

**IN THE DISTRICT COURT
AT AUCKLAND**

CIV No. 06/004/1784

BETWEEN NEIL EDWARD WELLS of 1156 Huia Road Huia, Auckland, Council
Officer, Barrister and Lecturer,

WYN HOADLEY of Castor Bay, Auckland, Barrister and

GRAEME JOHN COUTTS of Avondale, Auckland, Recruitment
Consultant as trustees of the

**ANIMAL WELFARE INSTITUTE OF NEW ZEALAND, AN
UNINCORPORATED TRUST**
First Plaintiffs

AND NEIL EDWARD WELLS of 1156 Huia Road Huia, Auckland, Council
Officer, Barrister and Lecturer
Second Plaintiff

AND GRACE HADEN of 23 Wapiti Ave, Epsom, Auckland, Private
Investigator
First Defendant

AND VERISURE INVESTIGATIONS LIMITED a duly incorporated
company having its registered office at 23 Wapiti Ave, Epsom,
Auckland, providing private investigation services
Second Defendant

**AND ANIMAL OWNERS SUPPORT TRUST,
AN INCORPORATED CHARITABLE TRUST** having its registered
office at 23 Wapiti Ave, Epsom, Auckland
Third Defendant

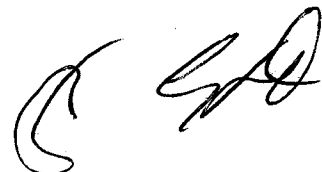
**AFFIDAVIT IN SUPPORT OF MEMORANDUM FILED BY DEFENDANT
26 FEBRUARY 2008 .**

DATED THE 29th DAY OF FEBRUARY 2008

Next hearing 13 March 2008

Prepared by Grace Haden
PO box 17463
Greenlane

DISTRICT COURT
2 FEB 2008
AUCKLAND



I Grace Haden , self employed licenced Private Investigator , of 23 Wapiti Ave Epsom Auckland swear:

Introduction

- 1) My Full name is Grace Haden I am a wife, mother of three children and a licenced Private Investigator.
- 2) I am swearing this affidavit to give a condensed back ground to the events which have led to the claim By the plaintiffs and to clarify some details with relation to the trust deed produced by the plaintiffs.
- 3) I am an ex long serving police officer, now a licenced private Investigator as set out in paragraph 7 of my affidavit .
- 4) I worked with the Plaintiff Wells on the Auckland air cadet trust . He was responsible for removing me from the trust in circumstances which were akin to extreme bullying . Paragraph 10 of my affidavit .
- 5) Neil Wells was the Chairman and I was the Treasurer . The practice which Wells dictated to the trust and insisted that this was followed, (Quite rightfully so) was
 - a) with regards to the trust deed and that was that this vital document should
 - i) Never leave the property
 - ii) Should always be kept in the safe
 - iii) A copy should be worked from and for this purpose all the trustees received a copy of the trust deed (signed) on disk.
 - iv) There was only original trust deed.
 - b) With regards to the accounts no trust was to sign the accounts on their own
 - i) We all signed the documents for the bank to allow us right of information and consented to the signatories to sign cheques on behalf of the trust.
 - ii) A copy of the trust deed was on file at the bank and a list of the current trustees.
- 6) I raise these issues because they are in direct conflict with the manner in which the plaintiff appear to operate
 - a) Last year when I located the Bank accounts which were in the name of the Animal welfare Institute of New Zealand, there was no trust deed associated with the account and there was only one person associated with the account Neil Wells.
 - b) With regards to the trust deed of the plaintiffs.
 - i) An unverified copy of the trust deed has been provided
 - ii) We have asked for the original the plaintiffs now claim that the original is lost but a second "original" not identical to the document produced
 - iii) In my affidavit I have shown historic documents which indicate that if anything there was only one trust deed.



- iv) Based on the method of business practice on the trust where I worked with Wells it would be safe to assume that some one so pedantic about the safe keeping of a trust deed, and being a barrister too, you would expect the same practice of safe guarding such a crucial document on any other trust which he claimed to administer.
- 7) In my affidavit I have shown that as a professional with a vast criminal investigations back ground and working in a field where I deal with fraud almost daily, that I have uncovered circumstances which indicate gross conflict of interest in the public sector and corruption which indicates fraudulent behaviour on the part of at least one of the plaintiffs.
- 8) The fraud is the passing off of the Animal welfare institute of New Zealand as a body corporate when by all appearances it would have been no more than a trading name for Neil wells.
- a) I believe that Hoadley and Coutts may initially not have been aware of the scam.
- b) Wells has continually discredited me and I believe that this has led to him receiving support from these people and preventing this matter from being investigated properly by MAF.
- 9) I have attached ^{and marked with the letter "A"} a news item which sets out the back ground of AWINZ and in Bold /red I have noted the role that Wells plays. It can be seen he has many hats and wears them all in situations of gross conflict of interest to the extent where he is the only person involved in the whole process.
- 10) I have provided on my original affidavit proof that he is using these proceedings as a means of discrediting me so that authorities will not look at what is happening.
- 11) Amongst the proof I have documents in which Wells states

