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Official Information Act request and request for review of compliance of the SPCA Section 123 (1) (a)

To the Minister of MPI

Request to the Minister Based on the evidence below:-

I request a full investigation as to the suitability for a private organisation to hold coercive public law enforcement powers.

The evidence suggests that the structure and management of the new SPCA is not suitable in the interest of the public for it to hold the law enforcement powers of Section 121

I have provided a summary with the full text below

Please note that evidence is attached through active hyperlinks

Summary

1. The RNZSPCA has undergone transformation and has a different composition and constitution to the organisation which was given the transitional approved organisation status under the Animal Welfare Act.
2. This document examines the criteria for an approved organisations and seeks an investigation due to the closure of regional centres and conduct of inspectors.
3. We draw on two examples the closure of Waipukerau and the prosecution of Volkerson Kennels
4. Change of structure the objects of constitution have changed from preventing cruelty to animals to giving animals a better life.
5. The membership has changed from a wide base of members selecting their representatives to a small group of persons who annually review membership applications for the current financial year.
6. The assets were held by local committees run by volunteers now all the assets are vested in a corporate body which sees volunteers as superfluous.
7. The business structure has grown to include many other ventures including investment and insurance. The equity has grown in 3 years by \$40 million, yet centres which run at a loss are being closed down and sold up depriving communities of readily available Animal Welfare Services.
8. The persons involved in the organisation and its subsidiaries are predominantly accountants many share a common background and the current chairman and the first One SPCA chairman are involved in multiple common private business ventures.
9. The member society, Auckland SPCA has taken over the RNZSPCA and disposed of the smaller centres by tactics which may not stand scrutiny.
10. The CEO is a jill of all trades and appears to act independently of the Board.

11. Locals have been disenfranchised and all former members are now no longer members except for the honorary members who don't get updates.
12. The organisation which differs vastly from its historical structure trades on the reputation of the old incorporation.
13. This private enterprise is not subject to the Official Information Act and lacks transparency.
14. MPI has oversight of the legislation and has documentation in place which appear not to be updated in the agreed time frames and the RNZSPCA is not held accountable to the breaches of the rules.
15. The author of the Animal Welfare Act noted in a submission to parliament in 2013 *"There are only 2 countries in the world that depend on a private organisation, the SPCA, to act as the enforcer and prosecutor of Animal Welfare Law — New Zealand and the 7 states and territories of Australia."*
16. Senator Malcolm Roberts in 2021 noted *"Much of RSPCA's revenue is gained from seizing animals from their owners under the rouse of falsely claiming that the animals are not being treated appropriately. A common feature of the RSPCA's approach involves the RSPCA harassing owners who appear to have fewer means and lack the ability to challenge the RSPCA in court."*
17. This was a full year after I had assisted in filing a complaint with the police with regards to the theft of pedigree German Shepherd Dogs by the SPCA . Barbara the owner is now 83 and had been breeding Champion German Shepherds since the 1960s. Her kennel was the Number 1 Champion kennel in 2017.
18. This matter which has just been determined in the court is a travesty of justice winning included
 - 39 visits to the kennels alleging that there were too many dogs.
 - Coercing the handover of 5 dogs.
 - Ordering them to build new kennels but seizing 15 dogs before the kennels were completed within the time frame specified.
 - Failing to follow procedures for alleged noncompliance with Section 130 notices which had not expired.
 - Failing to record Microchip numbers.
 - Failing to properly diagnose the dogs on site.
 - Use of a SAFE activist vet to select and remove dogs.
 - Using a coercive interview to encourage surrender of the dogs induced by no charges confidentiality and being left enough dogs to breed from.
 - Tampering with evidence and scenes.
 - Using a fake search warrant and cloning their computer and taking diaries and personal notes collated for their defence for Disposal Hearings.
 - Disposing of the dogs before charges were even filed.
 - Filing charges over a year after having seized the dogs.
 - Failing to give the dogs proper care and refusing to allow the defendants vets to give an independent assessment.
 - Failing to comply with the technical standards.
 - Using the Crown Solicitors as Pro Bono counsel who represented the prosecution as a Crown Prosecution resulting in the decision reading the Queen V .
 - Withholding evidence and vital witnesses.
 - Changing the prosecutor from Auckland SPCA to RNZSPCA.
 - Breaching the Bill of Rights, Criminal Procedure Act noncompliance with the Solicitor Generals' Guidelines and the technical procedures.

- And much more
19. The lack of compliance with the law, the procedures and standards have brought into question is the criteria which must be complied with.
 20. Section 123 allows for the Minister to revoke approved status if the Minister is satisfied that
 - a. (a) the organisation no longer meets any 1 or more of the criteria set out in Section 122; or
 - b. (b) the organisation has failed to comply with any condition imposed under Section 122(2); or
 - c. (c) the organisation has failed to comply with any condition imposed under Section 122(5).
 21. Based on the evidence collated Section 122 (1) (a)-(e) are not complied with due to
 - a. That despite its constitution the purpose of the organisation appears to be financial rather than in the interest of animals .
 - b. The management of the organisation is not from members up but from Directors down , i.e. the power is always with the Directors they pick and choose the membership not the other way round as has been customary for incorporated societies.
 - i. The financial arrangement are that profit appears to be more significant than animals.
 - ii. There is no transparency or accountability to the public or even to MPI.
 - iii. The Board does not appear to be involved and the functions have been delegated to an employee the CEO.
 - c. The organisation aligns itself with Activist and Animal Rights Group and appears to offer their inspectorate services to outside organisations. There has been infiltration of the organisation by persons from activist groups such as SAFE.
 - d. Inspectors appear to be working without supervision of the Board.
 - e. The inspectors make up the rules and do not act in an ethical legally defensible manner and use unscrupulous means to win in court. This is evidenced by their evidence in court compared to the Body Worn Camera footage which we have uploaded for transparency.

Text and Evidence

1. The Animal Welfare Act 1999 is administered by the Ministry for Primary Industries.
2. The Minister is defined in Section 2 as the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.
3. It appears uncertain therefore which one of the Ministers administers the Animal Welfare Act and has the legal powers under Section 122 and 123 (1) (a).
4. I am therefore addressing this to the following Ministers

[Hon David Parker – Minister for Oceans and Fisheries](#)

[Hon Damien O'Connor – Minister of Agriculture, Biosecurity, and Rural Communities](#)

[Hon Stuart Nash – Minister of Forestry](#)

[Hon Meka Whaitiri – Minister for Food Safety, Associate Minister of Agriculture \(Animal Welfare\)](#)

5. The RNZSPCA is an approved organisation under the Animal Welfare Act by virtue of [Section 189](#).
6. Approved organisations exist by virtue of the criteria in [Section 122](#).
7. [Section 123](#) allows for the Minister to revoke approved status if the Minister is satisfied that
 - a. (a) the organisation no longer meets any 1 or more of the criteria set out in Section 122; or
 - b. (b) the organisation has failed to comply with any condition imposed under Section 122(2);
or
 - c. (c) the organisation has failed to comply with any condition imposed under Section 122(5).
8. **I hereby request a full ministerial investigation into the RNZSPCA with view of having the powers revoked under Section 123.**

Changed Structure, Governance and Monopoly of the RNZSPCA

9. In 1999 when the organisation was approved for the purposes of the Act, it was governed by this 1995 constitution [found at this link](#) .
10. The rules were changed in 2015 [to this constitution](#) and again in 2017 [to this one](#) and again just recently 21 June [2022 to this](#).
11. Through amendments to the constitution the objects/purpose of the society has changed and the powers of the board has been extended .There now appears to be few ,if any common grounds between the 1995 constitution which was in effect in 1999 and the constitution which has recently been adopted.
12. Another massive difference is that in 2017 there were 7 member societies and some 38 branches, now it appears that there is a closed membership with a few unidentifiable persons in total control of the assets and powers.
13. Previously each of those member societies and each branch was a separate legal entity with its own membership and assets.
14. Originally the member societies and branches were each able to vote for a member of the RNZSPCA National Council. Governance in an apparent democratic manner whereby the members had a voice through their elected members.
15. Confusingly all of the separate legal entities used the term SPCA, and bequests meant for a branch or member society were often mistakenly left to the Auckland SPCA who held the trademark “SPCA” and were able to claim all bequests and therefore became disproportionately wealthy.
16. In 2016 there was a drive for One SPCA, this was headed by Andrea Midgen the CEO of the Auckland SPCA and Gordon Trainer the Chairman who was a former Ernst and Young accountant.
17. By various means, some compliant with the legislation and constitutions, others not so, the RNZSPCA acquired all the property and assets of its former constituent members and branches.
18. The RNZSPCA itself was swallowed up by the Auckland SPCA and all those who remained with the RNZSPCA were compelled to hand over their assets and were dissolved by Andrea Midgen CEO of the [RNZSPCA see here](#)

