



The Subtle Game of
OBSTRUCTION

GRAEME AXFORD

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Graeme Axford

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The Warrior of the West

Over the mighty mountains to The West,
lies the lost land of steamy rain and wild seas,
where The Barber chills the back of your neck,
where the forests grow tall overhead.
This is the domain of Sir Graeme of Axford,
knight of this magic realm, a local born Lord!
His name is known from north to south,
his reputation spreads through word of mouth.
A warrior of the inky pen, a voice for the unheard.
Through the thickets of red tape he chops.
The Dragon-head of Dyslexia he has lopped.
He prunes through the undergrowth
and uncovers what others prefer hidden.
His insistence on justice is consistent.
In his campaigns, he is somewhat persistent.
Perhaps a square peg, but his standards are high.
The lesson he gives us: to win the battle,
first you must try.
- *Victor Billot.*

Victor Billot is a Dunedin writer. He is the author of the poetry collection *The Sets* (Otago University Press, 2020), and writes a weekly satirical Ode each Sunday for Newsroom.

Understanding the Acronyms

Please note the following abbreviations:

ACC	Accident Compensation Corporation
CEAP	Chief Executive Advisory Panel (under the Ministry of Social Development).
CYF	Child, Youth and Family
HRC	Human Rights Commission
HRRT	Human Rights Review Tribunal
MSD	Ministry of Social Development
OT	Oranga Tamariki/Ministry for Children
PSC	Public Service Commission
SSC	State Services Commission

Foreword

The House of Resistance

Most New Zealanders walk past the Beehive with a comfortable sense of ownership. We call it the “House of Representatives.” We believe, with a quiet and earnest certainty, that the people inside are there to serve us. We believe that if the machine of the state ever grinds us down by mistake, there is a lever we can pull—an Ombudsman, a Commissioner, a Select Committee—to make it stop.

We are wrong.

What you are holding is not just a memoir of a thirty-year struggle. It is a leaked map of a minefield. It is the playbook the state uses when it decides that a citizen is no longer a person to be helped, but a “problem” to be managed.

Graeme Axford is an unlikely cartographer of this terrain. Profoundly dyslexic and often dismissed by the very “experts” who claim to uphold natural justice, Graeme has spent three decades doing the one thing the bureaucracy cannot handle: he refused to go away. In doing so, he forced the system to reveal its true face—a face that has nothing to do with public service and everything to do with “state service”.

In these pages, you will encounter the **Seven Ds**—a hierarchy of institutional evasion that is as chilling as it is precise:

Delay: The art of moving with “glacial slowness” until the complainant simply runs out of time or life.

Defer: Passing the “hot potato” to another agency to ensure accountability never lands.

Deny: A flat rejection of facts, even when they are documented in black and white.

Defend: Circling the wagons to protect the “brand” of the government.

Dismiss: Labelling the seeker of justice as “vexatious” or “frivolous” to shut the door on their case.

Destroy: The “convenient” loss of files, corrupted recordings, and the erasing of the truth.

Dehumanise: Reducing a human being to a “case number” or a “perennial complainer” to justify their mistreatment.

This isn't a conspiracy theory. It is a documented reality that has gained international recognition, studied by human rights students from India to Ohio who were shocked to find that New Zealand's "clean" reputation hides such a relentless war of attrition.

Graeme doesn't just tell you that the system is broken. He shows you that it is working perfectly—designed with "great care" to protect itself from the very people it claims to represent. He has been trespassed from the halls of power and smeared by official records, only to force the state into rare, late-night apologies once they realized he had outlasted their patience.

You might think you'll never need this book. You might think you'll never find yourself in a room with a social worker, a crown lawyer, or a panel of "insiders" who have already decided your fate. But as Graeme proves, the machine of the state can turn on anyone, at any time.

Read this book not just for the story of a man who wouldn't quit, but for the knowledge you need before you ever have to step into the "House of Resistance." Because once you see the patterns, they can never be unseen.

Battle on.

NZ State CEO (Anon)

Introduction

In my first book, *Differently Abled*, I told the story of how I came to understand power, and how disability, difference, and dissent are treated by institutions when they become inconvenient.

The book records the personal cost of learning to stand my ground as an advocate, challenging those systems that rely on silence, compliance, and paperwork to maintain authority, however it doesn't explore what occurs when an exhausted individual refuses to retreat after being dismissed and discredited. This present book does, shifting the focus from personal to institutional behaviour, examining how oversight bodies, ministries, and accountability mechanisms respond when challenged persistently and publicly.

