



MAF/1370¹

Animal Welfare Institute of New Zealand

♦ P O Box 60-208, Titirangi, Waitakere City ♦ New Zealand
♦ Phone: +64 9 811 8020 ♦ Fax: +64 9 811 8010
♦ Email: awinz@amcom.co.nz

RECEIVED
21 NOV 1999
MINISTER'S OFFICE

22 November 1999

Hon John Luxton
Minister of Food, Fibre, Biosecurity and Border Control
Parliament House
WELLINGTON

Dear Minister

Application to be an approved organisation

Following our notice of intent of 22 August to the Group Director, MAF Biosecurity, and the enactment of the Animal Welfare Act 1999 on 7 October, the Animal Welfare Institute of New Zealand now wishes to formalise its application to be declared an approved organisation under the provisions of section 121 of the Act.

Attached is documentation that addresses the criteria set out in section 122 and MAF's guidelines of 8 October 1999.

As discussed and agreed with you earlier this year, it is our objective to achieve a seamless transition for those officers of Waitakere City Animal Welfare Services who are currently warranted to be appointed as from 1 January 2000 or as soon thereafter as is practicable.

Should there be any matters that require clarification please contact me.

Sincerely

Neil Wells
Trustee

cc Group Director
MAF Biosecurity

RELEASED UNDER THE OFFICIAL INFORMATION ACT

ANIMAL WELFARE INSTITUTE OF NEW ZEALAND

*Application to the Minister of Food, Fibre, Biosecurity and Border
Control to be an approved organisation*

Animal Welfare Act 1999 section 121

1. Introduction

Name of Applicant: Animal Welfare Institute of New Zealand.

Registered Office: 1156 Huia Road, Huia, Auckland

Postal address: P O Box 60-208, Titirangi, Auckland

Area: It is intended that the Institute will operate nationally.

Relevant Information: Contained herein but specifically in paragraph 10.

Application made by: Neil Wells, Trustee

Appendices:

Appendix I	→	Procedures for Appointment of Inspectors
Appendix II	—	Draft Memorandum of Understanding (MAF)
Appendix III	—	Draft Memorandum of Understanding (linked organisations)
Appendix IV	—	Draft Performance Contract
Appendix V	—	Charitable Trust Deed
Appendix VI	—	Policies

2. Function of the Institute

A charitable trust has been formed by Deed of Trust as the "Animal Welfare Institute of New Zealand" (AWINZ). It is being registered under Part II of the Charitable Trusts Act 1957. The founding trustees are:

- Nuala Grove
- Sarah Giltrap
- Graeme Coutts
- Neil Wells

The Deed of Trust is set out in Appendix V.

The principal purpose of the Institute is to promote the welfare of animals.

The Institute aims, inter alia, to provide a national body to which individual Inspectors will be properly answerable.

Initially, prospective Inspectors will be drawn from Animal Welfare Services (AWS) of Waitakere City Council. AWS is also contracted to provide animal care and control for North Shore City.

AWINZ will seek opportunities to link with employees of other organisations.

3. Waitakere City Pilot Programme

In 1995 a pilot programme between MAF Regulatory Authority and AWS resulted in 10 officers being trained to standards equal to or exceeding the training standards of the RNZSPCA, as approved by the Chief Veterinary Officer of MAF.

After the training course 2 officers left the employ of AWS and one did not seek a warrant due to ill health. The other 7 officers were warranted. It is testimony to the stable environment that exists in AWS that every Inspector trained and warranted 3 years ago is still employed.

In the following 3 years AWS has been audited 3 times by the MAF Compliance Group. Each audit was reported favourably.

Because the policy development leading up to the proposed Animal Welfare Bill was evolving and required further consultation with stakeholders, MAF Regulatory Authority extended the Waitakere City pilot programme and Inspectors' appointments and, following agreement by the Minister for Food, Fibre, Biosecurity and Border Control, this will continue until the repeal of the Animals Protection Act 1960 (i.e. 1 January 2000).

4. Waitakere City's Strategic Plan

Animal Welfare Services is a business unit that operates within the infrastructure of Waitakere City.

In 1996 Waitakere City Council commenced consideration of strategic options for its various business units including Animal Welfare Services.

Animal Welfare Services considered a number of strategic options—

- No change
- Change to a local authority trading enterprise (LATE)
- Formation of a not-for-profit body to act as the interface between community and service delivery.