19. The members were assured that they would be members of the RNZSPCA but after a year or so no approach was made to the former branch members or members of the member societies and these people have not been members since, this was reflected in [the constitution at](#) point 6.1.c.
20. Assurances made at the meetings to get branches/member societies to relinquish their Centres and assets was on the pretext that they would get financial support from RNZSPCA and some of the wealthier Societies to ensure a distribution of national income. Instead, they are being closed down and liquidated.
21. One honorary member noted the CEO as stating that the Society did not need members and volunteers were too much trouble.
22. Effectively the SPCA has gone from a volunteer organisation whose sole focus was animal welfare to a privately run society with many business arms such as
 - a. Op shops
 - b. Pet insurance <https://www.spcapetinsurance.co.nz/>
 - c. SPCA Certification for products
 - d. Retail partner with petdepot.co.nz 30% shareholder through SPCA SOCIAL ENTERPRISES LIMITED a subsidiary of The Royal New Zealand Society for the Prevention of Cruelty to Animals Incorporated
23. SPCA Investments Limited owned entirely by The RNZSPCA and has the assets of the former Auckland SPCA Trust transferred into it. The trust itself had a name change to the SPCA Trust [see original deed here](#) even though the name was changed, nothing else is recorded in the Trust Deed as having been changed and it therefore makes it uncertain as to who the beneficiaries are.
24. In 2021 the Charities Register showed the Trust having a distributed **\$34 million** into the SPCA subsidiary company [see accounts here](#) and the constitution of the [SPCA investment limited here](#) and whose directors are
 - i. Gordon TRAINER the inaugural Chairman who's Linked in profile records his background and involvement with the SPCA
 - 1988 - 2005 Tax Partner Tax Partner Ernst & Young
 - 2003 - 2009 Treasurer Auckland SPCA
 - 2012 - Jun 2013 Board Member and Chair of Audit and Finance Committee RNZSPCA May
 - 2009 - Oct 2017 Chairman SPCA Auckland ·
 - May 2016 - Present Board Member SPCA New Zealand
 - ii. David Patrick BRODERICK current Chairman also a banking man who shares close business relationships with Trainer including but not limited to
 - [INVESTUS CAPITAL LIMITED](#)
 - [INVESTUS CAPITAL UF LIMITED](#)
 - [INVESTUS EQUITIES LIMITED](#)
 - [SPCA INVESTMENTS LIMITED](#)

[AINMHITHE PROPERTIES LIMITED](#)

[BLUE BOX MAINLAND LIMITED](#)

[SPECIALIST METALWORKS LIMITED](#)

[INVESTUS CAPITAL UF LIMITED](#)

[INVESTUS EQUITIES LIMITED](#)

[SPCA SOCIAL ENTERPRISES LIMITED](#)

[SPECIALIST METALWORKS LIMITED](#)

- iii. Patrick Gerard O'REILLY Fund and Asset Manager [see linked in profile](#)
 - iv. Mark Wynon VICKERMAN Barrister and member of the Auckland SPCA Trust with Bob Kerridge Don Bendall.
 - v. Benjamin D'arcy PALMER another former Ernst and Young man and former Board Member of the Auckland SPCA Trust [see linked in profile](#) former Director of the Auckland SPCA Board member, Deputy Chairman, Audit and Risk Committee Chairman External Reporting Advisory Panel
25. Gordon Trainer and Andrea Midgen have been the visible driving force for the One SPCA but in this analysis it appears accountants have now taken charge of the RNZSPCA where in the past it was run by volunteers and people with genuine concern for animals .
26. The latest [constitution of the RNZSPCA](#) which came into effect 31 Dec 2021 still refers to the member societies and branches, despite the fact that they were dissolved in January 2020 [see here](#) , this shows that the AGM last year did not fully inform its members of the status of the member societies and branches and in amending the constitution failed to consider the change of structure .
27. CEO who appears to do all the filing with the Incorporated Society Registrar [sought Dissolution](#) on behalf of the member societies and branches who through various and not so transparent means had transferred their assets to the RNZSPCA.
28. As a result of dissolution , the only members of the RNZSPCA are full members and honorary life members.
29. [Andrea Midgen](#) as CEO has acted in what appears to me to be a gross conflict of interest in having placed herself on the Executive of many branches and placed some in "administration " to encourage dissolution and having placed societies in administration took control away from their respective members.
- a. Searching the Charities Register <https://register.charities.govt.nz/CharitiesRegister/Search> shows her on the Board of no less than 20 former branches
 - b. She is also named as an Officer with Broderick and Trainer on another Trust operated by The SPCA [The WB Sheath Foundation](#) a Trust set up in 1994 [the deed is here](#)
 - c. Like Gordon Trainer, she was formerly Auckland SPCA and the evidence is that the wealthiest SPCA swallowed up the smaller ones and is disenfranchising provincial animal welfare efforts and took over control of the Umbrella group .
30. At a meeting of the Central Hawkes Bay SPCA recently, locals expressed their concerns that the assets which they fundraised for, volunteered for, are now being sold off by The RNZSPCA with no formal

agreement in place to provide services to that community .The services and assets that the locals have worked hard to build up, are undemocratically removed.

- a. This meeting by the SPCA was fronted by two SPCA employees and nothing has been heard from the Board and there appears to be no resolution of the Board or consultation with the Board and the concerned people of Waipukerau
31. Effectively the communities are being asset stripped through a non-transparent undemocratic process and leaving the area devoid of services.
 32. Central HB SPCA was established in 1989 and built, operated and fundraised for, by the community. Communities like theirs will now be left without services and an investigation needs to be conducted on how that is working out in other parts of the country.
 - a. It was of note that this former branch which had a significant number of members now had no members at all on the RNZSPCA and had therefore no voice.

Membership

33. The new constitution is of concern ,since the dissolution of the branches and member societies, there are only two groups of members honorary and full members.
 - a. According to the Rule 7.5. the duration of membership for Full Members is the period of the Financial Year (or any part of the Financial Year during which the person becomes a Full Member).
 - b. 7.6. Each Full Member of SPCA must annually renew his or her membership with SPCA,
34. The financial year concluded on 30th June, it effectively means that on 1 July, the only members which exist are the honorary members and since the AGM is set to take place 6 months after the commencement of the new financial year there cannot be a Board unless the Board is comprised of honorary members.
 - a. This raises the question as to how new members are accepted and if they are accepted who accepts them ?
35. Honorary members who I have spoken to all advise me that they never hear from the SPCA and although they are entitled to attend the AGMS, they are not notified either of the meeting coming up or been provided with the minutes.
36. It follows that if a group of persons have made themselves Honorary Members, then they will enjoy perpetual succession and have total control, the organisation at the exclusion of others as members need to be approved.
37. The all-inclusive member driven organisation of the past is now potentially a selected club of a select few, without any oversight from a wide base of concerned persons .
38. The total equity of the RNZSPCA according to the 2021 Charities Annual Return is \$112,405,000 up from \$ 72,925,000 year ending 30 June 2018 [source](#)
39. While the equity has risen by a \$40 million in 3 years, the Waipukerau SPCA which handed its assets over on the belief that they would be supported, is being liquidated because it had operational costs of \$7,000.
 - a. To many it would appear that the RNZSPCA is about \$ and not about services to animals.

40. The RNZSPCA still has the same name, legal powers it has vastly increased assets, but the governance, transparency and accountability have changed dramatically.
41. The RNZSPCA trades on the reputation of the past and has replaced the salt of the earth volunteers fighting for animals with accountants who specialise in investments and cost cutting measures.

