



Ministry of Agriculture and Forestry  
Te Manatu Ahuwhenua, Ngaherehere

POLICY

ASB Bank House  
101-103 The Terrace  
P O Box 2526  
WELINGTON  
NEW ZEALAND  
Telephone: 498-9831  
Facsimile: 474-4206

M E M O R A N D U M

Ref: AW - 09  
To: Director-General,  
Cc: Larry Fergusson, Peter Kettle, Barry O'Neil, David Bayvel, Lin da Teoh  
From: Mark Neeson  
Date: 19 June 2000  
Subject: Meeting with Minister and Neil Wells re: AWINZ

**Present:**

Neil Wells (AWINZ); Anthony Higgins (Waitakere City Council) and Tom Didovich (Waitakere City Council).

Mark Neeson, Lin da Teoh and David Bayvel (MAF).

Hon Pete Hodgson.

**Topic**

The meeting was arranged to enable Mr Wells to respond to the Minister's letter of 12 June to him in which the Minister stated that Crown Law advice was that the AWINZ proposal, as drafted, would be *ultra vires* the Local Government Act.

The Minister made the following points:

- there could be advantages in having local government officers involved in animal welfare, but
- he would need to have this view discussed by his Caucus and the Alliance because there is no manifesto policy on the topic;
- if adopted, this policy would require a change to the law.

Neil Wells commented:

- the Minister's letter was "heartening" it pointed to a way forward;
- he reserved his position on whether he might seek a judicial review or declaratory judgement if the AWINZ application was not successful;
- he noted the risks inherent in relying solely on the SPCA for enforcement services;
- he noted that, in his view, the SPCA was engaging inspectors contrary to the Crown Law opinion and that this raised the issue of whether there was a level playing field;
- he wondered whether section 37T of the LGA could provide a way forward;
- he complained about shifting advice from MAF over the past 5 years.

In a general discussion which followed, the two ministers questioned whether MAF had fully explained to the select committee all the ramifications of TAs not being involved in animal welfare service delivery. It appears they had the impression that TAs might be able to *fund* such work even if they could not do the actual delivery. Had this situation applied, it might have "saved" AWINZ. MAF noted, in response, that the financial arrangements of AWINZ were always a critical factor particularly if the arrangement involved TAs.

The **outcome** of the meeting was:

1. MAF to prepare a "pros/cons" paper for the Minister to take to Caucus on the role of TAs in delivering animal welfare services;
2. Neil Wells to be offered the opportunity to comment on the draft paper;
3. Neil Wells to submit a revised application which would sever any links with TAs (the Minister noted that AWINZ might not prove to be sufficiently financially robust without backing from Waitakere City Council);
4. Both Waitakere City Council and MAF to consider where section 37T of the LGA would help resolve the problem; and
5. After completion of the above steps, consider whether to seek legislative change and to identify an appropriate vehicle.

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