The Act provides that an applicant can be "any organisation" but there is no requirement that the organisation be a body corporate. An "organisation" can be incorporated or unincorporated.

This being clear indication that he accepts that an unincorporated trust is not a body corporate (an assertion which again tries to make in swearing an affidavit on behalf of the other trustees.)

However he then pretends that it is a body corporate and in his manual for inspectors states

¹ AWINZ is an "agency".

² "Person" includes any body corporate and therefore includes AWINZ.

³ Section 100 of the Companies Act 1990 that require the Attorney-General's prior consent to

- 12) Animal owners are investigated by the inspectors Wells supervises as manager of animal welfare Waitakere. (AWINZ contracts to Waitakere animal welfare and therefore effectively contracts to himself.)
- a) The Inspectors who are warranted through Wells as AWINZ, complete reports which are forwarded for authority to prosecute by AWINZ
- b) Wells of AWINZ approves prosecution
- c) Wells the barrister prosecutes and offers Diversion in return for payment to a charitable trust AWINZ
- d) Wells the account holder and the only person associated with the account, (which he was last year when I located the account) and banks the money.

- e) The account name Animal welfare institute of New Zealand (not a trading as account the name as you would expect if an entity owned it) the account had \$150,000 in it.
- f) He also solicits donations for the trust using a logo which is deceptively similar to that of Waitakere animal welfare.

13) Wells also claims to administer a trust called the NZ fund for humane treatment, but the surviving trustees of that trust believe that the trust was wound up in 2002 , the \$100,000 in the account was given to wells and has in 6 years not been accounted for.

14) The motive for this all was stated by wells in 1995 when he wrote

b. Public support

Animal welfare is an issue which has great appeal for public funding. Animal welfare provides an opportunity for the Council to facilitate funding through donations, fund-raising campaigns and legacies.

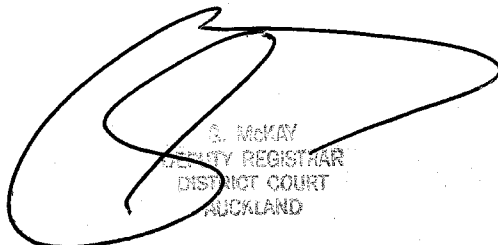
The only thing that changed was that it was not to be the council but he himself who was to be the recipient of the bequests , funding and donations.

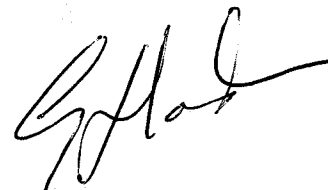
- 15) This is but a very brief outline there is more but I hope that this serves to provide a back ground to the criminal activity which is occurring and not being dealt with because it is being held in the Civil court .
- 16) Wells who has spent at least 13 years at least achieving his goal and looking forward to a lucrative retirement. He will most certainly be looking at a far less comfortable retirement if he is convicted , I can see why he has taken the course he has against me and why the dirty tactics have been so severe - he has a lot to fight for.
- 17) It should be noted that Wells co wrote the animal welfare act and inserted the provisions which facilitate the setting up of his SPCA type organisation, he is a legal advisor to MAF, trusted and respected by them, however that does not prevent some one from forming criminal intentions.
- 18) I believe that he has continued to advise MAF while I have tried to bring this corruption to their attention.
- 19) This is a matter of gross public concern and needs to fully investigated by the police and or the SFO, but before they can do that it has to be out of court.