MPI

42. MPI has oversight of the legislation it has [MOUs](#) in place with the SPCA but it would appear from correspondence that they have little control or oversight of the approved organisations. Note again that the MOU is not signed by the Board but by Andrea Midgen CEO.
43. Approved organisations came into being through the 1999 Animal Welfare Act.
44. Neil Wells who was the former Head of the Auckland SPCA drafted the Animal Welfare Act.
45. History shows that he was frustrated by the election process of officers and a democratic process meant that there was no certainty of remaining at the helm of an organisation. This is [recorded in press clippings](#)
46. Wells drafted the legislation to facilitate his own undeclared business plan that is why this Act is so favourable to approved organisations [see his business plan here](#) .
47. With his own business venture in mind, he became an “independent “advisor to the select committee and when the Act became law, he applied for approved status under Section 122 in what [this application](#)
 - a. New Zealand became a world first in giving private organisation legislative powers compare this to the British SPCA where [their act limits](#) the power of private organisations and increases oversight of their conduct.
48. The application for Mr Wells private Approved organisation was made in the name of a fictional entity , there was no signed Trust Deed , and the Trust which formed 6 years later and posed as the approved organisation , had never been incorporated.
 - a. The application was made in the name of an alleged legal entity and was regarded as such by MPI and the Minister on the basis of assurances which were never fulfilled
 - b. Evidence also shows that MPI is totally confused between what a charity is and what a legal person is .
 - c. Legal persons are either born or created through statute and by registering as a body corporate .
 - d. The “ [applicant](#) “ The Animal Welfare institute of New Zealand (AWINZ)was not registered under any legislation and obtained a back dated trust deed in 2006 consisting of persons who had never met , held assets or passed a resolution .
49. The fact that AWINZ was not a legal entity and had no legal existence in that name is conclusively proved by the fact that Neil Wells said so in his minutes of the [first ever recorded meeting in 2006](#) three weeks after the incorporation of another trust with the identical name.
 - a. The other trust was incorporated at a time when the online register was in its infancy and AWINZ could not be located on it

- b. By registering the identical name and being successful it was proved conclusively through [section 12](#) and [15 of the charitable trust Act](#) , that no other legal entity by that name existed
50. MPI had not checked the existence of the Animal Welfare Institute of New Zealand(AWINZ) and had not properly advised the Minister.
- a. Even after the lack of legal existence of the “*approved organisation* “ was brought to their attention AWINZ was allowed to continue to administer animal welfare law for a further 4 years despite [the proof in paragraph 5](#) that it did not exist .
51. A recent [OIA request addressed to Ms Wallace](#) proves that MPI has no idea about legal entities and their structures.
52. An unregistered Trust cannot own property and cannot sue or be sued. It follows that it cannot then hold public law enforcement powers . Evidence of this is in Family trusts which own property the name is not that of the trust but of the members which comprise it .
53. This is evidence of MPIs lack of ability to supervise the provisions of the legislation and confirmed in current day events by the replies from MPI to my complaint of [8 June 2022](#) received from them on [29 June](#) and [19 July](#) and confirms that MPI has no control or direct supervision over the approved organisation .
54. In short, the RNZSPCA of old with its assets and reputation has been acquired by a select group of people who now have control of private law enforcement powers while disenfranchising the very people who have built up that reputation and wealth

The MOU

55. The [MOU](#) signed by Andrea Midgen CEO with MPI raises other issues.
56. The [funding agreement dated 2019 is found here](#) again signed for by Andrea Midgen. The SPCA contract manager is listed as Tracy Phillips who resigned November 2020 just after I [sent her this email](#) and [this one](#)
57. The [MOU](#) requires prosecution to be carried out subject to the [prosecution guide lines](#) in the Volkerson prosecution(which I will cover later) it appears that this document was almost entirely disregarded even to the extent that this private prosecution transformed in to a Crown Prosecution without any acceptance by the Solicitor General [under section 187](#) and was recorded by the judge as if it was a crown prosecution .
- a. Therefore a small group of individuals without government oversight can act as if they as a government entity .
58. Wells, the author of the legislation [wrote this to parliament](#) in his submissions in 2013 ” *There are only 2 countries in the world that depend on a private organisation, the SPCA, to act as the enforcer and prosecutor of Animal Welfare Law — New Zealand and the 7 states and territories of Australia Indeed, it is the private nature, **lack of public accountability**, and meagre funding that has resulted in such inadequate performance of the SPCA as enforcers and prosecutors, according to commentators.*”
59. While the MOU Point 11.2. provides for consultation on OIA request, the SPCA is not subject to OIA’ and the questions raised are invariably left unanswered. [As evidenced in this reply](#)

The Legislation

60. I am not a lawyer, but my working knowledge with the Animal Welfare Act raises questions of conflicts with the Bill of Rights . We must remember that the Act was drafted by someone who intended to use it for his own business plan and therefore enforcement favoured the approved organisation and not the public .
- a. Serious issues arise with [section 13 of the act](#) this means that if an Inspector charges you with an offence on subjective grounds, you have 7 days to file a defence.
 - b. [Section 136 A](#) allows for the disposal of your animals to be disposed of if proceedings have been commenced but not yet determined: or have not yet been commenced but are intended to be commenced within a reasonable period.
 - i. In the case of Volkerson disposal was completed even before charges were formulated or advised what they were suspect of having committed
 - ii. In view of section 13 they were deprived of this defence and lost their dogs on the allegations which were proved on a civil level and not related to charges.
 - iii. The dogs were disposed of to the Auckland SPCA which also meant that when the charges were known the owner of the dog was not able to locate the dogs and get independent verification if the dogs referred to were her dogs . She was also denied the right to seek an independent vet's assessment.
61. [Section 127](#) allows an Inspector to enter any property (not a house or marae) to inspect an animal , this Section was totally abused in the case of Volkerson with 39 inspections over a 2 year period .
- a. This contrasts with the [UK legislation](#) where the Inspector must apply to a justice of the peace for the right to go on to the property to search for dogs
 - b. In New Zealand it is a free for all and on the evidence of the events at Volkerson the rights were abused and even involved inspectors searching for dogs owned by Volkerson at a boarding kennel where some were temporarily boarded. Source summary of facts
62. All those matters appear to conflict with the rights under the Bill of Rights Section 127 and 136A conflict with Search and Seizure [section 12](#) .and Section 136A and 13 also have implications on [section 25](#) Bill of Rights Minimum Standards of Criminal Procedure.
63. The conflict with the Bill of Rights is one issue but the other is that the persons who are exercising the powers under this legislation are doing so without any apparent supervision and apparently for profit.

Criteria

64. The criteria for an approved Organization is set down in Section [122 Animal welfare act](#) and 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. ***one of the purposes or roles of the organisation concerns the welfare of animals or a particular species of animal.***
 - i. The SPCA used to be about preventing cruelty now it is about providing animals with ***a better life***. The two are not the same . [see the wording of the constitution](#) .

- ii. This no doubt reflects the changes in the legislation as quoted from [Wells](#) *“The original Act of 1999 was a radical departure from conventional anti-cruelty laws which New Zealand and most Western countries had relied on for over 100 years. The Animal Welfare Act 1999 introduced the first animal welfare legislation which established a statutory duty of care and placed statutory obligations for a standard of care based on the Five Freedoms — freedom from hunger and thirst; discomfort; pain, injury or disease; freedom to express normal behaviour; and freedom from fear and distress”*
 - 1. The Volkerson prosecution takes this one step further to include the subjective opinion that their animals could suffer due to the owner having too many dogs
- iii. This subjective enforcement means that no one is safe, it is the opinion of the inspector, and the animal is taken for being too fat too thin, not groomed properly not having a fluffy toy or being frightened when its space is invaded by strangers.
- iv. Parents will know that a child could have a treated skin irritation which looks bad but is not painful. And many would have picked up children from their cots when the babies nappy has had a full blow out, if someone else had been there it would have been reported” her child was lying in a cot covered with faeces”.
 - 1. The enforcement at Volkerson was all subjective and based on a snapshot in time To have a dog on a short leash temporarily is legal, to have them there for days or weeks is a different matter. Time is relevant and time was not reported. See the judges comment about the dog which could not lie down then look at the [body camera footage](#) about 10 min in
 - 2. As for the dogs reported to be slipping in Faeces. Take some dogs in a kennel which are about to be cleaned and introduce strangers with poles the panicked dogs, will run around. This is normal behaviour for a dog which feels threatened and in running about will not look where it is going. This is then reported that the dogs did not display normal behaviour and slipped in faeces.
 - 3. This does not mean the dog was abused or suffering it means the dog was reacting to a large influx of uniformed people on their patch.
- v. When the One SPCA was formed it gave the assurances as stated [on its web site](#) *“In November 2017, SPCA centres around the country unified to become a single entity. The key reasons for this change were to better provide a consistently high standard of care and service for the animals, no matter where they are, and to ensure that all SPCA centres are supported through the sharing of resources and skills. “*
- vi. Centres are now being closed because they are not lucrative, as is the case of the Waipukerau centre. Wells in 2013 reported that there were 47 centres now we are down to 33 and the volunteers who gave the organisation credibility have been disenfranchised.

