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Barry O'Neil
 Group Director
 MAF Biosecurity Authority
 P O Box 2526
 WELLINGTON

Dear Barry

re: Animal Welfare Institute of New Zealand

I have now received a further draft legal opinion from KPMG Legal. A final copy is expected any day but the wording will not change from the draft.

KPMG Legal are of the view that further consideration of the *ultra vires* question shows that the AWINZ proposal is not *ultra vires* the Local Government Act 1974. Further, consideration of section 37T shows that an agreement between MAF and Waitakere City Council is also a valid way to proceed.

At the end of the day a stake needs to be put in the ground and a decision made. MAF Policy can choose to prevaricate further by putting the issue to Crown Law for endless legal opinions or to assist the Minister by providing him with a way ahead.

The KPMG draft has been forwarded to you by separate fax transmission.

Kind regards

Sincerely

Neil Wells
 Barrister

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