



OIA23-0003

9 February 2023

Grace Haden
fyi-request-21494-f86bf0e6@requests.fyi.org.nz

Dear Grace Haden

Thank you for your email of 29 December 2022 requesting information relating to the oversight of conduct by RNZSPCA inspectors. Your request has been considered under the Official Information Act 1982 (OIA).

As was advised to you in the letter from my colleague Gary Orr on 30 June 2022, under the Memorandum of Understanding (MOU) between the Ministry for Primary Industries (MPI) and the Royal New Zealand Society for the Prevention of Cruelty to Animals (RNZSPCA), each party to the MOU is responsible for investigating and resolving any complaints about the actions or omissions of its own staff (unless the complaint relates to an SPCA Inspector or Auxiliary Officer and the SPCA elects to refer the complaint to MPI for investigation).

The SPCA is a private incorporated society and an 'approved organisation' under the Animal Welfare Act 1999 (AWA). As a private organisation the SPCA is not subject to the OIA. As the SPCA is an approved organisation, it and its animal welfare inspectors are empowered to conduct compliance and enforcement activities under the AWA.

Therefore, MPI does not have direct oversight over investigations or referrals for prosecution by the SPCA, and so we do not hold much of the information you have requested.

After further clarification, you confirmed on the 23 January 2023 that you were seeking information specifically between the period of 2015-2018.

I shall quote and respond to each part of your request below:

- 1. Please provide details of breaches of policy, misconduct, in appropriate information access, unlawful search warrants and misconduct of SPCA inspectors and staff for the RNZSPCA and its former member societies and branches.*

In 2015, the SPCA requested MPI investigate allegations of breaches of the AWA by SPCA Inspectors at one of its centres. The matter was thoroughly investigated and found no evidence of offending. We have therefore determined the specifics of this case to be out of scope of your request.

Otherwise MPI have no records and have not been advised of any breaches of policy, misconduct, inappropriate information access, unlawful search warrants and misconduct of SPCA inspectors and staff for SPCA from 2015 – 2018.

2. *How many inspectors have had their conduct reviewed and how has the MPI held the SPCA accountable to its MOU's and the procedures which relate to it?*

As outlined above and in reference to OIA22-0654, the MOU between MPI and SPCA determines that any misconduct by SPCA Inspectors would be investigated by the SPCA. Therefore, this part of your request is declined under section 18(g) of the OIA, as MPI does not hold records of how many SPCA Inspectors have had their conduct subject to review.

MPI's oversight of the SPCA includes:

- undertaking annual audits of the SPCA's compliance with the provision of the AWA relevant to its approved organisation status (as well as auditing the SPCA's compliance with the MOU between MPI and the SPCA and with performance and technical standards for the SPCA's inspectors and auxiliary officers; and
 - approving the performance and technical standards under which SPCA Animal Welfare Inspectors and Auxiliary Officers operate.
3. *Whether the RNZSPCA ever advised of misconduct of its inspectors if so on how many occasions and please provide the categories of offending as has been provided for the MPI staff.*

The SPCA is not required to advise MPI of the outcomes of their reviews. Therefore, this part of your request is declined pursuant to section 18(g) of the OIA, as MPI does not hold information on this.

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



Glen Burrell
Director Compliance & Response