- vii. Regions are left vulnerable and reliant on the locals to set up another voluntary organisation due to the nearest SPCA being over 60 Kilometres away.
 - viii. Actions speak louder than words and it appears that with \$35 million in assets a community is asset striped, and volunteers and residents disenfranchised.
 - ix. With the lack of support of ordinary members, the local community and a local executive is now not able to have oversight of what is occurring in their district the purpose must be more than words on a document
 - x. [A Press release from 2017](#) show that the intention of the one SPCA as Quoted by Andrea Midgen "We will be able to create a stronger SPCA Inspectorate and we will have one strategy and one voice." "Ms Midgen said the move to one SPCA is not about creating a centrally-controlled organisation, or closing any SPCA centres."
 - 1. we have a vast increase in inspector numbers and the 45 centres in 2017 have been reduced to 33 ,
- 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.***
- i. ***Accountability arrangements***, The RNZSPCA is now a private super organisation with an undisclosed number of members, We have not found one person who has been accepted as a member of the new SPCA and suspect that there are just a few people who are "the Incorporated Society" they hold the power and control exclusively and without public involvement.
 - 1. The organisation is Money focused; Money is a priority over Animal Welfare as indicated by the number of accountants in control [the board](#) .
 - a. David Broderick CHAIRMAN : Finance and Banking
 - b. [Robyn Kiddle](#) Governance Consultant
 - c. [Bobbie O'Fee](#) Accountant
 - d. [Steve Merchant](#) Vet
 - e. [Julie Sellar](#) Finance and Planning
 - f. [David Heald](#) former Ernst and Young Accountant
 - g. [Jane Holland](#) Partner in the Commercial Property Department Bell Gully
 - 2. Due to lack of oversight of the inspectorate, there appears to be a general disregard of the Rule of Law and the Bill of Rights this was illustrated throughout the recent prosecution of Barbara Glover and Janine Wallace (Volkerson) as raised in [my complaint to MPI](#) which hasnow been [sent on to the SPCA](#) to investigate themselves.
 - a. Is this not a gross conflict of interest by the SPCA ?

- b. And are they going to admit to their own noncompliance with the Bill of Rights and the Animal Welfare Act ?
 - c. Does this not prove that there is no independent oversight of a private organisation with public law enforcement powers ?
3. The Inspectors themselves appeared to be working unsupervised. In the case of Volkerson the Inspectors were under the supervision of a Chief Inspector Greg Reid who has also left the SPCA, all were employed by the Auckland SPCA and used Auckland SPCA resources. The dogs were disposed of to the Auckland SPCA.
4. There is no evidence of the RNZSPCA ever being involved or consulted other than Chief Inspector Tracy Phillips who acted credibly and saw the return of 5 dogs which had been unlawfully taken in 2019 . She advised that she had no knowledge or involvement of this prosecution and left soon after.
5. Anita Killeen, a former Director of the Auckland SPCA and a lawyer set up a Pro Bono Panel in 2017 and it appears that this Pro Bono Panel kicked into action but not as described in the [law talk](#) “

*“We are very grateful to have a significant commitment of Pro Bono litigation support from Kayes Fletcher Walker, the Office of the Manukau Crown Solicitor. The firm support the work of the Pro Bono Panel in a number of ways including by acting as instructing solicitor, by providing legal opinions on individual files as to whether the test for a prosecution is met, as well as appearing in court to assist Panel members on cases. The Pro Bono work that Kayes Fletcher Walker provides is a significant factor in the ongoing success of the Panel initiative and contributes to ensuring the consistency and high quality of **SPCA Auckland’s** prosecution files.”*

- a. It is clear that the Crown Solicitors role was to
 - support panel members
 - acting as instructing solicitor
 - providing legal opinions as to whether the test for a prosecution is met
 - appearing in court to assist Panel members
- b. Instead, the Crown Solicitor’s Office had the Crown Solicitor herself appear and intitule the Private Prosecution as a Crown Prosecution even representing evidence as Crown Prosecution.
- c. See correspondence with the Crown Solicitor as below
 - i. [Request to Acting Crown Solicitor to correct a miscarriage of justice](#)
 - ii. [Privacy act request To Gareth Kayes Acting Crown Solicitor](#)
 - iii. [Open letter to Luke Radich of Kayes Fletcher Walker](#)

6. The issue of a Crown representation for a private organisation has also been brought to the attention of the [Attorney General](#) we have yet to hear back from him
 7. An OIA with regards to Crown Solicitors representing private clients [is here](#) and defends the use of the Crown Solicitors representing the SPCA.
 8. As they say the evidence is in the cake and what came out of the hearing before a former Crown Law Judge was that she intitled her decision as The [Queen V](#) , showing that she was successfully misled by the lawyers that this was a crown prosecution .
 9. Even in [2013 Wells](#) submitted to Parliament that there was a lack of public accountability ,the change between now and then is that the structure has changed dramatically and the funding from Government has increased to over \$2 million per annum. If there was little accountability then there is even less now.
 10. [Wells](#) pointed out *“Legal commentators maintain that the enforcement and prosecution of Criminal Law (Animal Welfare offences are crimes) are the responsibility of the state and not private organisations that have no public accountability. “ ‘And Judge Garland in R v Balfour said that “the SPCA was effectively standing in the shoes of the Government.”* The concern is that in a government prosecution there are accountability provisions. With the RNZSPCA there is no accountability and as we see in the Volkerson prosecution .
 11. Without oversight of the Inspectors the Volkerson kennels had 39 official SPCA visits between 28. July 2017 - 16.1 December 2019, dogs were officially taken on just 2 of those occasions.5 Dogs were unlawfully seized through 2019, 5 dogs were surrendered under coercion and there is evidence of dogs being taken and brought back . In other words it was a free for all .
 12. As demonstrated [in this response](#) for Official Information the SPCA is not covered by OIA and the information we sought was not available from MPI and was not disclosed as part of the pretrial disclosure.
- ii. **Financial arrangements**, with over one hundred million equity, the organisation is winding up small communities’ assets and placing them in funds which are managed by the former Chairman and the current Chairman who are business associates in Investment and Development companies.
1. In the Volkerson prosecution ,High value dogs were targeted for seizure some of these imported blood lines were valued at over \$250,000 each these dogs were Champions in 2017.
 2. There is no evidence that the dogs seized were brought into the Auckland SPCA or if they were switched out in transit.

3. These dogs were selected by the Inspectors based on their pedigree. There was no abuse of these dogs and the vet reports show the lengths they went to find neglect or abuse, it is reflected in the prolific x raying of the dogs including pregnant ones and [Greg Reid's](#) comments that their angle was *"intentionally breeding from dogs with known genetic disorders"* something which was not reflected in the ultimate charges which only related to the date on which the dogs were seized.
4. The pedigree papers were obtained for these dogs and the Dog Control Officer was sent to the kennels before the raid to ensure that the dogs were microchipped and identifiable. Yet when the dogs were seized Inspectors Plowright and Davis are recorded on the SPCA body worn cameras as saying that they will not be recording microchip numbers the [body worn camera footage is available here](#) the vet asks at 11.44.57 *"do you want to check chips at this point"* and both Davis and Plowright say "No"
 - a. This is crucial as without verifying the dogs from time of seizure there is no assurance that the same dogs have been referred to throughout.
 - b. This is chain of evidence and is vital in a prosecution to prevent one dog being swapped out for another.
 - c. This also brings up Privacy Act issues with regards to the sharing of information of the Waikato Dog Control with a private organisation.
5. [The body worn camera footage](#) shows that the Inspectors on arrival had already decided to take dogs and right at the beginning their language proves that the selection process is not about animals suffering.
6. The seized dogs became part of an extensive fundraising campaign which was helped along with specifically timed television exposure and a nationwide leaflet drop this [from an email to the kennel club about using TVNZ to give it publicity](#) *"This will while being a civil matter create a 'public exposure' which will probably coincide with Carolyn's story being aired."* This aired on 7 Sharp 1 May 2018 and there was even a dedicated web site [spca puppy farm rescue](#) and <http://www.sPCA.nz/urgentappeal>.
7. The SPCA fund raised specifically on the Volkerson prosecution but has not disclosed how much was raised in this campaign and how this was used. The Crown Solicitor was a Pro Bono Panel member and no accounts have been produced but it was reportedly their best fundraiser ever.
8. There is no transparency as to the income of the RNZSPCA as it now has a closed membership and no accountability for the funds raised by way of donations and bequests.
9. Nationwide there are complaints and concerns that neglected and abused mongrels are not getting any attention. Meanwhile pedigree champions are seized due to their blood line.

