

From: Neil Wells <neil.wells@amcom.co.nz>
To: "Barry O'Neil (E-mail)" <oneilb@maf.govt.nz>
Date: 19 January 1999 11:25pm
Subject: ANIMAL WELFARE INSTITUTE OF NEW ZEALAND

Barry

Compliments of the Season.

We will be meeting on 26 January at 3pm to discuss the proposal submitted on behalf of the Animal Welfare Institute of New Zealand.

I have discussed the structure of AWINZ further with the City Secretary of Waitakere City Council and we have agreed on the following strategy.

It would be preferable if there was more independence and separation of the Institute from Waitakere City Council. It was originally proposed that the Institute would be a charitable trust settled by the Waitakere City Council with the Council having a continuing role in appointment of trustees. This would have created the perception that the Waitakere City was controlling the trust by being the settlor and its ability to appoint and remove trustees. This may have inhibited the independent nature of the Institute.

It has now been agreed that the Council should not be the settlor, nor have any rights in the trust deed in the appointment of trustees.

The settlor should be a person. The founding trustees should have the sole power to appoint additional and replacement trustees. The Council should not be referred to in any way in the deed.

The Institute will then be truly independent and the only connection it will have with the Waitakere City Council (or for that matter, any other Council) will be through memoranda of understanding and individual performance contracts for officers.

Waitakere City will continue to fund the Institute through grants as it is empowered by the Local Government Act to make grants to any organisation that has community benefits.

By taking this path, it will no longer be necessary to gain approval for the development of the Institute through the City's annual plan. Grants will simply be referred to as line items in the annual budget attached to the annual plan.

This will have the following affect on the draft deed attached to my proposal:

* Waitakere City Council will no longer be a party to the deed;

* Reference to the Council in the deed will be replaced by references to the settlor;

* Changes to clause 7.2 will remove the need to consult Council on appointment of trustees and, because the Institute will not be a trust set up by Council, the bar to the appointment of Councillors and/or Council officers as trustees is no longer necessary (even though it is unlikely that trustees would be appointed from this area).

* The Council will no longer have the power to remove trustees (7.3(c)).

* The deed will be executed by the settlor and the founding trustees.

By the end of this week I should have a new draft deed that will reflect these changes.

A new time line is now proposed as follows:

26 January 1999

Discussion on proposal with MAF Reg and MAF Policy.

5 February 1999

CVO decision whether to approve the interim proposal contained in the submission.

12 February 1999

Applications for new warrants for S Miller, M Fuller, M Goddard, D Exler, L Exler, J Charles submitted to MAF Reg for approval.

19 February 1999

Warrants issued to new Inspectors to expire on 12 June 1999.

12 March 1999

Current warrants renewed to 12 June 1999.

30 April 1999

This transitional programme reviewed to align with the final criteria for "approved organisations" contained in the Animal Welfare Act 1999. (This assumes the Act has been passed by that time).

15 May 1999

The Animal Welfare Institute of New Zealand gives formal notice of its intention to apply to be an approved organisation as from the day the Act comes into force (1 October 1999).

August 1999

MAF Reg Compliance Group conducts extrinsic audit of AWINZ.

1 October 1999

Minister approves AWINZ as an approved organisation.

Kind regards

Neil

+++++

Neil Wells

NE Wells & Associates

P O Box 60 208 Titirangi, Waitakere City, 1230