

Legal advice

- 28 The question as to whether the TAs had the legal power to fund the delivery of animal welfare enforcement was raised again with Mr Wells after receipt of the formal application from AWINZ. He was advised that MAF required a specific assurance from the WCC that the WCC had the legal power to spend funds on animal welfare work as envisaged in the arrangement with AWINZ.
- 29 The WCC obtained a legal opinion (Appendix 3) that concluded that sufficient authority could be found in the LGA to support the proposed arrangement. MAF was not satisfied that the opinion covered all the relevant issues. MAF consequently sought a Crown Law Office opinion.

33 MAF notes that if the funding that AWINZ expects to receive from the TAs is deemed to be contrary to the LGA, AWINZ would be totally reliant on less certain sources of funding such as public donations and sponsorship.

34 MAF also notes that should AWINZ's application be successful, AWINZ expects to take over the animal control activities and facilities of the WCC. Longer term, AWINZ intends to compete for local authority animal control contracts "anywhere in New Zealand" but only if the contracts include animal welfare. MAF considers that this strategy is not appropriate given the concerns about the legality of TA funding.

35 *Conclusion:* In the budget provided by AWINZ as part of its "approved organisation" application, AWINZ estimated that 20% of its funding would come from TAs. This funding appears to be AWINZ's only assured source of income.

Management

- 36 AWINZ will be managed by a Trust Board. The terms of reference are established in the Deed of Trust. There will be at least four but not more than seven Trust Board members. The Board may appoint a chief executive who will be responsible for the day