iii. **Management of the Organisation**

1. Management appears to be solely in the hands of the CEO who is a Jill of all Trades fundraising, winding up the various member societies [see here](#) and appears to be \$ driven with the various campaigns that she runs for funds, she acts like a Board member and there appears to be no Board control over the Inspectors.
2. Evidence would suggest that she sits on the board and acts with unbridled delegation of their authority
3. There is no proper oversight of the Inspectors, this is shown by the way that the inspectors were able to come in and take an animal which had only weeks before won Champion Awards.
4. The prosecution of Volkerson was filed in the name of fictional organisation Royal Society For The Prevention Of Cruelty To Animals (Auckland) and no consent was given by any board for prosecutions [this video](#) confirms that the prosecution by the Auckland SPCA was supervised by Greg Reid a Chief Inspector for the Auckland SPCA (He has now left) and the decisions were his.
5. In [this video](#) REID states that he is happy for the women to retain the other dogs but despite this the RNZSPCA nearly five years later and without returning to the property (except in 2019 to return unlawfully seized dogs), has directed their lawyers to ban the ladies from owning or controlling dogs for 9 years.
6. We must question how the RNZSPCA **a separate legal** entity to the Auckland SPCA became the Prosecutor. The lack of accountability and the ability to circumvent legal requirements is an abuse of process by this private organisation .
7. It appears that the Board has little input or oversight of the running of the organisation which has been delegated to a CEO Andrea Midgen [see her linked in profile](#) reveals that she was **CEO** SPCA Auckland until 2017 when she became CEO RNZSPCA.
8. Andrea Midgen appears to lack understanding of the legislative framework under which the organisation/s must act, and that each organisation is a separate legal entity, as the CEO she appears to be working without supervision or control of the Board, and works in a delegated manner holding all the power as one person and is therefore the only apparent person in control of the organisation.

iv. **The Interests of the Public**

1. It is important to realise that the RNZSPCA is unique in that it is the only private organisation which had coercive law enforcement powers. Refer to Neil [Wells](#) submission in 2013, the RNZSPCA over saw 47 local SPCA now it lists just 33 with more listed to close.

2. Correspondence with MPI shows that they lack oversight and control of the SPCA and if the Board is not in control, who is providing oversight ?
3. The agreement for funding refers to the supervision of an Inspector who has long since left . Her position has been taken by [Alan Wilson](#) a former MAF(now MPI) employee
 - a. Many of the SPCA inspectors have come from MPI and similarly SPCA staff have found their way to MPI e.g., [Jen Radich](#)
4. As [Wells points out](#) ¹⁷ *“In the unlikely event that the SPCA becomes insolvent or for any other reason is no longer able to meet the criteria of an approved organisation the Minister has no alternative plan.”* The people who have taken over the RNZSPCA have acquired a gold mine with coercive public law enforcement powers and little or no oversight.
5. Corruption = Monopoly + Discretion – Accountability. Hence the RNZSPCA is ripe for corruption. This equation can be broken by any or all of the following
 - a. Removing the monopoly of the RNZSPCA and aligning the legislation with [the British act](#) which will enable all welfare organisations to take action in the case of abuse
 - b. Removing discretion where inspectors cannot act and prosecute without the matter going to review by MPI lawyers to ensure consistency of approach in the welfare sector
 - c. Accountability - to ensure that complaints are independently investigated .
6. To give the Volkerson issue and the abuse of power by the inspectors transparency [We have published the body worn camera footage of the inspectors](#) (30) of the Volkerson raids, not one of these was shown at the trial.
7. It is important to note that the charges for the women were all related to the day that the dogs were taken, in fact only to the very short period the inspectors observed the dogs. We must therefore, ask the why it took over a year before they were charged and why was there so much pressure put on them to surrender the dogs supported with offers of forgoing the costs of keeping them.
8. This brings up a very serious issue that a breeder visited by the RNZSPCA would be silly not to hand over their prized animals in exchange for anonymity.
9. The power of the inspectors trading on the perceived reputation of the RNZSPCA is such that such an offer is a powerful incentive to hand over your animals .
10. The first approach was in 2017 in all over the years the SPCA took % dogs by coercion 15 dogs through a targeted raid 15 puppies which were born in captivity 6 dogs through an alleged barking dog complaint

2018 to coincide with the disposal hearing and 5 more dogs unlawfully in 2019

11. In the [transcript Plowright](#) states page 251 line 26 *“So we take the ones with the problems, that’s their top bloodline, the one with the ear – no, please let me finish. They’re left with so many breeding bitches, they’ve probably got 20 breeding bitches all capable of producing 10, 12 puppies in a litter and a couple of litters a year. So yes, affecting their breeding stock, absolute rubbish, absolute rubbish.*
12. For having dogs stolen from them Barbara and Janine suffered 5 years of court action Barbara paid out to lawyers who failed to represent her and took the money and ran, we suspect due to the pressure put on them to force this elderly lady to plead guilty
13. The emphasis was totally on having too many animals see the [interview](#) when there is no legislation which allows for dogs to be taken under those circumstances
 - a. An example of this is shown in the [interview](#) page 6 the Inspector states” *Just to put it out there as well, like I mentioned the, one of our main things is the, the best interest for the dogs and yeah, we'd like you to consider surrendering ownership of the dogs and what that would show is workability with what we're doing. And if you decided to do that, you don't have to decide now, but **I would look at wiping the, the charges from seizure date to the date of surrender if you were to do that**”*
14. Additionally through Director of the Auckland SPCA Anita Killeen, a Pro Bono Prosecution Panel was set up, [see here](#) and [here](#) page 62
15. It was the Crown Solicitor Natalie Walker, Partner, Kayes Fletcher Walker Ltd, Auckland who took on the prosecution of Volkerson first in the name of Royal Society for the Prevention of Cruelty to Animals (Auckland) the disposal was done to the Auckland SPCA and the final prosecution was done on behalf of the RNZSPCA, note the switch of legal entity .
 - a. There is no evidence that any Board ever became involved and there is no evidence of the lawyers being instructed by anyone other than the unsupervised inspectors who have left and have other businesses some involving dogs.
16. [The MOU](#) which existed between the RNZSPCA and MPI refers to the prosecution policy which includes the [Solicitor-General's Prosecution Guidelines](#) however there is no further requirement of Government oversight and in this Volkerson prosecution every rule including the legislative requirements under the Animal Welfare Act and the Criminal Procedure Act were breached and for good measure the Bill of Rights was totally ignored.