Sworn this 29th day of February 2008

At Auckland

Before me


S. MCKAY
JUDICIAL REGISTRAR
DISTRICT COURT
AUCKLAND





This document is marked with the letter "A" and is attached to the Affidavit of

Dated this 29th day of February 2008

Sworn before me:

Scoop
INDEPENDENT NEWS

At the Auckland District Court

New developments in animal welfare

Points to note have been edited in bold Red

Press Release: New Zealand Government 23-01-2001 08:38

(Legal Issues; Parliament Wire; Government Press Releases; Agriculture;)

A significant development in the enforcement of animal welfare legislation has recently taken place with the Minister of Agriculture, Hon. Jim Sutton, announcing his decision to declare the Animal Welfare Institute of New Zealand (Inc) **Note the inc they thought it was an incorporated trust The inc was later removed** . (AWINZ) to be an "approved organisation" under section 121 of the Animal Welfare Act 1999 (the Act). **The Act which Neil Wells co wrote and introduced into legislation the concept of approved organisations.**

This decision took effect today.

AWINZ is a charitable trust based **Trust deed had not been sighted and "charitable" only by its own definition** in Auckland with animal welfare as its principal purpose. AWINZ initially intends to operate in conjunction with local authorities whereby suitably qualified animal control officers will be eligible to be appointed as animal welfare inspectors under the Act.

"This will give them significantly enhanced powers to deal with animal welfare problems on the spot without having to seek assistance from other organisations", said Mr Sutton. He said that dog control problems are often animal welfare problems and his decision will enable inspectors to take immediate action thereby significantly improving the welfare of the animals.

"Where inspectors feel that a situation is outside their area of expertise, I expect that they will seek appropriate advice from MAF" **Neil Wells is a legal advisor to MAF** said Mr Sutton. "This is especially the case in rural areas or, in dealing with large animals or complex situations".

"I am confident that AWINZ and inspectors operating under its jurisdiction will have the necessary skills and knowledge of the law to carry out their duties fairly and impartially. Persons will only be considered for appointment as inspectors if they have successfully completed the NZQA National Certificate in Compliance and Regulatory Control (Animal Welfare)", said Mr Sutton. This training is now a standard requirement for all animal welfare inspectors. UNITEC Institute of Technology in Auckland has more than 120 students studying for this qualification, including many from the SPCA and MAF. **This course was provided through lecturer Neil Wells who then examined and qualified those who passed for appointment as inspectors**

Mr Sutton said that the decision could, at times, result in AWINZ and the SPCA both receiving the same animal welfare complaints. He believed that any difficulties will be minimised as both the SPCA and AWINZ will enter into a formal memorandum of understanding with MAF about the treatment of complaints. **Animal welfare officers would hand complaints to their Manager Neil Wells who passes complaints to Neil Wells of AWINZ for approval to prosecute, Neil Wells approves these on behalf of AWINZ, Neil Wells Barrister prosecutes but offers diversion by making a donation to the trust AWINZ, He is the only person who had access to the bank account into which the money is paid.** In addition, AWINZ and the SPCA will be required to establish formal performance and technical standards to guide inspectors in the performance of their duties. **Written by Neil wells purportedly produced by the board of trustees (boards are incorporated under the charitable trust act)**

Mr Sutton noted that the Act gives the Director-General of MAF the power to direct inspectors in the exercise and performance of their powers. MAF will also establish a formal monitoring system and will audit the performance of AWINZ and inspectors. **The auditing was carried out by Wells associates Ltd- Director Neil Wells**

Mr Sutton pointed out that the idea of local authority animal control officers also undertaking animal welfare work was tested in a pilot programme that MAF ran with the Waitakere City Council from 1995 to 1999. "Regular audits were made of this programme and it was found to work successfully", **Neil Wells monitored these** said Mr Sutton. Mr Sutton understood that many of the Waitakere City animal control inspectors who were part of that pilot programme would apply to become animal welfare inspectors. **They were Employed by Waitakere City Council their manager at Waitakere is now Neil Wells (who effectively contracts to himself)** "I have received written support from the City Council and the inspectors for their new role" Mr Sutton said.

Fourteen officers of Waitakere City Animal Welfare Services and North Shore City Animal Care and Control have completed the UNITEC training programme Trained by Wells and were presented with the first National Certificates in Compliance and Regulatory Control (Animal Welfare) by Labour MP, David Cunliffe, at last year's graduation. Mr Sutton said that he expects that applications will be made for their appointment as inspectors in the very near future. **Unitec wher wells was employed at the tiem of wring the Act successfully "tendered" for the lectures.**

Mr Sutton paid warm tribute to the work of the RNZSPCA and its inspectors and volunteers who played a major role in animal welfare enforcement work. He did not see any decrease in the work or public support for the SPCA. "Most of the country will not notice any difference", he said. I will continue to support the work of the SPCA in its animal welfare enforcement role and look forward to continuing the good relationship I have with the RNZSPCA.

ENDS