

Tom Didovich

From: Tom Didovich
Sent: Friday, 23 June 2000 10:08
To: 'mec@ks.co.nz'
Cc: 'neil.wells@amcom.co.nz'
Subject: FW: Animal Welfare

Hello Matthew,

In relation to the email below which I recently forwarded and in anticipation of discussing the issue with you later this morning I am emailing to provide you with the name and contact details of Neil Wells LLB the CEO and founding member of the trust so that you may have dialogue. Neil has suggested that he draft a contract under section 37(t) which you could then provide a robust opinion on for subsequent presentation to MAF Policy to see if they will accept such a path forward.

Neils details are:

Neil Wells
Ph: (09) 811-8020
Fax: (09) 811-8010
Email: Neil.Wells@amcom.co.nz

cheers tom d

-----Original Message-----

From: Tom Didovich
Sent: Friday, 16 June 2000 10:37
To: 'mec@ks.co.nz'
Subject: Animal Welfare

Good Morning Matthew,

Recently you provided a legal opinion : "FUNDING FROM RATES FOR ANIMAL WELFARE" within a letter you wrote to me dated 3 March 2000.

Subsequently, and following a copy of this opinion being forwarded to MAF they sought a Crown Law Opinion which opposes the opinion provided by you.

However, the Crown Law Office were not asked to investigate the possibilities of using section 37(t) of the Local Government Act which allows for contracts between the Crown and a TA so did not explore this option.

Would you be able to do the following:

- 1. Check out the Crown Law Office Opinion for any serious flaws.** Their opinion appears to be very thorough/robust but narrow in it's interpretation and I understand it would be difficult to swing their opinion but wish to explore if there are any serious gaps which could be to Waitakere City's advantage.
- 2. Investigate the possible use of section 37(t) of the Local Government Act** as a means to move forward in terms of using ratepayer funding for animal welfare. Reference is made to this section in paragraph 4 of the crown law opinion. I wonder if use of s37(t) would over ride the crown law interpreted inability of a TA to use rates funding for animal welfare.
- 3. Before doing this, provide an estimate of likely cost** so I can budget accordingly and make a decision as to whether or not the budget can afford to engage your services in this matter.

I can be contacted on (09) 8367770 if you wish to discuss any aspects.

The background is simply that an independent animal welfare charitable trust has been established so that once it gains status as an "approved organisation" through MAF and under section 121 of the Animal Welfare Act 1999, Council can link into it in order to have it's animal welfare officers appointed to undertake enforcement of the Animal Welfare Act. It is necessary to have the vehicle of a trust because one of the criteria of an "approved organisation" is that it's primary objective is animal welfare and of course that does not match with Council's primary objective.

I will forward a copy of the Crown Law opinion and accompanying correspondence shortly.