OIA20-0801

21 January 2021

Grace Haden
fyi-request-14233-7781ef99@requests.fyi.org.nz

Dear Grace

Thank you for your email of 2 December 2020 requesting further information relating to the 2010 Funding Agreement between MPI and the Royal New Zealand Society for the Prevention of Cruelty to Animals (RNZSPCA). Your request has been considered under the Official Information Act 1982 (OIA).

The Government has increased funding for the SPCA's and the Ministry for Primary Industries' (MPI) animal welfare compliance and enforcement functions. The Government continues to introduce new animal welfare regulations to ensure MPI and the SPCA are able to enforce compliance with animal welfare legislation.

MPI also provides funding to the SPCA for compliance and enforcement purposes. This includes funding for animal welfare inspectors and auxiliary officers, who are appointed under the Animal Welfare Act. Their primary focus is to investigate cruelty, abuse, neglect and abandonment in companion animals.

You requested the following:

> *Could you please confirm that this was the current contract from 2010 until replaced with the new contract signed 13 July 2020.*

The Ministry for Primary Industries (MPI) can confirm that the agreement for funding, dated 1 July 2010 was updated to a new contract signed 13 July 2020.

You can view updated 2020 document here:
https://fyi.org.nz/request/13531/response/51514/attach/3/SPCA%20Funding%20Agreement%202020%20signed.pdf

> *Could you please advise what criteria exist for search warrants under the new agreement and the criteria for laying information.*

With the advent of the 2019 memorandum of understanding (MOU) between MPI and the SPCA, operational policies and procedures are now contained in separate documents. As indicated by the following section from the 2019 *Performance and Technical Standards for Inspectors,* the SPCA must have policies and procedures in place:

Compliance and Governance
Compliance Services
Charles Fergusson Building, 34-38 Bowen Street
PO Box 2526
Wellington 6140, New Zealand
mpi.govt.nz

Search Warrants

> *SPCA must have in place a policy and procedure for search warrants which is adhered to by inspectors when applying for and executing a search warrant.*

The Animal Welfare Act 1999 gives an Inspector certain powers. An SPCA inspector may enter properties and houses, vehicle, aircraft or ships to inspect an animal that might be in distress. During their inspection they can take photos, make notes and record sounds or video of anything they deem relevant to the inspection.

You can view The Animal Welfare Act 1999 here:
https://www.legislation.govt.nz/act/public/1999/0142/latest/DLM51264.html?search=ts_act%40bill %40regulation%40deemedreg_animal+welfare_resel_25_a

> *Could you also please confirm that these criteria are enforceable up to and including the date when the new agreement was signed.*

The criteria in the 2010 MoU, pertaining to search warrants and laying information's are in place to provide instruction and guidance for Inspectors. Non-compliance with the criteria by an Inspector does not constitute a breach of legislation. A decision to enforce a non-compliance of the criteria through an internal performance management process is the domain of the entity the criteria relates to. In this case, the SPCA.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Ministry for Primary Industries at Official.InformationAct@mpi.govt.nz. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143 or at info@ombudsman.parliament.nz.

Yours sincerely

Gary Orr
Director Compliance Services