The Subtle Game of Obstruction reveals the long game where I describe the patterns of behaviour I've observed, and the tactics I've used to combat them.

'For the citizens' – yeah right!

I begin with some words from Winston Peters' Facebook page (3rd June 2022) where he quotes Norman Kirk. Peters says, 'Norman Kirk once told ministers, "It's your job not to protect your department from the people, it is to protect the people from your department."'

I've been unable to verify the context in which Norman Kirk said this, but the principle behind the words is central to this statement from Sir Guy Powles, New Zealand's first Ombudsman: 'The Ombudsman is Parliament's man, put there for the protection of the individual, and if you protect the individual, you protect society. I shall look for reason, justice, sympathy, and honour, and if I don't find them, I shall report accordingly.'¹

We are told that public servants and elected officials are there 'for the citizens'. That's why Parliament is also known as the 'House of Representatives'. The 'bureaucracy' is responsible for implementing the laws and directives passed by Parliament, supposedly 'for the betterment' of all society, a system that appears to run smoothly until a citizen starts asking questions, demanding transparency, accountability, or advocating for his or her rights. What happens when the bureaucracy decides to fight that citizen rather

1 Source: Public Sector Journal 46.1 (April 2023), Della Urgenc [sic](as reproduced in the Institute of Public Administration New Zealand publication). Reference: https://issuu.com/ipanz/docs/ipanz_april_2023_002_/s/21857851

than address or resolve the concerns, marking him or her as its 'public enemy Number One'?

Many readers of *Differently Abled* were shocked at the treatment I received from the bureaucracy, especially by the very systems intended for redress and advocacy. Reader feedback split into two groups. One was drawn to my personal battle with severe dyslexia, the other fascinated by my confrontations with official power, and yet both shared a lingering frustration. They felt the story was unfinished, too much was left hanging, so this second book ties up some of those threads. Answers have come, both good and bad, and the focus now shifts to my 30 year struggle against the architects and gatekeepers of the bureaucracy, and their hollow promises of justice.

The uniformity of the barriers I faced surprised me, a pattern repeated with uncanny precision whether I was dealing with Parliament, the Ombudsman, Commissioners or Select Committees. Others walking similar paths confirmed they had experienced the same, our voices joining in a chorus of shared frustration with many concluding the system is 'broken'.

I disagree. The system isn't broken. It functions as intended, constructed and designed with great care to achieve specific outcomes. As former Prime Minister Sir Geoffrey Palmer once noted, New Zealand excels at inquiries and reports but fails notoriously at implementation. My experience has proved this to be true. Chillingly so.

Readers have asked me, 'Could you explain to us why these mechanisms so often set citizens up to fail?' This second book is my attempt to do just that. I write about the system, processes, the people involved and the tactics they employ, using examples from my own 30 years as an advocate and from the cases of others. There are gaps in the memory and paperwork, as you would expect from cases that can drag on for years, even decades. The Lake Alice case has been 50 years in the making and still not resolved.²

There's no game without players, so let's discuss the people appointed to prominent roles and the tactics they use to work against citizens. I call this hidden playbook the Seven Ds.

2 Beautiful Children: Inquiry into the Lake Alice Child and Adolescent Unit <https://www.abuseincare.org.nz/reports/inquiry-into-the-lake-alice-child-and-adolescent-unit> <https://www.abuseincare.org.nz/reports/inquiry-into-the-lake-alice-child-and-adolescent-unit/2-1-what-happened-at-lake-alice/2-1-what-happened-at-lake-alice>

CHAPTER 1

The Seven Ds of bureaucratic resistance

In 2021, New Zealand's Crown Law was accused of using a 'delay, deny, defend' strategy against victims of the Lake Alice psychiatric hospital. Closer to home, my own research reveals a difficult truth: entities like New Zealand's Accident Compensation Corporation (ACC) are often accused of working from the same playbook. This is where we move to my Seven Ds, an insidious hierarchy of bureaucratic resistance, not always used in order, but often in combination to frustrate, exhaust, and ultimately defeat those who seek accountability. Let me introduce them.