It was the third option that gained favour – the formation of a charitable trust.

Over the past 3 years the City Business Advisory Unit and Animal Welfare Services have been developing the concept of forming a charitable trust. This process commenced before the policy of "approved organisations" was included in the Animal Welfare Bill (No.2).

5. Management systems

AWINZ will be responsible to MAF Biosecurity Authority for—

- the integrity of the system,
- the performance of employer groups (linked organisations), and
- the performance of each individual Inspector.

This will be achieved in a number of ways.

At the commencement of the pilot programme in 1995 AWS activated a quality assurance system. The system is robust and it is against this quality system that the MAF Compliance Group has carried out its audits. With appropriate amendments this system will be taken up by AWINZ.

The integrity of the system will be maintained by—

- a memorandum of understanding between AWINZ and MAF Biosecurity Authority;
- a performance contract between AWINZ and each Inspector; and
- a memorandum of understanding between the Inspector's employer (the linked organisation) and AWINZ.

As well as a Board of Trustees responsible for the overall functioning of the Institute, the Board will form advisory committees for specialist functions such as—

- training and operational standards
- fundraising
- financial policy
- animal welfare policies
- strategic planning.

AWINZ will consult with its strategic partners (including MAF) on any appointment to an advisory committee.

A quarterly liaison meeting will be held with the MAF Biosecurity Authority.

6. Quality Systems and Audit

6.1 Quality Systems

AWINZ will establish a quality system, which will include objective evidence of compliance with the programme that can be audited. It is intended that eventually the quality systems will be certified to ISO 9002 or similar quality system.

6.2 Internal Audits

AWINZ will carry out an internal audit of the performance of Inspectors and compliance with the terms of the contract between AWINZ and MAF Biosecurity Authority each 6 months during the programme. This audit will include an audit of the linked organisations' compliance with the memorandum of understanding.

Where a linked organisation has more than 1 operational base or branch an audit will include each operational base or branch.

This internal audit may be contracted to a suitably qualified consultant.

6.3 Extrinsic Audits

MAF Compliance Group will conduct an extrinsic audit of AWINZ annually or at such other intervals as are agreed between MAF Biosecurity Authority and AWINZ. As part of this audit MAF Biosecurity Authority may carry out random audits of linked organisations.

A MAF audit may include an audit of the linked organisation's compliance with the memorandum of understanding. Where a linked organisation has more than 1 operational base or branch a MAF audit may include each operational base or branch.

7. Linked organisations

In the short term AWS will continue to operate as a business unit of Waitakere City Council. As such AWS will be an organisation linked to AWINZ. Its Inspectors will interface with AWINZ. However, arrangements will be such that each Inspector will be properly answerable to AWINZ through individual performance contracts for the performance of functions arising from his or her appointment under the Animal Welfare Act.

Medium term strategy is that the business unit of AWS will be vested in AWINZ. All the assets of the AWS (the animal refuge, plant and equipment) will be transferred or leased to the AWINZ. This transfer cannot take place until it has been through the Annual Plan process. However, the general formation and development of the Institute is not dependent on the outcome of the Annual Plan process.

In November 1998 AWS took over animal care and control for North Shore City. A single integrated compliance unit provides the services for both Waitakere City and North Shore City. Waitakere City is able to assign its contract to AWINZ if that is beneficial to the stakeholders. Animal welfare and control will then operate as a business unit of the AWS.

Any territorial authority prepared to accept the terms and conditions of a linked organisation will be able to connect to AWINZ as a linked organisation and any officers who become Inspectors will do so under the systems and procedures of AWINZ.

Longer term the Institute will compete for territorial authority animal control contracts anywhere in New Zealand. As a basic axiom the Trustees of AWINZ believe that animal welfare and animal control are inextricably linked. AWINZ will not tender for any animal control contract of a territorial authority if it is exclusively animal control and precludes the promotion of animal welfare.

8. Other links

It is not intended that animal welfare compliance services operated by or for AWINZ will be delivered exclusively through officers employed by territorial authorities.

Over the past few years other groups have indicated an interest in animal welfare compliance activities. For instance, the New Zealand Veterinary Association has confirmed that some individual veterinarians would be interested in becoming Inspectors.

