand foundation Inc.

1. Hon John Key, Prime Minister.

This correspondence will appear on our website, www.onenzfoundation.co.nz as the public has a right to know the Speaker of the House has joined the corruption.

From: [Lisa Kinloch](#)

Sent: Tuesday, April 19, 2016 4:28 AM

To: [Ross Baker](#)

Subject: RE: Response from Rt Hon David Carter, Speaker of the

House of Representatives

Mr Baker

As you will see from the last correspondence the Speaker sent, he will not be corresponding with you further on this matter.

Kind regards

Lisa

Sent with Good (www.good.com)

From: Ross Baker

Sent: Tuesday, 19 April 2016 2:52:45 a.m.

To: Lisa Kinloch

Subject: Re: Response from Rt Hon David Carter, Speaker of the House of Representatives

Lisa,

Could you please confirm the Speaker of the House received this email and what action he is taking.

Regards,

Ross Baker.

From: [Ross Baker](#)

Sent: Saturday, April 9, 2016 7:58 AM

To: [Lisa Kinloch](#)

Subject: Re: Response from Rt Hon David Carter, Speaker of the House of Representatives

Rt. Hon David Carter,

Dear Sir,

Thank you for your email in reply to my letter dated 4 November 2015.

You state in your email, *"There is nothing in the material you have provided that demonstrates that the Chief Ombudsman did not carry out her function"*.

Sir, I set out 4 issues where the Chief Ombudsman, Dame Beverley Wakem did not carry out her functions. The most damaging being her statement to the Crown Law Office that Mr and Mrs Titford had legal representation when Mr and Mrs Titford signed the sale documents for the Crown to purchase their farm in 1995.

The Chief Ombudsman, Dame Beverley Wakem deliberately supported the Crown Law Office that the Titford's had legal representation when they signed they the sale documents when they did not.

She also stated she could find nothing to support our complaint of the Crown Law Office tampering with the documents, but her Official's found that the Crown Law Office had remove the Memorandum signed by both Mr Titford and the Crown paid Notary Public, Mr Sam Samec and attached to the Sale Agreement. I have previously sent your the documented

evidence to substantiate these facts.

Sir, these are not my findings, they are facts stated by the Crown paid Notary Public Mr Sam Samec in his letter of the 19 June 2009 and the Chief Ombudsman's officials in her letter of the 27 June 2007.

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.

As the Speaker of the House of Representatives, you have a duty to bring to the attention of the House that Dame Beverley Waken failed in, "Her ability to perform the functions of the office".

If Dame Beverley Wakem had performed the functions of the Office of Chief Ombudsman, then the sale of Mr Titford's freehold titled farm at Maunganui Bluff would have been declared null and void and the Crown would not have given Mr Titford's estranged wife immunity to help the Crown jail him for 24 years without a fair trial.

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

From: [Lisa Kinloch](#)

Sent: Tuesday, March 29, 2016 6:45 AM

To: [Ross Baker](#)

Subject: Response from Rt Hon David Carter, Speaker of the House of Representatives

Dear Mr Baker

I refer to your letter of 4 November 2015 in which you criticise the outcome of an investigation made in 2007 by the former Chief Ombudsman, Dame Beverley Wakem 'regarding the circumstances surrounding the execution of the agreement and deed relating to Mr Allan Titford's farm, and the rather confusing number of copies which had appeared'.

You disagree with the conclusions reached by Dame Beverley and the opinion that she formed at the time and her subsequent responses to your further inquiries. You claim that the Chief Ombudsman made "errors" that you believe impacted adversely on Mr Titford.

As I have advised you previously, Ombudsmen are appointed by the Governor-General on the recommendation of Parliament and have the statutory responsibility to consider, and where appropriate, to investigate and form an independent opinion on complaints about the administrative actions and decisions of agencies subject to the Ombudsmen Act 1975, where those actions or decisions affect any person in a personal capacity. There is nothing in the material you have provided that

demonstrates that the Chief Ombudsman did not carry out her function. That you disagree with the outcome and allege some form of collusion between the then Chief Ombudsman and the Crown is not a basis for me to intervene. Ombudsmen are accountable to Parliament for the general performance of their functions. I have no authority, statutory or otherwise, to instruct Ombudsmen on how or whether to carry out an investigation, or to review their opinions or decisions with respect to individual complaints. It is not a Speaker's function to act as a form of appeal authority regarding such matters or to intervene on the basis that an Ombudsman has reached a conclusion with which a complainant disagrees.

