

Chris McIntyre

From: Chris McIntyre
Sent: Monday, 20 July 2009 10:04 a.m.
To: 'Neil Wells'
Subject: RE: Complaint - The Animal Welfare Institute Of New Zealand (CC11235)

Dear Neil

Thank you for your email of 10 July 2009 responding to my email of 9 June 2009.

We will consider the complaint further including the information you provided in your email of 10 July.

I will contact you again if we require further information.

Yours sincerely

Chris McIntyre
Senior Analyst - Monitoring & Investigations

From: Neil Wells [mailto:Neil.Wells@waitakere.govt.nz]
Sent: Friday, 10 July 2009 4:22 p.m.
To: Chris McIntyre
Subject: FW: Complaint - The Animal Welfare Institute Of New Zealand (CC11235)

Dear Chris

Thanks you for your email below.

We note that you are responding to matters raised by a single complainant against whom AWINZ has taken successful proceedings in the Auckland District Court. While some matters arising from the judgment of the District Court have been appealed to the High Court, AWINZ itself is not a party to the High Court appeal, which was heard on 25 February and the final judgment is pending.

We believe the complaint is malicious and vexatious and should be treated as such. Nonetheless we make the following responses.

1. Clauses 5(f) and (j) of the Deed of Trust empower the trustees to take legal proceedings and to pay the costs of such proceedings. The proceedings were taken jointly in the name of the trust and in the name of one of its trustees. As neither the damages nor the costs awarded against the complainant have been paid no one has gained.
2. There is no requirement for the trust to publicly reveal the details of grants made for research and to whom it was paid. Confidentiality needs to be maintained especially because of continuing activities of animal rights activists against research entities. The amount you refer to funded research into measuring stress levels in animals kept in custody for long periods.
3. The capital sum of the Lord Dowding Fund is \$90,000. At the end of 2007 there was accumulated interest of \$8,208 which was credited to the general account in 2008 and the capital sum of \$90,000 was reinvested. The grant of \$5,750 was paid from the general funds.

If you require further information please contact me by telephone.

Sincerely

20/07/2009

Neil Wells

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

From: Chris McIntyre [mailto:Chris.McIntyre@Charities.govt.nz]
Sent: Tuesday, 9 June 2009 12:20 p.m.
To: Neil Wells
Subject: Complaint - The Animal Welfare Institute Of New Zealand
(CC11235)

Dear Neil

On 15 March 2009 the Charities Commission received a complaint relating to The Animal Welfare Institute Of New Zealand (AWINZ).

Since receiving the complaint, we have requested further information from the Complainant and reviewed it before requesting AWINZ respond to a number of the complaints raised, namely -

1. A review of AWINZ's 2008 financial accounts shows a payment of \$12,904 in respect of "Legal fees - Haden". The Complainant says AWINZ has no power to use its funds in this manner. In addition the Complainant says the legal action resulted in private gain for a single trustee.
2. A review of AWINZ's 2008 financial accounts shows a grant of \$5,750 from the Lord Dowding Fund. The Complainant says AWINZ has not disclosed who received the grant and how it was spent.
3. A review of AWINZ's 2008 financial accounts shows that in 2007 the term deposit account for the Lord Dowding Fund had a balance of \$98,208. In 2008 the balance of the account was \$90,000. The Complainant says during 2008 a grant of \$5,750 was made from the Fund which should leave a balance of \$92,458. The sum of \$2,458 is therefore unaccounted for.

The Commission's functions are set out in section 10 of the Charities Act 2005. These include - promoting public trust and confidence in the charitable sector; encouraging and promoting the effective use of charitable resources; supplying information and documentation in appropriate circumstances for the purposes of the Inland Revenue Act; ensuring that the register of charitable entities is compiled and maintained; and monitoring charitable entities and their activities to ensure that entities that are registered as charitable entities continue to be qualified for registration as charitable entities.

Under section 50 of the Act, the Commission may examine and inquire into any charitable entity or any person who has engaged in or is engaging in conduct that is or may be breaching the Act or constitutes serious wrongdoing in connection with a registered charity, if it considers the inquiry is reasonably necessary for the purposes of carrying out its functions and exercising its powers under the Act.

I would ask that you provide the Commission with your response to the

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concerns raised by the Complainant.

Please do not hesitate to contact me either by email
chris.mcintyre@charities.govt.nz or telephone on (04) 978 7563.

I await your response.

Yours sincerely

Chris McIntyre

Senior Analyst - Monitoring & Investigations

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Thank You.

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