

Tom Didovich

From: Neil Wells[SMTP:newells@cybernet.co.nz]
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Sent: Tuesday, 14 April 1998 16:35 PM
To: Tom Didovich
Subject: MAF

Hi Tom

Here's the draft text of what will go to David Bayvel at the end of this week.

Let me have your comments.

Regards

Neil

It goes without saying that I am disappointed that after more than 2 years of policy consideration the territorial authority interim programme cannot yet proceed.

Even now there is no assurance that the proposal that TAs be recognised as compliance bodies (if that is the term in the draft Government Bill) will become government policy. This in spite of the logic of the proposal:

- It is a low cost way of delivering animal welfare compliance
- the Waitakere pilot programme did not come up with any major negatives
- the misgivings of SPCAs and MQM have not been realised.

However I do completely understand the processes and the position you and Barry have been put in.

Let's think about this laterally.

The present situation would seem to be that there is no universal agreement on the policy of TAs being authorised compliance bodies for a number of reasons:

- a misunderstanding in some TAs that central government is wanting to dump a function on local government with no tax payer funding, thus becoming a ratepayer funded activity
- the unusualness of the situation in terms of relationships between central government and local government (funding, public consultation, central government retaining control)
- a general feeling in caucus about local government becoming too powerful in terms of interference with individual rights
- probably some historical defence from existing stakeholders (RNZSPCA, MQM).

I have written confirmation from a survey that I did 2 years ago that indicates that 7 territorial authorities would participate in a territorial authority animal welfare interim programme; 18 territorial authorities were interested in the opportunity but wanted more information; 5 indicated that they would not participate at that time; the remaining 45 territorial authorities did not reply.

I could make personal contact with the 25 "positives" to try to generate some correspondence to support the policy issue going forward. But how do I know what the response was to the MAF Policy document that was sent out in

December?

If an attempt was made to push the territorial authority policy issue through against some considerable opposition there is a danger that when put to the test it is defeated and that could undermine any other consideration. It could then be said that territorial authorities and/or their employees would be disqualified as "suitable persons".

I have not see the current wording of the draft Government Bill but I am assuming that it is not too dissimilar in concept to the Private Member's Bill, i.e. there would be accredited compliance bodies, all bodies would be assessed on a level playing field, and that there would be a range of options (Government, SOE, national incorporated society, national body corporate).

In the original concept, vis a vis Barry's article in Vetscript PS June 1955, it was envisaged that while there might be some devolution of government involvement in delivering services, accreditation would be dependent on training standards, accreditation procedures, quality systems, and auditability.

As discussed with Barry in the past MAF RA would not want to deal with individual local organisations but would work through a national body that would be the interface responsible for meeting training standards, quality systems, accountability, etc. In the SPCA situation the RNZSPCA is the national interface with local SPCAs. In a territorial authority sense it was never envisaged that central government would deal directly with up to 74 individual territorial authorities. My question, "Could Local Government New Zealand be a suitable interface?" is met with a definite "No".

There would need to be a training and accrediting body (TAB) set up on a national basis. MAF RA would audit the TAB who in turn would audit the territorial authority. As part of the audit of the TAB, MAF Compliance Group would carry out random audits of a territorial authority just as random audits are carried out on local SPCAs.

I am now questioning whether it is necessary for territorial authorities to be referred to in the Bill at all.

What if?

What if the territorial authority option was dropped from policy considerations?

Using the private member's Bill wording a compliance body could then be one of a number of options:

- A division of Government (MAF RA, Department of Conservation, if they wanted to be)
- A state enterprise (MQM/SOE2)
- A national incorporated society or national body corporate.
- (leave out territorial authority.)

The essential ingredient would be the CVO's (or DG's) authority to accredit a compliance body if it meets the criteria set down.

What if there was a new player – either a new incorporated society or a charitable trust – that contested for a place in animal welfare delivery?

If there is a level playing field and that new body met all the criteria applied to RNZSPCA, MQM/SOE2, etc. then MAF RA could accredit the TAB. If that TAB delivered its animal welfare compliance activity through territorial authority animal control officers or other suitable persons, is that much different to the way SPCAs deliver animal welfare compliance.

MAF RA would have a memorandum of understanding with the TAB. It would not have a contract with any local organisation be it a territorial authority or local branch of the TAB. The TAB would need to have clear lines of responsibility to and from the individual Inspector that would include a memorandum of understanding with the employer (the territorial authority or branch – just as it is now with local SPCAs) that the employee may exercise his/her functions as an animal welfare Inspector in the course of other duties (animal control etc.) but the responsibility for performance would rest with MAF RA through the TAB.

This way there is no question of central government devolving or appearing to devolve responsibility to local

government. This would remove all the conceptual problems that have arisen from the idea of central government having a direct contract with local government for unfunded functions. It would remove concerns in caucus about widening territorial authority powers. It should satisfy the criteria set out in the Bill.

Is this different in concept to what exists at the moment with the RNZSPCA. There are (or have been) instances where some local SPCA Inspectors are territorial authority animal control officers. They answer to the SPCA in terms of their warrant but they use their warrant in their employment.

There is also the situation whereby a City (Wellington) has contracted its entire animal control activity to an SPCA (Wellington) and the animal control officers are now also Inspectors. There is nothing wrong with that.

The Wellington animal control operation comes within the SPCA line of responsibility and MAF Compliance Group audit the Wellington City animal control function as part of the RNZSPCA organisational audit. What if the Auckland SPCA chose to tender for animal control work and, say, took over Auckland City animal control work by absorbing existing animal control officers into their organisation as Inspectors (provided they are suitable persons), there would be nothing wrong with that. In fact that would be an improvement in terms of synergistic delivery of animal welfare and control services.

It would be illogical to say that the Wellington situation is acceptable because it is operated by an SPCA but an identical operation in say, Waitakere City, is not acceptable because it is operated by a territorial authority.

I am not aware of any problems that arise from the Wellington operation and there are no organisational problems arising from the Waitakere operation.

What if the new national charitable trust were to do the same and tender for a territorial authority animal control contract. It would be in no different a position that Wellington is in now or Auckland could be in the future.

What if Waitakere City put its animal welfare and control services out for tender and a national charitable trust succeeded. The existing WCC-AWS operation would be absorbed into the trust and that would be no different to what currently happens in Wellington.

Where I am leading to is a very big question mark over whether it is strategically wise to pursue the territorial authority policy issue to the point where it could be rejected and muddy the waters in the future, particularly when there is no wish by MAF RA to deal directly with up to 74 territorial authorities individually.

Confidentially, as you know there is a thrust to form a new charitable organisation similar in objective to the SPCA but organisationally different in that it would be a charitable trust rather than an incorporated society. But both are not-for-profit organisations.

While delivering animal welfare compliance would be one of the objectives it would not be the only one. While there would be no thrust to promote the new charitable trust as an "alternative SPCA" it would not take long for the public to gain this perception. This is all part of contestability.

This could be a win-win all round. Territorial authorities themselves would not be compliance bodies; they could if they wished nominate individual officers to be Inspectors (as happens already in SPCAs), there would be little impact on the ratepayer as it would not be a direct territorial authority funded function so there would be no need to go through the tortuous route of public consultation and annual plan. The charitable body would attract public funding and there would be a public expectation that the body would be carrying out animal welfare compliance work along with other functions such as education, policy development etc. (just as happens in SPCAs).

If MAF RA were to withdraw the territorial authority policy proposal from consideration so the proposal is not defeated would this leave MAF RA with egg on its face in terms of its relationship with MAF Policy? These are some thoughts for discussion.

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