- 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.***
- i. The Volkerson prosecution brought out massive conflicts of interest including collusion with other organisations, this in itself is a Privacy breach on the part of the SPCA and of the New Zealand Kennel Club and Waikato District Council Dog Control.
 - ii. I reference a letter [see here](#) from the SPCA to the NZ Kennel Club which shows collusion and willingness to use the Inspectorate powers for outside organisations. This offer made by inspector Reid “do you want me to lay a formal complaint against a member?”.
 1. Further collusion with the NZ Kennel Club is in sharing information with them which had the Volkerson Kennels struck off the NZ Kennel Club register well before the court action , the correspondence here shows that on 20 April 2018 They had not made up their mind about the charges yet, eventually the charges only related to the day the dogs were seized see this inspector REID states in his letter [see here](#) to the NZ Kennel Club they were trying to formulate charges regarding the “intentionally breeding from dogs with known genetic disorders” obviously even x rays of the pregnant bitches did not produce evidence for this .. This brings up the issue of disposal and compliance with Section 130 (1) (b)
 2. The NZ Kennel Club provided [Becky Murphy](#) to examine the dogs she just happens to have a business of artificial insemination of dogs and improving breeds.
 - iii. Additionally a Vet involved in seizing dogs from a Champion dog breeder in 2017 was a SAFE activist [see here](#). I note that from the body worn cameras the vet involved, Jess Beer, could diagnose ear problems from a great distance.
 - iv. The Chief Legal Officer Brett Lahman is also a former [head of SAFE](#) have these activist groups infiltrated the RNZSPCA to raise a conflict of interest?
 - v. One of the puppies whelped to a dog seized in October 2017 was given to the local Dog Control Officer [see here](#) who in return passes on an alleged barking dog complaint to the SPCA (as confirmed by sworn evidence in court) to ensure that dogs which are compliant under the Dog Control Act are seized for allegedly breaching the Animal Welfare Act.
 1. He is a hunter and happened to be the person who was seen in possession of the leash and a rope recovered on the dog which was hog tied in the hay barn.
 2. He has never explained why he was in the hay barn with the dog walking free as captured by the body worn camera footage and why he left the barn when a dog was tied in such a state and was only found some 10 minutes later when the Inspectors came in through the other end. [see here](#) the full version [is here](#) see 13:00 to 13:02

3. [the second article](#) shows that this Dog Control Officer who trains guard dogs/ bite dogs helped select the Volkerson dogs which were man work and obedience trained and suitable as guard dogs.
 4. While the ladies were charged for having dogs on short leashes temporarily ,the somewhat hypocritical Inspector and Dog Control Officer both specialise in bite dogs and advocate the choke chains as seen in the face book pictures [see here](#) and the header on his face book page says it all <https://www.facebook.com/DeterDetectDefend/>
- vi. The reputation of the RNZSPCA is such that the hearsay evidence of an Inspector is accepted and the people they accuse are regarded as liars by the court. In this case we are using the best evidence that is the [body worn camera footage](#) to contradict their evidence but this should have been done by their governance body before it went to court.
 - vii. The same Dog Control Officer kept 4 dogs in the Council Pounds for two weeks. The charges have been proved to the court by the Inspectors who forgot that by implicating the dogs' owners were actually admitting that the SPCA has animals in its own custody and does nothing for the dogs which are allegedly ill . This is proved by the vet reports of these dogs. See evidence [Zeta Paris Astro Mafia](#)
 - viii. The RNZSPCA who have progressed this prosecution must therefore be likewise prosecuted for failing to ensure that the Physical health and behavioural health were met between 13th October 2017 and 27 October 2017 when they were first seen by a Vet and had been left in their muddy condition for 2 weeks. This is proved though prima facie evidence and failing to charge the RNZSPCA will put them above the law.
 - ix. Then there is also the matter of the Bitch which whelped in the back of a van in a crate with her 7 new born puppies and gave birth to another puppy classified as Dead on Arrival. Also the numbers of puppies born to the two bitches fluctuate, this proves failing to account and as the Face Book post shows one was given to a Dog Control Officer in circumstances which can be regarded as bribery.
 - x. There is also inconsistencies in the microchip numbers and no records were ever produced to show what kennel numbers relate to what dog or when a dog was received by the SPCA. Business records were missing from the trial these are normally relied on for continuity of evidence .
 - xi. The pups were disposed of under Section 136 by the Crown Prosecutors who acted in this Private Prosecution and disposed of the pups without lawful process. The pups were not seized and were never seen by the owner and disposed of without charges which is contrary to the provisions of the Act. The RNZSPCA allegedly instructed the Crown Solicitors and therefore were not compliant with the law.

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;

- i.* The organisation represented by its Board has the approved organisation powers, the organisation recommends to the Minister persons to be appointed as Inspectors .
1. We have no idea how this is done and if this task is delegated to the CEO and what vetting procedures are in place.
- ii.* The Inspectors appear to work without supervision Plowright worked under the supervision of Greg Reid the Auckland SPCA Inspector.
1. The RNZSPCA Chief Inspector in 2019 had no idea of anything to do with this matter but assisted in returning five dogs unlawfully taken by the same Inspectors.
 2. Medical records of those dogs reveal that these dogs had been returned with medical conditions see vet reports
 - [Hobby](#) a 25 Kg dog who became obese in SPCA care
 - [Fenta](#) Taken 21 Feb 2019 shows ear issues in the care of SPCA
 - [Emma](#) Taken 1 February 2019 had skin issues in the care of the SPCA
 - [Xena](#) Taken 24 January 2019 and returned in an obese condition
 - [Alex](#) Taken 1 Feb 2019 returned 19 December 2019 this dog was kept unlawfully for 11 months the documents show that even in SPCA care the dogs developed and had ear problems
 3. These dogs were never the subject of charges, and they were treated for things which developed while they were in SPCA care the average vet bill for these dogs was \$6000 as recorded on the vet reports which records the Auckland SPCA as owner.
- iii.* The prosecution related to the dogs taken in October 2017 and May 2018, due to the failure to record microchip numbers of the dogs seized in October. There is no chain of evidence, and we can only speculate if the dogs seized actually made it back to the SPCA due to the evidence on the Body Worn Camera footage of the Dog Control Officer loading dogs into his van.
- iv.* The prosecution was totally hap-hazard and the Inspectors carried out a search warrant on Barbara's property, [this search warrant was unlawful](#) and the instructions from their lawyers and notes were taken, and their computer cloned. Many boxes of evidence were loaded into the van but only a very short inventory of seized items was produced
1. The document is a copy no original has been seen
 2. There is no signature of an issuing officer
 3. The date is for 2017 when it was executed in 2018
- v.* There is no evidence that the Inspectors worked for the RNZSPCA , yet they gave evidence in court that they did which does not line up with the evidence on the Body Worn Camera footage or the evidence given in the Disposal Hearing .(Perjury)

- vi. Evidence was deliberately withheld for the trial and there is evidence of the Prosecutor changing without due process. The first group of dogs were disposed of before the charges were even formulated.
 1. 13 October 2017 Dogs seized
 2. 26 March 2018 Unlawful Search Warrant
 3. 1 June 2018 TV campaign
 4. 12 June 2018 Court Hearing 12 July 2018 Decision
 5. 2 November 2018 Charges filed
 6. January 2022 Court Hearing Decision 31 March 2022
 7. Sentencing 13 July 2022 nearly 5 years after the dogs were first taken
- vii. Despite 5 dogs being returned by the RNZSPCA and no further “visits “after 19 December 2019 the RNZSPCA instructed counsel to seek disqualification of owning or managing dogs for 9 years.
- viii. This makes no sense, if the dogs were deemed to be safe to be returned to and left in the custody of Janine and Barbara for 2 years after the seizure and after building new kennels, then what is the logic that they cannot own or care for dogs 2 ½ years later? Does this mean that if the RNZSPCA has been negligent in allowing dogs to remain in the custody of persons who they believe to be incapable of caring for them ?
- ix. The Body Worn Camera footage shows the intent of taking the dogs. A document was prepared before they arrived on the Friday to seize the dogs, and the document had been pre-printed. The owner was provided [with this](#) but the Body Worn Camera showed a document which was never disclosed in discovery which was the [identical list in a completed form](#) providing much more information

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 or imposed on inspectors and auxiliary officers under this Act; and***
 1. The provisions of the Animal Welfare Act have been totally ignored, and the Inspectors appear to make up the Rules to allege that Barbara Glover and Janine Wallace failed to comply.
 2. The [section 130 notice](#) issued on the day that the dogs were taken and relate to substantive charges allege that there is a requirement
 - to have leashes of 2 meters and
 - deems wool shed flooring unsuitable for dogs
 - directs dogs to be able to display normal behaviour expecting them to be like house dogs and not the working dogs which they were
 - not to crate for more than 1 hour
 3. the [2010 Code of welfare](#) under which this seizure was carried out makes no such provisions and the requirements were simply made up on the spot

and used as a basis for prosecution the very day that they made these “rules” up.