At one time the NZVA had proposed that every veterinarian should be an Inspector by virtue of the veterinarian's registration. However, now that veterinarians will have the power to destroy sick and injured animals under the Animal Welfare Act 1999, that proposal is no longer being pursued. Nevertheless, the NZVA is still supportive in the idea that particular veterinarians, perhaps those no longer or not currently in practice, may wish to become Inspectors.

Preliminary discussions with officers of the NZVA have explored the possibility of those veterinarians becoming Inspectors under the auspices of AWINZ. It would be feasible to operate a system whereby individual veterinarians will be answerable directly to AWINZ and the quality systems and procedures would be varied accordingly.

Other occupational groups that could also be considered for inclusion might include—

- Regional park rangers
- Volunteer and career firemen
- Ambulance officers
- Police officers with a particular interest in animal welfare wishing to operate off-duty
- Animal welfare organisations (but not animal rights organisations) not wishing to become approved organisations in their own right.

While this list is not exhaustive, it shows a range of occupations that can have significant day-to-day animal contact in the community and be its "ears and eyes". Operating under AWINZ systems and procedures these individuals could be a cost-effective means of delivering animal welfare compliance services.

However, no new grouping type would be added without prior consultation and agreement with MAF Biosecurity Authority.

9. Legislative requirements

The Animal Welfare Act 1999 provides as follows—

121. Approved organisations—(1) The Minister may from time to time, on the application of any organisation, declare that organisation, by notice in the Gazette, to be an approved organisation for the purposes of this Act.
- (2) The application must include—
- (a) The full name of the applicant; and
 - (b) The address of its registered office; and
 - (c) The area in which the applicant will, if declared to be an approved organisation, operate as an approved organisation; and
 - (d) Information that will enable the Minister to assess whether the organisation meets the criteria set out in Section 105A.

122. **Criteria**—(1) The Minister must, before declaring an organisation to be an approved organisation for the purposes of this Act, be satisfied, by the production to the Minister of suitable evidence, that—

- (a) The principal purpose of the organisation is to promote the welfare of animals; and
 - (b) The accountability arrangements, financial arrangements, and management of the organisation are such that, having regard to the interests of the public, the organisation is suitable to be declared to be an approved organisation; and
 - (c) The functions and powers of the organisation are not such that the organisation could face a conflict of interest if it were to have both those functions and powers and the functions and powers of an approved organisation; and
 - (d) The employment contracts or arrangements between the organisation and the organisation's Inspectors and auxiliary officers are such that, having regard to the interests of the public, the organisation is suitable to be declared to be an approved organisation; and
 - (e) The persons who may be recommended for appointment as Inspectors or auxiliary officers—
 - (i) Will have the relevant technical expertise and experience to be able to exercise competently the powers, duties, and functions conferred on Inspectors and auxiliary officers under this Act; and
 - (ii) Subject to section 108, will be properly answerable to the organisation.
- (2) The Minister may, in making a declaration under section 121, impose, as conditions of the Minister's approval, conditions relating to the establishment by the organisation of performance standards and technical standards for Inspectors and auxiliary officers.

10. The Institute's compliance with section 122

The Institute proposes to meet these criteria in the following manner—

10.1 *Principal purpose*

The objects and purposes of the Institute is to promote the welfare of animals (Deed of Trust clause 4—Appendix V).

In addition to its stated purpose set out in the Deed, the way in which this purpose will be translated into practical policies is set out in Appendix V.

10.2 *Accountability arrangements*

A Board of Trustees will control the Institute.

The Deed provides for the appointment of further trustees up to a maximum of 7. Before appointing additional Trustees the Board will consult with its strategic partners and have regard to the needs of the Trust, the Trust's activities and the skills required by the Board, and the extent to which the appointee will enhance the balance of those skills.

The Deed provides that the Trust Board will prepare a report on the administration, performance and affairs of the Institute in respect of each 6-month period. The report will contain the matters specified from time to time and will be prepared within 6 weeks of the conclusion of each 6-month period to which the report relates.

Further, the Trust Board will prepare an annual report on the administration, performance and affairs of the Institute within 3 months after the conclusion of each financial year. The report will include the annual business plan and operating budget.

These reports will be available to the Group Director, MAF Biosecurity Authority, and may be utilised by the MAF Compliance Group for audit purposes.

A memorandum of understanding will cover the responsibility of AWINZ to MAF Biosecurity Authority (see Appendix II).

