



OIA 09-228

16 July 2010

Grace Haden  
Verisure Investigations Ltd  
PO Box 17463  
Greenlane  
**AUCKLAND 1546**

Dear Grace Haden

### **RESPONSE TO OFFICIAL INFORMATION ACT REQUEST**

I refer to your official information request dated 26 May 2010, addressed to the Minister of Agriculture, concerning the appointment of inspectors under the Animal Welfare Act 1999. As advised by the Minister's office on 28 May, your request has been transferred to the Ministry of Agriculture and Forestry (MAF) for response.

I have adopted the numbering of your questions in my responses below.

1. You have made the serious allegation that MAF misled the Select Committee considering the recent Animal Welfare Amendment Bill, over the number of full-time animal welfare inspectors that MAF employs. You have requested all documentation and records explaining why the Select Committee was advised that there were only seven full-time animal welfare officers in MAF.

Neither MAF nor its officers misled the Select Committee. Details of the internal and external animal welfare enforcement resources available to MAF were set out in Appendix One of MAF's Response to Requests for Information from the Primary Production Select Committee (copy enclosed as Appendix A). That document referred both to MAF's own enforcement resources (seven full-time animal welfare inspectors plus casual contractors, as needed and available) and to the additional capability provided by inspectors appointed to the RNZSPCA and the New Zealand Food Safety Authority's Verification Agency.

2. You have asked what verification MAF advisers carried out to ensure that the information they provided to the Select Committee was correct. The information was peer-reviewed by a manager from MAF Biosecurity New Zealand's Policy and Risk Directorate.



3. You have asked who were the advisers who had input to the advice provided to the Select Committee. The Select Committee appointed Colin Holden, Policy Manager, and Dr Rob Gregory, Senior Policy Analyst, both from MAF Biosecurity New Zealand's Policy and Risk Directorate, and George Capes, MAF's Director of Legal Services, as advisers to the Select Committee.

4. You have requested all discussion papers, documents, reports and notes which discuss or investigate the need to withhold the names of individuals appointed as animal welfare inspectors under the Animal Welfare Act 1999, and how this impacts on privacy and transparency.

MAF considers each official information request on a case-by-case basis. MAF's response would depend, in each case, on its assessment of the relevant (and sometimes competing) interests involved.

A decision to withhold information in a particular case would not necessarily foreshadow the outcome of a request in any other case.

5. You have requested copies of any documentation advising the public how they could complain about any animal welfare inspector and providing directions for identifying the inspector.

This request is refused under section 18(e) of the Official Information Act 1982, on the basis that the information does not exist. My letter dated 19 May 2010 (copy enclosed as Appendix B) set out how the public could make a complaint about an inspector. All inspectors appointed under the Animal Welfare Act 1999 are required to carry a certificate of their appointment at all times. Given that inspectors operate on a regional basis, MAF anticipates that, in the vast majority of cases, a description of the background to the complaint would be sufficient to identify the individual involved, without difficulty.

6. You have requested all documents and notes on MAF's consideration of the accountability of inspectors recommended for appointment through an organisation that does not exist or an inspector who could not be identified due the absence of a requirement to give their name or that of their organisation. This request is refused under section 18(e) of the Official Information Act 1982, on the basis that the information does not exist.

7. You have requested a copy of the policy on the verification process and requirements for an individual recommended by the RNZSPCA to become an animal welfare inspector. This is contained in the memorandum of understanding, dated 16 March 2006, between the RNZSPCA and MAF, and the RNZSPCA's Performance and Technical Standards for Inspectors, dated 22 June 2007. Copies of these documents are enclosed as Appendices C and D, respectively.

8. You have requested all documentation and reports about the implications of member organisations of the RNZSPCA taking on subsidiaries which in turn come under the RNZSPCA umbrella, and all documents which show that MAF has considered how this network can be controlled and managed, including the documentation outlining the control measures and policies.

The enclosed memorandum of understanding (Appendix C) sets out both parties' expectations of how the relationship between MAF and the RNZSPCA, including its branches and member societies, is to be controlled and managed.

9. You have requested a copy of any memorandum of understanding or agreement that MAF has with the RNZSPCA. The memorandum of understanding between MAF and the RNZSPCA is enclosed as Appendix C. A copy of a contract for services, dated 22 August 2008, is also enclosed (Appendix E).

An agreement relating to the provision of government funding to the RNZSPCA in the current financial year is still under negotiation. This request is therefore refused on the basis that there is good reason for withholding the information under section 9(2)(j) of the Official Information Act 1982 and that the withholding of the information is not outweighed in this particular case by other considerations which render it desirable, in the public interest, to make that information available.

You have also requested all documents and correspondence between MAF and the RNZSPCA that show the RNZSPCA advising MAF of any changes in member societies and branches since the Animal Welfare Act 1999 came into existence. The RNZSPCA as a whole is an approved organisation under section 189 of the Animal Welfare Act. On occasion, the RNZSPCA has advised MAF verbally, and as a courtesy, of internal changes in the management arrangements of individual branches.

Finally, you have asked how long the transitional measures under the Animal Welfare Act are going to continue. As these measures are set out in the Act itself, this is a matter for Parliament, not MAF.

10. You have requested all correspondence between MAF and the RNZSPCA which addresses the rights that the RNZSPCA enforces and controls the use of the name SPCA and any documentation defining how the RNZSPCA considers and assesses an organisation to become a member society. The only information that MAF holds is an email exchange, dated 18 December 2001, between a MAF official and the (then) President of the RNZSPCA, enclosed as Appendix F.

Details about the structure of the Royal New Zealand Society for the Prevention of Cruelty to Animals (Inc) are set out on its website: <http://rnzspca.org.nz/about-us>. The Society's election to use its brand name (SPCA), as opposed to its full legal name (above) or an abbreviation thereof (Royal New Zealand SPCA, or RNZSPCA), is a matter for the Society. MAF's expectations of the RNZSPCA are set out in the memorandum of understanding enclosed as Appendix C.

11. You have alleged the delegation of legal responsibility to the RNZSPCA and asked what checks and balances the Minister has in place with the RNZSPCA to ensure that transparency and integrity is preserved. It is not clear to what, exactly, you are referring in this instance. The appointment of inspectors is made under section 124 of the Animal Welfare Act 1999 by MAF, under delegated authority from the Minister, not by the RNZSPCA.

You have also requested all correspondence relating to the guidelines by which the RNZSPCA can recommend inspectors for member societies and branches.

The memorandum of understanding between MAF and the RNZSPCA, enclosed as Appendix C, sets out how the RNZSPCA can recommend inspectors for appointment under the Animal Welfare Act.

MAF audits the RNZSPCA's National Office and selected branches annually, for compliance with the requirements of the Animal Welfare Act 1999 and the memorandum of understanding between the two organisations. The audits of National Office include documentation relating to the selection, training and recommendation for appointment of inspectors under the Act.

You have the right, under section 28(3) of the Official Information Act 1982, to seek an investigation and review by the Ombudsman of the decision to withhold information under the Act. A request may be made in writing to:

The Ombudsman  
Office of the Ombudsmen  
P O Box 10 152  
**WELLINGTON 6143**

Yours sincerely

A handwritten signature in black ink, appearing to read 'M A Sherwin', with a long horizontal line extending to the right.

**M A Sherwin**  
Director-General