



OIA20-0077

19 MAR 2020

Grace Haden  
fyi-request-12229-74ba6253@requests.fyi.org.nz

Dear Grace Haden

## OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request on 13 February 2020 relating to prosecution guidelines for animal welfare offences. Your request has been considered under the Official Information Act 1982 (OIA).

You requested the following:

*The process by which the RNZSPCA inspectors need to follow for a search warrant; and  
What they can seize; and  
The accountability for their actions if they are not employed by the RNZSPCA but are employed by a member society.*

This information relates to SPCA processes and is therefore not held by the Ministry for Primary Industries (MPI). Accordingly this part of your request is refused pursuant to section 18(g)(i) of the OIA because the information requested is not held by the department and there are no grounds for believing that the information is either held by another department or Minister of the Crown or organisation that is subject to the OIA.

The SPCA may provide you with this information if requested directly from them. However the SPCA are not subject to the OIA as per Part 1 and Part 2 of Schedule 1 of the Ombudsmen Act 1975 and Schedule 1 of the OIA.

*Please also provide a copy of the prosecution guidelines which apply to prosecutions by Inspectors.*

The document entitled *MPI Prosecution Procedures and Guidelines* is released to you under the OIA. Some information has been withheld pursuant to section 9(2)(a) of the OIA to protect the privacy of natural persons. We are currently in the process of updating and redrafting this document.

Please note that MPI animal welfare prosecutions are undertaken by prosecuting solicitors employed by MPI (or Crown Solicitors on our behalf), not animal welfare inspectors.

The MPI prosecution policy is publicly available and can be accessed at the following URL:  
<https://www.mpi.govt.nz/law-and-policy/paying-your-fine/prosecutions-and-infringements/>.


**Compliance & Governance**

**Legal Services**

Charles Fergusson Building, 34-38 Bowen Street  
Wellington 6140, New Zealand

You have the right under section 28(3) of the OIA to seek an investigation and review by the Ombudsman of our decision to refuse part your request.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'PM', with a long horizontal stroke extending to the right and a small loop at the end.

Peter McCarthy  
**Chief Legal Adviser**