10.3 Financial arrangements

The Institute Board will keep true and fair accounts of all money received or expended. The accounts will be audited by an accountant appointed for that purpose.

The Waitakere City Council has provided establishment funding for the Institute. Future funding for the Institute will be derived from

- Charitable donations
- Fundraising activities
- Grants from philanthropic trusts and funding bodies
- Accruals from business activities related to animal welfare
- Fees for providing quality assurance services
- Corporate sponsorships
- Bequests
- Council grants
- Community fund grants

AWINZ will maintain its long term financial robustness and reliable sources of funding by AWS continuing to be funded as a business unit of Waitakere City Council. AWINZ will also ensure that any future linked organisation has long term financial robustness.

10.4 Management

A small administration unit headed up by a Chief Executive Officer will manage the Institute. The CEO will be accountable to the Institute Board. The administrative unit will be headed up by Neil Wells who has 28 years' experience in animal welfare organisations.

Initially, there will be 2 teams, one based in Waitakere City and the other on the North Shore.

The overall manager of AWS is Tom Didovich who is currently warranted and who has been involved in management of animal welfare and control for over 10 years.

The team leader in Waitakere is Darryl McLeod who is currently warranted.

The team leader on the North Shore is Jane Charles, who is qualified for appointment as an Inspector.

Each area has a team of 6 officers including the team leader.

10.5 Conflict of interest

The Institute accepts that as a major statutory role of an approved organisation will involve compliance activities of animal welfare legislation and the employment of Inspectors, it would be entirely inappropriate for the Institute to adopt policies on animal welfare issues that are aligned with animal rights strategies and the use of confrontational tactics commonly employed by animal rights organisations.

Further, the Institute considers that it would be inappropriate for a person appointed as an Inspector to be actively involved with any animal rights organisation.

Because the Institute will be registered under the Charitable Trusts Act 1957 and not the Incorporated Societies Act 1908 it will have no ordinary members. Thus the Board of Trustees will always be in control.

The purposes of the Institute are as follows (none of which relate to animal rights)—

- (a) To prevent ill treatment to and the relief of suffering of animals;
- (b) To provide animal welfare services;
- (c) To encourage and develop by humane education individual responsibility for the welfare of animals, and the promotion of humane attitudes in society to animals and people;
- (d) To establish a quality assurance body for the enhancement of quality assured standards in animal welfare compliance activities, animal care and animal utilisation;
- (e) To support and encourage the study of animal welfare issues;
- (f) To co-operate with Government agencies in the reform of laws for the welfare of animals, and the promotion of humane attitudes in society to animals and people;
- (g) To advance the aims of the Trust by seeking the support and advice of all available moral, educational, legislative and scientific institutions, and strategic partners;
- (h) To maintain effective liaison and to seek co-operation with organisations in New Zealand and elsewhere in the world having similar objectives.

Draft policies are set out in Appendix VI.

10.6 Employment contracts

In the model being proposed by the Institute each Inspector will be contracted to the AWINZ through a performance contract (see Appendix IV). In addition there will be a Memorandum of Understanding with the linked organisation (the Inspector's employer) (see Appendix III).

10.7 Technical expertise and experience

The minimum training standard will be the National Certificate in Compliance and Regulatory Control (Animal Welfare), a qualification developed by the Public Sector Training Organisation, registered with the NZQA, and approved by the Group Director, MAF Biosecurity Authority.

An applicant will be required to gain the following unit standards to qualify for an initial appointment—

- 14234—Demonstrate knowledge of animal welfare legislation as it applies to appointed Inspectors
- 4223—Describe the powers of a compliance officer.

A UNITEC short course was completed in November 1998 for 13 students from AWS

Seven are the original officers who were warranted in 1995 and whose warrants will expire on 31 December 1999. A further 6 were additional officers employed now that AWS is responsible for North Shore City.

Those 13 officers have completed approximately one-third of the National Certificate unit standards.

All officers will be required to work progressively towards completion of the National Certificate no later than 3 years from the time a warrant is first issued.

UNITEC is providing a further short course to enable those 13 officers to complete the National Certificate by the end of 1999—subject to individual assessments. Because the 1998 training was based on the Animals Protection Act 1960 the short course included re-training and assessment on unit standard 14234 based on the Animal Welfare Act 1999.

10.8 Duties of approved organisation—section 141

The Waitakere City Animal Refuge in The Concourse, Lincoln, will be deemed to be a place that will accept custody of animals in terms of sections 141 and 142 of the Animal Welfare Act 1999.

