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MAF POLICY

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Ref: AW-09
Brief No: 00/339

18 December 2000

Minister of Agriculture

APPLICATION TO BE AN "APPROVED ORGANISATION": ANIMAL WELFARE INSTITUTE OF NEW ZEALAND (INC)

Purpose

1. *The Animal Welfare Institute of New Zealand (Inc) (AWINZ) has applied to you for a declaration to be an approved organisation under section 121 of the Animal Welfare Act 1999 (the Act). MAF has previously advised you that the application meets all the criteria in the Act apart from one aspect. Following your consultation with Caucus and briefing of Cabinet, MAF proposes that you approve the application and sign the attached Gazette notice and letter to AWINZ.*

The Application

2. Any organisation whose principal purpose is the promotion of the welfare of animals can apply to you, as the Minister responsible for the Act, to be an "approved organisation" under section 121 of the Act. Apart from MAF inspectors and police officers, only inspectors and auxiliary officers appointed on the recommendation of approved organisations can exercise enforcement powers under the Act.
3. On 22 November 1999, Mr Neil Wells wrote to your predecessor enclosing an application on behalf of AWINZ for declaration as an approved organisation under section 121 of the Act 1999. ;

4. You subsequently met with Mr Wells in June 2000 when it was agreed that he and MAF would explore the legal issues further. You also indicated to Mr Wells that you would seek the views of Caucus as the application raised new policy issues. Following a review of the legal issues, you briefed Caucus in November and Cabinet Finance, Infrastructure and Development Committee (FIN) on 6 December 2000 (FIN (00) M 37/13).
5. MAF understands that the outcome of these reports, legal opinions and consultation is that you propose to approve AWINZ as an approved organisation under the Act. MAF recommends that, in approving the application, you attach a condition requiring AWINZ to establish performance standards and technical standards for inspectors and auxiliary officers (if any) and that the standards be submitted to you for approval before 30 March 2001. To ensure consistency between approved organisations and MAF, MAF will prepare a set of standards and provide them to AWINZ before 31 January 2001. MAF will also write to AWINZ early in 2001 setting out the requirements that the Director-General of MAF will expect inspectors to meet pending completion and approval of the AWINZ standards.
6. If you agree with this condition, MAF recommends that you sign the attached Gazette notice and return it to MAF for publication in mid-January 2001.
7. MAF also recommends that you issue an appropriate press release in January announcing your decision. The decision is likely to attract attention, particularly in the Auckland region, and questions may be asked about the relationship between AWINZ and the RNZSPCA. There is a risk that it might also give rise to adverse reaction from the RNZSPCA and Federated Farmers, which MAF will take steps to minimise. If you agree to a press release MAF will liaise with your office on a communications strategy.

Recommendation

8. MAF recommends that you:
 - a) **note** that you, as the Minister responsible for the Animal Welfare Act 1999 (the Act), must be satisfied that the application from the Animal Welfare Institute of New Zealand (Inc) meets all the requirements of the Act;

noted
 - b) **note** that the application has been the subject of advice from MAF, legal opinions from Crown Law Office and KPMG Legal, and consultation with Caucus and Cabinet and that you consider that the application meets all the requirements in sections 121 and 122 of the Animal Welfare Act 1999;

noted

c) **agree** to approve the application from the Animal Welfare Institute of New Zealand (Inc) and impose, as a condition of approval, that Animal Welfare Institute of New Zealand (Inc) establish performance standards and technical standards for inspectors and auxiliary officers (if any) and submit them to you for approval before 30 March 2001;

~~agreed/not agreed~~

d) **agree** to sign the attached Gazette notice which declares the Animal Welfare Institute of New Zealand (Inc) to be an approved organisation under section 121(1) of the Animal Welfare Act 1999;

~~agreed/not agreed~~

e) **agree** to sign the attached letter to the Animal Welfare Institute of New Zealand (Inc) advising it of your decision; and

~~agreed/not agreed~~

f) **agree** that MAF liaise with your office on an appropriate communications strategy announcing your decision.

~~agreed/not agreed~~

P R Kettle

P R Kettle
Director, Biosecurity and Science Policy

Jim Sutton

Hon Jim Sutton
Minister of Agriculture

19/12/2000

Encls

OFFICIAL INFORMATION ACT