- a. Throughout the country, people place dogs in crates often overnight but the SPCA Inspectors direct specifically that dogs should not be in a crate for more than one hour [see here](#) This contradicts what the SPCA advocates on [its own web site](#)
 - b. Additionally the SPCA approach would mean that every dog tethered outside the corner dairy on their walking leash is also subject to seizure.
 - c. No evidence as given as to how long a dog had been observed in a particular place but the body worn camera footage confirms that they were in a different spot to where they had been seen the day before.
 - d. Not one of the dogs which was the subject of a behavioural charge was witnessed in its normal environment in normal circumstances and the “expert witness” did her analysis for photograph provided and not by any visit to the scene
4. The [original section 130 notice](#) requiring the building of kennels. This was complied with yet the dogs were taken due to not having proper facilities to house them, see statements by Plowright and Davis in the [interview](#) Pages 2/27 /29/33/41 and the [video see here](#) with Greg Reid who informs the ladies that they can't have their dogs back despite the new kennels being built
5. When the Inspector first called on the property Barbara was coerced into handing over 5 dogs because they alleged that they had too many dogs. No notice was taken of the number of helpers they had and the fact that this was a massive farm. 5 dogs were taken and from here Barbara was ripe for the picking even in the Court proceedings the reference was continually to having too many dogs.
- a. There is no law which restricts the number of dogs they could have.
 - b. Numbers increase sharply when a bitch whelps 10 puppies which need to remain with their mums for at least 4 months .
6. Under the [dog control act](#) dogs can be tethered on the farm these were working dogs not pampered pooches, yet the Inspectors without knowing how long a dog had been in a location decided to charge the ladies as if a dog had been there for a very long time. Evidence on this Body Worn Camera footage shows that they knew that the dogs were moved regularly [see video](#)
7. The Judge said at 231 [of her decision](#) stated that *“In general, I consider the SPCA's concerns about Volkerson Kennels were well founded. It was poorly run and there were far too many dogs that could be cared for adequately.”*

8. What was portrayed to the court was not the reality by looking at the dog Monty she states *"It appears to me from the photograph I saw that this dog can barely sit down."* The video footage tells a different story and this dog who was being groomed but had this interrupted by the SPCA visit was rolling about, drinking and being quite relaxed [see video](#) 11 min in
9. To encourage a guilty plea the inspectors prepared a manifestly false summary of facts in which they make serious allegations of the integrity of the defendants and reveal that in May 2018 they used their inspectorate powers to call at boarding kennels in Taupo where dogs were temporarily kept
10. The summary of facts is such that the content was not proved and could not be proved in court and is directly contradicted by the body worn camera footage.
11. The summary of facts reveals that a total of 15 puppies were born alive to two of the dogs seized the [Judge's decision](#) disposes of just 13 of them .
12. Vet records and inspector records do not agree on the number of puppies born to Debbie and Dani this shows lack of accountability

ii. Subject to Section 126, will be properly answerable to the organisation.

- 1. All inspectors and auxiliary officers must act under the direction of the Director-General in the exercise and performance of the powers, duties, and functions conferred or imposed on them under this Act.**
 - a. As shown, compliance with the legislation rules, welfare codes and supervision of the board are totally missing
 - b. There was no section 12 Criminal procedure act notice which allowed the inspector to act on behalf of the organisation and there is great doubt as to any board having instructed the crown solicitor was it the Auckland SPCA for the disposal hearing or the RNZSPCA for the trial. They cannot both be right as both are distinctly separate legal entities.
 - c. The Section 130 notices if not complied with had specific procedures to adopt under the Animal welfare Act. These were ignored and instead the dogs were seized and disposed of without proper identification or chain of evidence and before charges were even filed.
 - d. The Owners were not allowed to have a second opinion of their own vets, this could well be because the dogs seized, and the dogs identified at the SPCA were not the same dogs. This and the unlawful uplifting of dogs at various times all impact on credibility and oversight.
 - e. Questions need to be raised as to why dogs which had a microchip were chipped on arrival at the SPCA? Was this a different dog,

given the identity of the seized dog and did the seized dogs go to the SPCA ?

- f. The [performance and technical standards](#) 2012 were totally ignored and procedures were not followed in particular paragraphs 212; 248; 250; 258; 261

2. Director-General means the chief Executive of the Ministry

- a. As per the correspondence referred to [29 June](#) and [19 July](#) the Director Compliance services MPI has handed the investigation to the SPCA who by investigating themselves are grossly conflicted.

Review of suitability of the RNZSPCA to hold the powers under Section 121

65. Considering the above, I seek a full Ministerial investigation into the suitability of the RNZSPCA to remain an approved organisation on the criteria set out in Section 122 .
66. Body Worn Camera footage has been uploaded to <https://vimeo.com/user178471461> these were provided by the SPCA in disclosure but not referred to in court I can also send through detailed analysis of the charges showing the evidence which was given in court and how they conflict with the evidence given, please note I was not in court and these were not prepared by me
67. This is a copycat crime as perpetrated in Australia and mentioned by Senator Malcolm Roberts <https://www.malcolmrobertsqld.com.au/is-the-rspca-a-charity-or-a-dodgy-business/> published in June 2021 *“Much of RSPCA’s revenue is gained from seizing animals from their owners under the rouse of falsely claiming that the animals are not being treated appropriately. A common feature of the RSPCA’s approach involves the RSPCA harassing owners who appear to have fewer means and lack the ability to challenge the RSPCA in court.”*
68. In Ontario the SPCA lost its law enforcement powers due to lack of transparency, this appears to be the case in NZ there is little information available by way of OIA and this private organisation operated by an undisclosed number of people who could be as few as a dozen and have all the power and assets which were gathered by volunteers and residents in NZ. These assets are being sold off to be placed in various non transparent Trust while seeking ventures to tear at people’s heart strings for more donations while trading on a trusted name.
69. There are many small Charities set up and doing the hard work while the SPCA which has the reputation, and the funds acts in apparently unsupervised manner and by the response received it appears that MPI prefers to distance itself from all this rather than take action to ensure compliance.
70. Further I therefore request that an assessment is done to see if the RNZSPCA with its massively reduced membership and amended constitutions and alignment with activist groups is still suitable to hold the powers since they appear to have totally ignored the provisions of the Bill of Rights, Solicitor General Prosecution Guidelines and the very Act under which they have powers.
71. To assist the investigation, I request the following by way of OIA and hope that this will assist the Minister in the decision-making process.

OIA questions please provide all documents and policies relating to the following points if there are no policies, please advise the safe guards which exist to prevent abuse of powers.

1. The last MOU with the RNZSPCA was in 2019 when the member societies and branches existed, is there a new MOU to reflect that there is now only one organisation if so please provide one.

2. Is the Ministry aware of the total number of members of the RNZSPCA if so,
 - a. how many members do they have in each category and
 - b. how many people attended their last AGM ?
3. Does the Ministry have a copy of the last two years AGM for the RNZSPCA if so please provide these?
4. Please provide a copy of the latest audit of compliance with the Act.
5. Please provide all correspondence from the RNZSPCA to the Ministry advising/discussing their change of structure and change of constitution and how it reflects on the criteria.
6. What investigations have been conducted by the Ministry on the financial aspects of the RNZSPCA and the involvement of public assets and potential to misuse those assets?
7. Please provide all documents which relate to the apparent provision of SPCA powers to organisations such as the NZ Kennel Club and or seeking advice from outside organisations for prosecution by virtue of the statement “for example do you want me to lay a formal complaint against a member?). [see here](#)
8. It would appear that SAFE activists have infiltrated the RNZSPCA. What is the policy of MPI and what protection is there for the public to prevent for members of outside activist organisation holding a pivotal role in animal welfare?
9. What is the policy in providing seized animals to persons from outside organisation who are involved in raids and have a business which builds on that type of dog [see here](#) . [and here](#) and [see here](#) and his FaceBook page <https://www.facebook.com/DeterDetectDefend/>
10. What MOU’s exist between the RNZSPCA and other organisations which could conflict with the powers under the Animal Welfare Act?
11. What is the duty of the RNZSPCA to disclose MOU’s or other agreements with third parties to MPI ?
12. With regards to the 4 dogs kept at the pound [Zeta Paris Astro Mafia](#) and the dog whelping in the van what is the policy for prosecution the RNZSPCA for breaches of the Act and how are the complaints lodged?
13. Please provide policies regarding SPCA vets and the ability to administer drug to the animals owned by other people without consultation and x-raying pregnant bitches?
14. Please advise what procedures exist for ensuring that Inspectors comply with the law and how does a member of the public seek accountability and transparency for an Inspector’s actions? Our complaints to the SPCA seem to be ignored.
15. What provision is there for Inspectors to demand the surrender of dogs through coercion as in the forced surrender of five dogs to the [Auckland SPCA 4 august 2017](#) and what controls are in place to ensure that the dogs are not taken by the inspector or a valuable blood line swapped out for a less valuable blood line?
16. What provision is there for an inspector to use what appears to be blackmail to use the costs of the care of the dogs as a trade-off for surrender and silence? This was also done through the lawyers in exchange for a guilty plea on reduced charges.
17. What ability does an Inspector have to ignore the legislative requirements e.g., 143 AWA application for an enforcement order and instead taking dogs and disposing of them?