As this facility is also deemed to be a pound under the Dog Control Act 1996 new procedures will be drawn up to distinguish the area that is a pound and the area that is a place that will accept custody of animals in terms of section 141 and 142.

11. Animal welfare procedures.

AWS operates under a quality system and procedures that have been used as the basis for MAE Compliance audits over the past 4 years. Those procedures will continue to be used with appropriate references to the Animal Welfare Act 1999 instead of the Animals Protection Act 1960.

12. Animal welfare policies

A draft of the animal welfare policies of AWINZ are set out in Appendix VI.

13. Operational research

One of the objects of the Institute is—

To support and encourage operational research into animal welfare, protection, control and conservation issues;

This will not be scientific research per se but rather operational research to test systems, attitudes, and ways in which animal welfare issues can be enhanced. This would include liaison with existing institutions such as the Animal Behaviour and Welfare Research Centre and the Meat Industry Research Centre of AgResearch, the Chair in Animal Welfare Science and the Animal Welfare Science and Bioethics Centre at Massey University, and the Veterinary Education Centre at UNITEC.

14. Transitional arrangements

The Minister for Food, Fibre, Biosecurity and Border Control has agreed that inspectors currently warranted under the Animals Protection Act 1960 will continue to hold office until the commencement of the Animal Welfare Act 1999, i.e. 1 January 2000.

By approving AWINZ as an approved organisation from the day the Act commences it will enable a seamless transition from the Waitakere Pilot Programme to the Animal Welfare Institute of New Zealand.

For the Board of Trustees of
the Animal Welfare Institute of New Zealand

Date: 21 November 1999

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Appendix I

15. Procedures for the Appointment of Inspectors

1. Requirements

The Minister for Food, Fibre, Biosecurity and Border Control may appoint suitable persons as Inspectors under section 124(2) of the Animal Welfare Act 1999. This power has been delegated to the Director, Animal Welfare, MAF Biosecurity Authority, Ministry of Agriculture and Forestry.

Before being considered for appointment the applicant will have fulfilled the following criteria—

- The applicant is a person of good character
- Testimonials from the applicant's employer and two other persons of repute has been submitted
- The applicant is free of any conviction for a criminal offence may compromise the integrity of the programme. The applicant is required to list any conviction and consent to AWINZ seeking a Police report.
- The applicant has provided evidence of having completed an approved course of training

A decision by the Director, Animal Welfare, as to the suitability of the applicant is final.

2. Application Procedure

The application is made on the prescribed forms through the Animal Welfare Institute of New Zealand.

The application is submitted to the CEO of the Animal Welfare Institute of New Zealand who will verify that the applicant is a suitable person to be appointed, has the necessary qualifications, and that all the forms are correctly completed.

The application will be then forwarded to —

Executive Assistant
Animal Welfare Group
MAF Biosecurity Authority
Ministry of Agriculture and Forestry
P O Box 2526
WELLINGTON

3. Period of Appointment

An initial appointment will be made for a probationary period of 6 months and may be renewed each 12 months at the discretion of MAF Biosecurity Authority provided the

Inspector remains in the employ of a linked organisation, is continuing studies for the National Certificate of Compliance and Regulatory Control (Animal Welfare) and his/her performance has been satisfactory.

When an Inspector has gained the National Certificate the period of appointment may be extended to 3 years at the discretion of MAF.

The terms of appointment may be varied by MAF.

The Inspector will sign a performance contract on appointment prior to receiving his or her instrument of appointment and identity card.

4. Responsibility

The Inspector will be responsible to the CEO of the Animal Welfare Institute of New Zealand for the performance of his or her duties and responsibilities under the Animal Welfare Act 1999.

Further, the Inspector will act under the direction of the Director-General in terms of section 126.

AWINZ will be responsible to MAF Biosecurity Authority for the performance of all Inspectors under its control and will provide an annual report of complaints investigated, prosecutions taken and the general performance of the programme.

5. Recovery of documentation

When an Inspector leaves his or her employment the instruments of appointment and identity card will be handed to his/her employer on the last day of duty.

When an appointment expires the instruments of appointment and identity card will be handed to the CEO of AWINZ who will return them to MAF Biosecurity Authority.

RELEASED UNDER THE OFFICIAL INFORMATION ACT