

COPY
VIN: 062

SPCA
SIXT AWA 131(1)

SEARCH WARRANT

Section 131(1) Animal Welfare Act 1999

To every constable and every authorised officer warranted by the Commissioner of Police under s24 of the Policing Act 2008 to exercise any search powers.

To Kevin Richard Plowright of The Royal New Zealand SPCA employed by SPCA, an inspector appointed under s124 of the Animal Welfare Act 1999.

To any inspector appointed under s124 of the Animal Welfare Act 1999.

1. I have received an application for a warrant under s131(1) Animal Welfare Act 1999 that would authorise the search of:
 - land, dwelling house and all other buildings and outside structures located at 1478 Miranda Road, Mangatangi.
2. The application has been made in writing and the truth and accuracy of its contents have been confirmed to me.
3. I am satisfied that there are reasonable grounds to believe that the following offences against the Animal Welfare Act have been committed, namely:

Section 12(a)

A person commits an offence who, being the owner of, or a person in charge of, an animal, fails to comply, in relation to the animal, with section 10, namely; the owner of an animal, and every person in charge of an animal, must ensure that the physical, health, and behavioural needs of the animal are met in a manner that is in accordance with both good practice and scientific knowledge.

Section 4 defines physical, health and behavioural needs, in relation to an animal as;

- (a) proper and sufficient food;
- (ab) proper and sufficient water;
- (b) adequate shelter;
- (c) opportunity to display normal patterns of behaviour;
- (d) physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress;
- (e) protection from, and rapid diagnosis of, any significant injury or disease.—

being a need which, in each case, is appropriate to the species, environment, and circumstances of the animal.

Penalties

A person who commits an offence against section 12(a) of the Animal Welfare Act is liable upon conviction of; in the case of an individual, to imprisonment not exceeding 12 months or to a fine not exceeding \$50,000 or to both.

Section 12(b)

A person commits an offence who, being the owner of, or a person in charge of, an animal fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11, namely; the owner of an animal that is ill or injured, and every person in charge of such an animal, must ensure that the animal receives treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal.

Penalties

A person who commits an offence against section 12(b) of the Animal Welfare Act is liable upon conviction of; in the case of an individual, to imprisonment not exceeding 12 months or to a fine not exceeding \$50,000 or to both.

Section 28A(1)(d)

A person commits an offence if that person recklessly ill-treats an animal with the result that the animal is seriously injured or impaired.

Penalties

A person who commits an offence against section 28A(1)(d) of the Animal Welfare Act 1999 is liable on conviction, in the case of an individual, to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$75,000 or to both.

4. I am satisfied that there are reasonable grounds to believe that the search will find:

Things that are or may be evidence of the specified offences, namely:

- Any dogs known to be kept within the dwelling not being provided care in accordance with the obligations imposed under the Animal Welfare Act 1999
- Any receipts, documents, paperwork, correspondence relating to veterinary treatment of any animals.
- Any receipts, documents, paperwork, correspondence relating to general care, breeding, showing and sale of dogs.
- Any documents or correspondence regarding 'Dogs New Zealand' previously known as 'New Zealand Kennel Club'.
- Any radiographs or associated correspondence relating to any dogs.

- Any computers, laptops, tablets, smartphones, external or internal hard drives, USB storage devices or other electronic devices that may hold evidence of any of the items listed above.
 - Any samples or evidence relating to the offences listed above.
5. This warrant authorises you at any time that is reasonable:
- (a) to enter and search the specified land, premises and place for the specified evidence;
 - (b) to seize the specified evidence, or anything else found in the course of carrying out the search or as a result of observations at the specified land, premises, place;
 - (c) to use any assistance that is reasonable in the circumstances;
 - (d) to use force in respect of any property that is reasonable in the circumstances to enter or break open or access any area within the specified land, premises and place for the purposes of carrying out the search and any lawful seizure;
 - (e) to maintain possession of any seized animal, and convey that animal to another place;
 - (f) to take any steps considered necessary or desirable to prevent or mitigate an animal suffering unreasonable or unnecessary pain or distress including destroying or arranging for the destruction of the animal.
6. The power to enter and search pursuant to this warrant may be exercised on one occasion within 14 days from the date of issue.
7. This warrant is issued subject to the following conditions:
- No conditions.

Signed at Manwika DC on 26th day of March 2017.
location date month year

3407
An authorised issuing officer

Seizure of items

A list of any thing seized will be provided to you as soon as practicable after the seizure, and in any case not later than 7 days after that seizure.

Access

The persons described below may apply, by written notice pursuant to s156 of the Search and Surveillance Act 2012, to the person in whose custody the seized or produced thing is for the release of or access to it at any time before proceedings are brought for an alleged offence in respect of which the thing was seized or produced.

The persons are:

1. the person who produced the thing or from whom the thing was seized
2. the owner or person entitled to possession of the seized or produced thing
3. any person with a legal or equitable interest in the seized or produced thing

Rights to bring claim of privilege

The owner of any thing seized or the person from whom it is seized has the right to bring a claim to have the thing recognised as subject to one of the following privileges:

- (a) legal professional privilege, to the extent that (under s 53(5) of the Evidence Act 2006) it forms part of the general law;
- (b) privilege for communication with legal advisers;
- (c) privilege for preparatory material to proceedings;
- (d) privilege for settlement negotiations or mediation;
- (e) privilege for communication with ministers of religion;
- (f) privilege in criminal proceedings for information obtained by medical practitioners and clinical psychologists;
- (g) privilege for informers;
- (h) the rights conferred on a journalist under s 68 of the Evidence Act 2006 to protect certain sources.

If you need any further information about the nature of these rights and privileges, or whether they may apply to any items that have been or may be seized, you are advised to seek legal advice.

Any person who wishes to claim privilege in respect of any thing seized or sought to be seized by the enforcement officer in charge of executing a search warrant or exercising a search power:

- (a) must provide the enforcement officer in charge of undertaking the search with a particularised list of the things in respect of which the privilege is claimed, as soon as practicable after being provided with the opportunity to claim privilege or being advised that a search is to be, or is being, or has been conducted; and
- (b) if the thing or things in respect of which the privilege is claimed cannot be adequately particularised in accordance with paragraph (a), may apply to a District Court for directions or relief (with a copy of the thing provided under s. 146(b) of the Search and Surveillance Act).

If you have any enquiries about this search you should contact:

Animal Welfare Inspector Laurie Davis
Auckland SPCA Office at 50 Westney Road, Mangere
Telephone: 09 256 7300 or 0272780905