

From: [Grace Haden](#)
To: "Doug.McKay@aucklandcouncil.govt.nz" (Doug.McKay@aucklandcouncil.govt.nz)
Bcc: [Gary Osborne](#)
Subject: Official Informtaion act request.
Date: Friday, 22 July 2011 11:26:00 a.m.

Good morning

I have this week established that the Waitakere city dog and stock control unit run a programme for the adoption of cats.

Under the official information act please advise

1. Under which act and section this " service is facilitates.
2. What consideration has been given to this function being Ultra Vires for council
3. How is the cattery funded
4. Who pays the staff looking after the cats.

I have also Linked a newspaper item and raise questions with regards to the prosecutions undertaken by the council under the animal welfare act

"Waitakere Animal Welfare is the only local authority animal welfare unit in Auckland to have special delegated authority to investigate and prosecute animal welfare cases ".

<http://www.scoop.co.nz/stories/AK0912/S00311.htm>

Under the official information act please advise

1. What funds did the council (Waitakere) receive for prosecutions under the animal welfare act
2. How many prosecutions were there
3. Under which act and section was the council able to prosecute.
4. How did the animal welfare unit obtain the delegated authority
5. When did the animal welfare unit apply to council to act outside the scope of their local government duty and when was it passed though council.

Regards
Grace Haden



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02 August 2011

Official Information Request No. 9000110741
(Please quote this in any correspondence)

Ms Grace Haden
23 Wapiti Avenue
Epsom
Auckland 1024

Dear Ms Haden

Local Government Official Information and Meetings Act 1987

Re: programme for the adoption of cats

Thank you for your email of 22.7.2011 addressed to the Chief Executive Officer which has been forwarded to me to reply.

The answers to your questions are as follows:

1. From previous correspondence with Waitakere City Council you will be aware that prior to 30 June 2003 the council's animal activities were undertaken in accordance with specific legal advice from Matthew Casey, which have previously been provided to you and that since 1 July 2003 the council has had powers of general competence under section 12(2) of the Local Government Act 2002 (2).
2. See above
3. The cattery is funded by both rates and by revenue from adoption fees. Approximately 60% from rates and 40% from revenue. Some of the labour contribution is on a voluntary basis.
4. The Council.

The answers to your questions in relation to prosecutions undertaken by the former Waitakere City Council (WCC) under the Animal Welfare Act:

1. None.
2. None.
3. Not applicable
4. Not applicable
5. Not applicable.

From your correspondence with Waitakere City Council, and Ministry of Agriculture and Fisheries, over the years you will be aware that Waitakere City Council was never authorised

by MAF to undertake prosecutions under the Animal Welfare Act. The statement to the contrary in the press release referred to in your email was wrong.

Should you believe we have not responded appropriately to your request, you have the right by way of complaint, under s27(3) of LGOIMA, to apply to the Ombudsmen to seek an investigation and review of this decision.

Yours faithfully



Wendy Brandon
General Counsel

9000110741