



OIA 10-075 and 10-085

29 November 2010

Grace Haden
Verisure Investigations Ltd
PO Box 17463
Greenlane
AUCKLAND 1546

Dear Grace Haden

OFFICIAL INFORMATION ACT REQUESTS

I refer to your official information requests, dated 1 and 4 November 2010 and addressed to Joanna Tuckwell at the Ministry of Agriculture and Forestry (MAF) and Hon David Carter, Minister of Agriculture, respectively, concerning animal welfare inspectors appointed on the recommendation of the Animal Welfare Institute of New Zealand (AWINZ). As advised by letter dated 9 November 2010 from Stephanie Edridge, Ministerial Secretary to Hon David Carter, your request to the Minister has been transferred to MAF for response under the Official Information Act 1982.

Both of your requests are for any correspondence from AWINZ with regards to:

- the transition into the Super City and the area in which their officers will be working;
- how supervision of the animal welfare officers from AWINZ will be managed now that Neil Wells is no longer in daily contact with the staff; and
- how many officers are still supervised or appointed by AWINZ.

MAF has no correspondence from AWINZ on these issues. As you know, the AWINZ trustees have requested that the Minister revoke AWINZ's status as an approved organisation under the Act. In order to avoid losing the inspectors' animal welfare enforcement expertise, MAF and Waitakere City Council did explore options to enable the inspectors to continue to operate (with appropriate accountability) after AWINZ ceased to be an approved organisation under the Act. None of these discussions resulted in the identification of a satisfactory short to medium term solution, however. MAF has therefore recommended to the Minister that the trustees' request be implemented and the animal welfare inspectors will cease to act in that role after that time.



Ministry of Agriculture and Forestry
Te Manatū Ahuwhenua, Ngāherehere
Director-General

Pastoral House, 25 The Terrace, P O Box 2526, Wellington, New Zealand
Telephone: 64 4 904 0587 Facsimile: 64 4 904 0740 Web: www.maf.govt.nz

You have also requested:

- a copy of the current memorandum of understanding (MOU) between the trustees of AWINZ and MAF; and
- any correspondence from MAF to the trustees of AWINZ and the new city with regards to the warranting of Auckland city council staff.

The MOU dated 4 December 2003 between MAF and AWINZ, a copy of which has been supplied to you previously, is the current MOU between the two organisations. For the reasons above, MAF has not sent any correspondence to the trustees of AWINZ or the new city regarding the warranting of Auckland city council staff.

In your official information request to the Minister, you have requested any documentation held by the Minister which considers the legality of the inspectors who represent AWINZ, in view of various circumstances that you allege. In both requests, you have requested advice as to the status of the animal welfare inspectors who are no longer employed by Waitakere City Council and have been appointed on the recommendation of AWINZ, as well as any documentation which provides a legal basis for those council officers to continue to be animal welfare inspectors.

Legal advice, relating to the future of inspectors appointed on AWINZ's recommendation, was provided to the Animal Welfare Directorate of MAF by the Legal Services Directorate on 7 July 2010. That advice is being withheld on the basis that withholding the information is necessary to maintain legal professional privilege under section 9(2)(h) of the Official Information Act and that good reason for withholding the information is not, in the circumstances of the particular case, outweighed by other considerations which render it desirable, in the public interest, to make that information available under section 9(1).

I have noted the other matters, not amounting to a request for official information, in your email to the Minister, but consider that these have already been addressed in previous correspondence or as noted above.

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

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

Yours sincerely



Wayne McNee
Director-General