If you believe that the outcome of Dame Beverley's investigation precludes you from pursuing other legal remedies, I note that Section 33(3) of the Ombudsmen Act makes it clear that an Ombudsman's opinion on a matter is not definitive and does not affect any other rights a complainant may have to pursue a claim in another forum. Section 33(3) provides:

The provisions of this Act are in addition to the provisions of any other enactment or any rule of law under which any remedy or right of appeal or objection is provided for any person or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act shall limit or affect any such remedy or right of appeal or objection or procedure as aforesaid.

In all the circumstances, no useful purpose will be served by further communication regarding this matter.

Yours sincerely

Rt Hon David Carter

Speaker of the House of Representatives

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, 8 March 2016 5:50 a.m.

To: Lisa Kinloch <Lisa.Kinloch@parliament.govt.nz>

Cc: John Key <john.key@national.org.nz>

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

Lisa,

You wrote on the 7 February 2016, a month go, "I can assure you a response will be forthcoming from Mr Speaker as soon as he is ready and able to provide it."

If the Speaker cannot respond after 4 months, then the Prime Minister should look into the ability of the Speaker to perform his job in the public's interest.

There is no doubt from my original letter that there was coercion between the Ombudsman and the Crown Law Office during the investigation into the sale of Mr Titford's farm.

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

cc Hon John Key, Prime Minister.

From: [Ross Baker](#)

Sent: Wednesday, February 24, 2016 4:27 AM

To: [Lisa Kinloch](#)

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

Lisa,

Our complaint against the Ombudsman, Dame Beverly Wakem was made on the 9 November 2015.

It is an absolute disgrace that the Speaker has been unable to reply in this time, nearly 4 months.

There is a man rotting in jail because of the corruption in government such as the coercion between the Crown Law Office and the Ombudsman when the Crown took his farm under duress, without legal advice and tampered with documents and now it seems the Speaker has joined in the corruption by failing to respond to our complaint.

He had has plenty of time to be "*ready to provide it*", but perhaps the pressure put on him by government he is un-"*able to provide it*".

It will not go away, all the documents left by those involved at the time will not allow it.

Either the Speaker can clear up this corruption within Government or he can become part of it, the decision is his and his alone!

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

Parliament House | Wellington | New Zealand
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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 passed 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: 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

Parliament House | Wellington | New Zealand

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From: Ross Baker [<mailto:onzf@bigpond.com>]
Sent: Tuesday, 2 February 2016 4:26 p.m.
To: Lisa Kinloch <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: Thursday, January 7, 2016 7:57 AM

To: [Ross Baker](#)

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

Good morning Mr Baker

I will look into this for you & will be in touch.

Kind regards

Lisa

Lisa Kinloch

Senior Private Secretary

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

Parliament House | Wellington | New Zealand

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473

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

Sent: Thursday, 7 January 2016 10:22 a.m.

To: Lisa Kinloch <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,

Your response from the Speaker dated the 23 December 2015 was

on a completely different matter. See attached letter.

The complaint I am referring was dated the 4 November 2015 and headed, **"Official Complaint from the One New Zealand Foundation Inc., re the Ombudsman's, "Inability to perform the functions of the office"**. See attached letter.

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

From: [Lisa Kinloch](#)

Sent: Thursday, January 7, 2016 5:31 AM

To: [Ross Baker](#)

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

Good morning Mr Baker

A response from Mr Speaker was sent to you on this matter on 23 December 2015.

Kind regards

Lisa

Lisa Kinloch

Senior Private Secretary

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

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473

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>

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: [Ross Baker](#)

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

To: 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

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

ONE NEW ZEALAND FOUNDATION INC.

Email: 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"**.