D1: Delay

The art of moving with glacial slowness toward nowhere. Files gather dust, deadlines are extended, silence reigns. It embodies the old truth—'justice delayed is justice denied'—and no apologies are ever offered here.

D2: Defer

'Not our problem'. Accountability is deflected to the Ombudsman, Commissioners, or the courts. Anywhere a simple, fair decision could be made is framed as 'due process' and the true purpose is avoidance.

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D3: Deny

The flat rejection of 'We don't see it that way' or 'There is no case to answer'. The door is slammed shut, on the law and/or the facts.

D4: Defend

The institution circles the wagons. 'We have done nothing wrong' and the implication shifts to 'You are the problem'.

D5: Dismiss

The claimant is labelled 'vexatious' or 'frivolous', his or her concerns dismissed as mere opinion, not policy. Here, the malleable nature of law is wielded as a shield. End result is 'case closed', often prematurely, as ordered by the higher-ups.

D6: Destroy

Records are not kept. Files are 'lost', audio recordings mysteriously corrupted, the paper trail (and the truth) conveniently disappears.

D7: Dehumanise

It is never personal for the official who is 'just following orders'. The claimant becomes a 'case number' a 'perennial complainer', framed as delusional, dangerous, and never satisfied. Humanity is erased to neutralise the claimant.

CHAPTER 2

Natural justice is more than just a phrase.

A *audi alteram partem* – ‘Let the other side be heard as well’ (a core principle of natural justice).

‘Natural justice’ is often described as a given but its true meaning isn’t always reflected in practice. The Seven Ds violate the core tenets of natural justice and, if they are in play, you will almost certainly be denied access to it. *Whataboutism* (yes, it’s a real thing!) can have a similar outcome. *Whataboutism* is when a concern is not answered directly, and the discussion is shifted to another issue (for example, past events, the complainant’s behaviour, or side matters) instead of addressing the point raised, making the complaints process feel circular. It delays progress, and leaves the core issue unresolved. In a natural justice context, the key concern is whether the relevant issue has been fairly and directly addressed.

Examples (framed neutrally)

Example 1–Scope response that avoids the point

Complainant concern: “I accept the current scope, but I am asking whether the CEAP recommendations were actually followed through in practice.”

Possible whataboutism style reply: “There were many earlier investigations and historic complaints about the wider case.”

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Issue: This may be true, but it does not answer whether the recommendations were implemented.

Example 2–Focus shifts to tone instead of substance

Complainant concern: “I am concerned the process appears unfair and repetitive.”

Possible deflection: “Your emails are lengthy / strongly worded / difficult to process.”

Issue: Communication style may be relevant administratively, but it should not replace a direct response to the substantive issue.

Example 3–Process history used instead of current assessment

Complainant concern: “Was the intended outcome of the CEAP process achieved?”

Possible deflection: “The organisation had opportunities to respond previously and followed its internal process.”

Issue: That describes process history, but may not answer the present question about outcome delivery and fairness.

Polite ways to respond (without sounding argumentative)

» Thank you. I understand that background may be relevant, but my present question is narrower: whether the CEAP recommendations were followed through, and if not, what that means for fair process.

» I am not disputing your scope. I am trying to ensure the core issue is answered directly, rather than unintentionally shifting to side matters.

» I appreciate the administrative context. To help me understand the natural justice aspect, could the response address the specific point raised before moving to related background matters?

(**Note:** Raising possible *whataboutism* does not require alleging bad faith. It can be framed as a request for clearer, direct engagement with the issue under review).

Delaying, deferring, or denying a fair hearing undermines the right to a timely and substantive opportunity to be heard. Defending procedural unfairness, dismissing concerns without proper consideration, and destroying or losing relevant evidence corrupt the principle of

NATURAL JUSTICE IS MORE THAN JUST A PHRASE.

impartiality and the right to a decision based on evidence. Dehumanising an individual strips them of their dignity and equality before the process, denying the very foundation upon which natural justice is built. Each action represents a failure to provide the basic procedural fairness and respect that the law demands. At its heart, natural justice is a fair process that boils down to five key principles.

1. The Right to Be Heard.
All parties must have a full and fair opportunity to present their case, be able to ask questions, respond to challenges, and answer points raised by others.
2. Equality and Impartiality
All parties should be treated equally. Everyone involved must be approached without fear or favour, and judged on the same criteria.
3. An Open Mind.
Those making decisions must not predetermine the outcome. They should be willing to consider all evidence and arguments presented, free from outside influence.
4. Evidence-Based, Reasoned Decisions.
Any ruling should be based on the facts and logic of the case. Decisions should be open to scrutiny and those making them able to explain their reasoning.
5. Free from influence.
Decision-makers should not be influenced by outside pressures. They should be unbiased and arrive at a fair decision.

