



OIA23-0318

4 July 2023

Grace Haden  
fyi-request-23015-94170b50@requests.fyi.org.nz

Dear Grace Haden

Thank you for your email of 6 June 2023 requesting information relating to RNZSPCA compliance. Your request has been considered under the Official Information Act 1982 (OIA).

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

*By way of OIA please provide all agreements ,mou's , conditions which*

- 1. take into account the removal of branches and member societies of the RNZSPCA*
- 2. performance and technical standards which allow for the crown to prosecute for and on behalf of the as though the RNZSPCA is a crown entity*

The Ministry for Primary Industries (MPI) provided you with the most recent Memorandum of Understanding (MOU) and Performance and Technical Standards (PTS) between MPI and SPCA as part of OIA22-0654 on 10 October 2022.

- 3. provisons which apply with regards to the crown undertaking prosecutions for this private organisation e.g. who has to ensure that the solicitor generals guide lines are followed*

As previously advised in OIA22-0654, MPI does not hold information which would fall within this part of your request. MPI understands that you have raised concerns with the Attorney-General regarding Crown Solicitors representing the SPCA and that Crown Law has responded to you. Therefore, this part of your request is decline pursuant to section 18(g) of the OIA – *the information requested is not held by the department or venture or Minister of the Crown or organisation.*

- 4. Compliance with section 122 .. has this been reviewed with regards to 122(d) and 122 (e) and how are inspectors held properly answerable to the organisation*

MPI audits SPCA annually for compliance with the requirements of an approved organisation and you have previously been advised of this after you alleged the SPCA failed to meet these standards. Some of these issues were raised in your complaint to MPI on 8 June 2022. MPI looked at SPCA's processes for selecting and appointing inspectors in its 2021 audit. A copy of that audit report was provided to you on 29 September 2022.

*5. when Inspectors are seizing animals without documentation and euthanising dogs without written consent who holds them accountable the Director general or the RNZSPCA*

As previously advised on 29 June 2022, under the MOU between MPI and the SPCA, each party to that 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 Animal Welfare Act covers the responsibilities of an approved organisation and the Minister's powers in respect of such an organisation or in respect of animal welfare inspectors (section 124), and the Director General's powers in respect of animal welfare auxiliary officers (section 125).

The MOU provided to you on 29 June 2022 covers the responsibilities of MPI and the SPCA. The legal requirements for both seizure of animals during inspection or via search warrant, and euthanasia with or without the owner's consent, are set out in the Animal Welfare Act.

*6. What investigations has the Director general undertaken into conduct of the RNZSPCA staff with regards to the prosecution of Wallace and Glover where the crown prosecuted and there was no chain of evidence due to the inspectors failing to record microchip numbers at the time of seizing the animals . without that chain of evidence there could not have been any evidence that the animals seized were those examined by the vets hence there could not have been compliance with the solicitor generals prosecution guide lines.*

The Minister and MPI advised you of the actions it would take in response to your 8 June 2022 complaint.

MPI will make no further comment on the factual background to the case *SPCA v Wallace and Glover*. As advised in our letters of 19 July 2022 and 6 September 2022, the Court has made decisions regarding the SPCA's seizure and disposal of Ms Glover and Ms Wallace's dogs and the SPCA's prosecution of Ms Glover and Ms Wallace. The Courts were the proper forum for Ms Glover or Ms Wallace to raise concerns regarding the seizure, disposal, and prosecution.

*7. I refer to OIA 23-003 there appears to be a misinterpretation between the MPI and the SPCA as to who is responsible for the conduct of an inspector , section 124 & 126 place them under the control of the director general but it appears that the director general has no oversight even to the extent that the MPI was unaware as to who employed Plowright OIA20-0861 if that is the case how does the MPI assess 122 (d) and how was the application for inspector advanced if ther MPI had no evidence as to who Plowright was employed by*

Please refer to my response to part four of your request.

*8 . in 2019 Spca inspectors, including Plowright removed several dogs from the Glover property and were subsequently returned by the chief inspector in dec 2019 . please advise what investigations have been conducted into theses unlawful seizure and what action was taken with regards to the inspectors not acting in accordance to the legislative requirements*

As advised in the response in part 6 of your request, MPI will make no further comment on the factual background to the case *SPCA v Wallace and Glover*.

*9. History appears to be repeating itself and more dogs have been removed from the new owners of the Volkerson kennels .again without any adherence to the legislative requirements , what oversight is being provided by the director general into the conduct of SPCA officers to ensure that they comply with their legislative obligations the action of these inspectors and the continued action proves that the RNZSPCA cannot be trusted with the powers under the animal welfare act .*

Please refer to my response to part four of your request.

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](mailto: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](mailto:info@ombudsman.parliament.nz).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Glen Burrell', written in a cursive style.

Glen Burrell  
**Director Compliance & Response**