

OIA 09-204

19 May 2010

Grace Haden
Verisure Investigations Ltd
PO Box 17463
Greenlane
AUCKLAND 1546

Dear Mrs Haden

I refer to your Official Information Act request, dated 17 April 2010, addressed to the Minister of Agriculture and copied to me. As advised by the Minister's office on 22 April 2010, your request has been transferred to the Ministry of Agriculture and Forestry (MAF) for response.

Appointment and accountability of animal welfare inspectors and auxiliary officers

You have requested a "list of the RNZSPCAs and associated societies which have the power to appoint inspectors"

No organisations or individuals other than the Minister of Agriculture have the power to appoint inspectors under the Animal Welfare Act 1999. The Minister has delegated this authority to MAF.

The only 'approved organisation' that may recommend individuals for appointment as inspectors or auxiliary officers under the Act is the Royal New Zealand SPCA. All recommendations for the appointment of SPCA inspectors are made through the Royal New Zealand SPCA's National Office.

Technically, the Animal Welfare Institute of New Zealand (AWINZ) may also recommend inspectors or auxiliary officers for appointment under the Act. As the Minister has accepted the AWINZ trustees' request to revoke AWINZ's approved organisation status under the Act, however, I do not anticipate that any such recommendations would, in fact, be made or considered at this time.

In addition, individuals employed by MAF and the New Zealand Food Safety Authority (NZFSA) may be appointed as animal welfare inspectors.

You have also requested a list of all animal welfare inspectors and auxiliary officers appointed under the Animal Welfare Act, including their dates of appointment, the organisation which recommended them, their employer and to whom they are accountable.

There are currently 441 animal welfare inspectors and auxiliary officers appointed under the Animal Welfare Act, on a range of dates between 2007 and 2010, as follows:

- 95 inspectors and 54 auxiliary officers appointed on the recommendation of the Royal New Zealand SPCA;
- 9 inspectors appointed on the recommendation of AWINZ;
- 29 animal welfare investigators employed by MAF; and
- 254 animal welfare investigators employed by the NZFSA.

I have considered your request under the Official Information Act, taking into account the principle of availability in section 5. I have decided that it is necessary to withhold the names of the inspectors and auxiliary officers, in order to protect the privacy of natural persons, under section 9(2)(a) of the Act, and/or to maintain the effective conduct of public affairs through the protection of statutory officers from improper pressure or harassment, under section 9(2)(g)(ii). I do not consider that, in this case, the withholding of this information is outweighed by other considerations which render it desirable, in the public interest, to make the information available.

Animal welfare inspectors and auxiliary officers, appointed on the recommendation of an approved organisation, are accountable both to that approved organisation and, ultimately, to the Minister of Agriculture (inspectors) or the Director-General of MAF (auxiliary officers), as the office-holders responsible for making (and revoking) their appointments under the Animal Welfare Act. In addition, SPCA inspectors or auxiliary officers are accountable to the branch or member society with which they are affiliated.

Animal welfare inspectors employed by MAF or the NZFSA are accountable to MAF or the NZFSA, respectively.

Complaint process

You have asked how to make a complaint against an inspector, including to whom the complaint is made out, what ability there is to review the inspector's appointment and what independence there is in this process.

A complaint against an inspector appointed on the recommendation of an approved organisation may be made to either:

- the member society/branch/organisation by/with which the individual is employed or affiliated; or
- the approved organisation; or
- MAF (c/- the Animal Welfare Directorate); or
- the Minister of Agriculture.

A complaint against an inspector employed by either MAF or the NZFSA could be made to MAF or the NZFSA, respectively.

If a complaint were made to MAF, or referred to me by the Minister, I would determine the process for dealing with it according to the circumstances of the complaint.

The review of the appointment of an inspector, appointed on the recommendation of an approved organisation, is governed by section 124 of the Animal Welfare Act, a copy of which is **enclosed**. I draw your attention particularly to section 124(6).

Register of inspectors' appointments

I am not aware that the Minister has any plans to establish a register of animal welfare inspectors, with annual reviews of their appointments and an ability to make them answerable to a tribunal in the same way as private investigators, as you suggest in your email.

Application of the Animal Welfare Act to the Royal New Zealand SPCA

You have also requested a list of SPCA branches and member societies to which the Animal Welfare Act applies. The Royal New Zealand SPCA (which includes all of its branches and member societies) is the approved organisation to which the Act applies. Details about the Royal New Zealand SPCA's structure are publicly available on its website: <http://rnzspca.org.nz/about-us/>. This request is refused, therefore, under section 18(d) of the Official Information Act.

Your questions relating to the legal status of trusts associated with the SPCA are not Official Information Act requests and do not relate to matters within my responsibilities. Instead they are legal questions on which you may wish to seek your own legal advice.

You have the right, under section 28(3) of the Official Information Act, to request that an Ombudsman investigate and review any decision refusing to grant a request for official

information or providing the information in a manner other than that which has been requested. A request must be made in writing to:

The Ombudsman
Office of the Ombudsmen
PO Box 10 152
WELLINGTON 6143

Yours sincerely

M A Sherwin
Director-General

RELEASED UNDER THE
OFFICIAL INFORMATION ACT