Research like that undertaken by Tom R. Tyler (TR Tyler, *Why People Obey the Law*, Princeton University Press, New Jersey, 2006) indicates that people value fair procedure for its own sake, and are far more likely to accept a decision, even an unfavourable one, if they believe the process was just. I agree with this, having witnessed individuals accepting an adverse ruling if they feel they've been heard and treated fairly. The offense comes when the process feels rigged or when a bureaucratic 'playbook' is followed instead of genuine principles and process.

Most boards and review panels outline how they apply natural justice, however, this clarity seems to be missing when we consider Child, Youth and Family (CYF) and their Chief Executive Advisory Panel (CEAP, under the Ministry of Social Development).

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Upon reading their policies and terms of reference, I was concerned to find that while natural justice was mentioned, its application appeared superficial. To my astonishment, when I asked how its principles were specifically applied within their complaints system, the response was a simple assurance that it was 'seen to' without any further detail given.

This felt like a bureaucratic sidestep so I submitted a written question to Brendan Boyle, (a lawyer and CEO of the Ministry of Social Development (MSD) at the time. If anyone understood natural justice, surely it would be him.

I received a response (dated 21st September 2015) from General Manager Ministerial and Executive Services, Rachel Sutherland, written on Boyle's behalf, which stated, 'Child, Youth and Family's formal complaints process is viewed as a whole and not assessed on its individual components in isolation of one another. Ultimately, the independence provided by the CEAP within the internal complaints process ensures that the process is fair.

Overall, the principles of natural justice are covered in the State Sector Act 1988, section 57, and the provisions are incorporated into the Ministry's Code of Conduct. The link to the State Sector Act 1988 can be found at: <http://www.legislation.govt.nz/act/public/1988/0020/latest/DLM129724.html#DLM129724>

I interpreted the response to state 'fairness' was ensured by the 'independence' of the CEAP, and, by pointing to Section 57 of the State Sector Act 1988, natural justice was incorporated into the Ministry's Code of Conduct.

One might have expected a more substantive response if the system was fully compliant.

This lack of detail is telling. You can see some of the Seven Ds in play. For example, 'deferring' me to the State Sector Act, which, as those familiar with it know, doesn't answer the question at all.

The heading for that Act (which they avoided mentioning as it gives away the non-answer of it all) is '57 Commissioner may set minimum standards of integrity and conduct'. It is true the Commissioner sets the standards, but it's for the CEO of the organisation to decide how and when they apply or not.

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And here is a real kicker. The CEAP members were not employees of the MSD. They were contractors and, as such, were not bound by section 57 of the State Sector Act 1988 at all.

What the response also left out quite conveniently was that my petitions (2008/121 / 2011/12) and the Howard Broad report of 2013 came to the same conclusion, that that the panel wasn't independent and so not in keeping with the principles of natural justice.

The worst thing is this: not only is natural justice not apparent, but no one calls out the politicians on it.

I sought a legal opinion on the response, so spoke to a prominent barrister, who wished to remain anonymous, and he clarified that the cited section of the Act (now repealed) did empower the setting of broad standards of integrity and conduct but left it to each Chief Executive to decide how to apply them. It was not a specific blueprint for natural justice in the complaints processes. He said they were dismissing my question with plausible deniability.

The Select Committee report subsequent to my first petition to Parliament (2008/121), declared that CYF's complaint system and CEAP were 'not independent'. The Howard Broad Report in 2013 echoed this finding.

The most critical point is this: without independence, true natural justice is impossible. This context makes the Ministry's 2015 response even more revealing. It is difficult to detail the points of natural justice if they are not genuinely in practice.

Perhaps the simplest way to avoid having your process challenged is to avoid making any substantive points about it at all.

There are two sides to this story: the tactics the bureaucratic system uses, and how we react to them, forcing us into a labyrinth of promised accountability from Parliament, Committees, and the Ombudsman, to name just a few.

Sad to say, the game is rigged right from the start, one of shadow tactics used by institutions, a game that has grown even more powerful over time.