18. Please provide a copy of a valid search warrant and any documentation which will enable a person to identify if a search warrant under Section 131 is legitimate. e.g. should it have a signature of a person on it who can issue a search warrant and how do we check if that person is capable of issuing a search warrant? see [warrant used here](#)
19. What action was taken with regards to [the invalid search warrant](#), a copy dated a year earlier and not signed executed and why was a full inventory not provided, this seizure captured on Body Worn Camera footage (not uploaded but available for MPI) shows a multitude of documents including defence material seized and inventory was provided. Please provide the full policy on search warrants which existed in 2018.
20. What provision is there and what are the consequences of noncompliance with enforcing a Section 130 notice through seizure and not applying to the court for an enforcement order where the time frame in which to comply had not expired?
21. In 2019 a number of dogs were taken without documentation they were returned by Inspector Tracy Phillips. Please advise what investigations were carried out with regards to the unlawful seizures of those dogs? Did the SPCA report back to MPI or was this concealed by them?
22. The puppies which were born in the SPCA to Debbie and Desni were disposed of under Section 136 A Please advise who instructed the disposal of those puppies and how could the legislation have been applicable when they were neither seized nor subject to prosecution, please advise how we can make a complaint and be heard as this has repeatedly been ignored?
23. Noncompliance to the Bill of Rights and Prosecution Guidelines: what enforcement /accountability measures exist to ensure compliance and who oversees the action to seek accountability for non-compliance?
24. The RNZSPCA is a private organisation with a select membership (as per their constitution) They were represented by the Crown Solicitors but [no Section 187 notice](#) was filed and there is nothing to indicate that the Crown could represent the RNZSPCA and even less allege that this was entitled to intitled [the Queen v](#). Documents were filed as the Crown and the [transcript of the hearing](#) refers to "Crown" no less than 20 times.
 - a. What measures are in place to prevent this private organisation of misrepresenting itself to the court as a Crown Entity?
 - b. And what exemption exists to allow an inspector to file charges on behalf of the society without referring to Section [12 Criminal procedure act](#) Please note that the Criminal Procedure Act came into existence in 2011 well after the 1999 Animal Welfare Act?
25. Re The sentencing [decision again is R v](#) there are procedures which protect both Private Prosecutions and Crown Prosecutions, it would appear that by an Inspector going straight to the Crown Solicitor both accountability processes have been avoided. Resulting in false representation that this Private organisation is a Crown Entity, this resulted in Judge Grau relying on the reputation of the SPCA and the alleged integrity of the Crown Solicitor's Office to the detriment of the defendants. With regards to her decision
 - a. Judge Grau emphasises the number of dogs, what provision is there in the Animal Welfare Act with regards to the number of animals that a person can have if the animal is healthy?
 - b. What provision is there for an inspector to take a dog subject it to tests and x-rays to determine if the apparently healthy dog has any genetic issues?

- c. What provisions exist for an animal's owner to have an independent second opinion by a vet not associated with the RNZSPCA or one employed by the defendants ?
 - d. And with regards to para 22 in the Sentencing Report what obligation does an owner have to tell the SPCA the exact numbers of animals they have and where is that provision in legislation ?
 - e. In the Sentencing Decision at 70 the judge refers to the SPCA having made a comment about the transfer of ownership, please find out from the Board if this quote was sanctioned by the Board and what input the Board of the 'RNZSPCA has had in this case?
26. Please provide the policies which allow the SPCA to take a complaint from Dog Control Officers where the Dog Control Officer has not attended the scene and is simply passing on a barking dog complaint?
27. What policies exist for the SPCA to give animals to a public service employee in return for assistance e.g, giving Heatley a puppy and his involvement in both raids ?
28. What provisions are there with regards to tainted scenes both the Haybarn and the gully were visited by Heatley before the SPCA inspectors arrived on the scene? In both instances they knew he had been there before them. What obligations were there on the Inspectors to advise that the scene may have been compromised through his visit?
29. Body Worn Camera footage and vet reports were deliberately withheld, and an expert witness Flint happened to be a fellow member of a very select association in New Zealand together with Jess Beer the SAFE activist vet. [Jess is one of only eight Veterinarians with the qualification of MANZCVS](#) Else Flint is also a member [see here](#). What provision is there for
- a. Withholding SPCA evidence from Trial?
 - b. Selection of a close associate as an expert witness?
30. Please advise the accountability provisions that were followed ,and provide evidence of the fact that in this prosecution the prosecution was out in accordance with the
- a. Approval of the Board
 - b. Oversight of the RNZSPCA
 - c. Solicitor General's Guidelines
 - d. The Criminal Procedure ACT
 - e. Bill of Rights
 - f. Animal Welfare Act
31. The RNZSPCA is not subject to the Official Information Act request, but I believe that the Ministry would obtain evidence from them as per the MOU, please provide the minutes of the meetings where the Board
- a. decided to instruct legal council in this case
 - b. Reviewed the evidence
 - c. There were fundraising drives for this matter how much money was specifically fundraised for this through web sites, face book ?

32. The [performance and technical standards](#) 2012 were to be reviewed two years after being signed they were signed in 2013. When were they next reviewed?
33. It appears that the technical standards were not [reviewed until 2019](#) In this document it simply states "SPCA must have in place a policy and procedure for prosecutions" has a copy been provided to MPI if so please provide a copy.
- a. The document also requires a policy to be in place for search warrants and infringement notice procedure. If you hold copies of those please provide them and advise if you can obtain copies in the interest of transparency .
34. In the intervening years 2013 -19 , it would appear that the 2012 technical standards were in operation
- a. At point 212 they state Overall, the investigating or prosecuting Inspector retains responsibility for the welfare of the animal. Please advise if prosecution of Lauri Davis and Kevin Plowright has been considered for the neglect of the ill dogs [Zeta Paris Astro Mafia](#) which they charged the defendants with as being ill on 13 October 2017 and left for 2 weeks without vet attention in the pound unwashed and untreated ?
 - b. At point 248 the Inspector was required to liaise with the SPCA National Inspectorate and Centre Support Team please advise if this was followed and if not why not ?
 - c. Point 250 requires the Inspector to recommend to his/her SPCA Centre Committee that information's be laid. Please advise if this was followed and which committee reviewed and approved the request?
 - d. Records Paragraph 258 requires records of an investigation to include : including animal identification and examination record; there was no on site vet examination despite a vet being present and Plowright, as shown on the body camera footage appeared to make decisions as to which dogs to seize he decides not to take microchip numbers thereby not complying with the procedures.
 - e. This paragraph was also ignored in that the fact that Police Officers and the Dog Control Officers were not recorded.
 - f. Para 261 the records are to be kept for 5 years since the first visit was on 28 July 2017, we ask the MPI to act with urgency to secure all records and provide copies of all documentation relied on by the inspectors .
 - i. This information can be provided to MPI on written request stipulating that the reason for the request is to investigate the conduct of the Inspectors.
35. Microchipping this is a legislative requirement on dog owners for non-working dogs, even though these were working dogs they were microchipped (at the insistence of Heatley) , and the microchips were confirmed by him just prior to SPCA visits . Heatley did not give evidence despite being on the list of witnesses to be called.
- a. on whose instructions was he not called? What instructions and processes are in place for Inspectors to properly record the identification of dogs seized and if this exist why was it not followed?
 - b. Several dogs which already been microchipped were allegedly microchipped again. Why? The possibility therefore exists that this allowed for substituting one dog for another.

