

Subject: Request for Official Information
Date: Friday, 25 September 2020 2:15:43 pm New Zealand Standard Time
From: Kim Ellwood
To: Claudia Cooper
Attachments: image001.png, image002.png, PAMUDeer_Award_71af9a70-ab3f-461e-8cd8-34a60d618d06.png, PAMUDeer_Award_1c04f173-6e3c-4cd9-9835-e906a7e4af0e.png, MPI Infringements correspondence 25 09 20.pdf

Hello Claudia,

You have made two further Official Information Act requests relating to animal welfare fine payments and request:

1. All correspondence pertaining to the four fines that have been paid by Landcorp (with names redacted).
2. All correspondence between Landcorp and employees pertaining to the possibility of the payment of fines over the past three years, whether or not Landcorp agreed to pay or subsidize the fine in the end.

Attached is the correspondence pertaining to the four fines that have been paid by Landcorp. We have redacted names under section 9(2)(a) of the OIA to protect the privacy of individuals. We hold no other correspondence relating to the possibility of payment of animal welfare fines over the past three years.

If you are not satisfied with our response you have the right to seek a review by the Ombudsman.

Kind regards
Kim

KIM ELLWOOD
Senior Legal Counsel

D: +64 (4) 382-1893
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From: Claudia Cooper <claudia@taxpayers.org.nz>
Sent: Wednesday, 9 September 2020 9:06 AM
To: Kim Ellwood <ellwoodk@landcorp.co.nz>
Subject: Re: Request for Official Information

Hi Kim,

In that case we hereby request;

1. All correspondence pertaining to the four fines that have been paid by Landcorp (with names redacted).
2. All correspondence between Landcorp and employees pertaining to the possibility of the payment of fines over the past three years, whether or not Landcorp agreed to pay or subsidize the fine in the end.

Warm regards,
Claudia

From: Kim Ellwood <ellwoodk@landcorp.co.nz>
Date: Tuesday, 8 September 2020 at 1:53 PM
To: Claudia Cooper <claudia@taxpayers.org.nz>
Cc: Simon King <kingsi@landcorp.co.nz>
Subject: RE: Request for Official Information

Hi Claudia,

The list provided is correct and a full record of animal welfare fines paid by Landcorp over the last four years. We have already stated that we deal with each matter on a case by case basis and therefore the process will differ depending on the case. We do not have a formal policy or process document that deals with this as we have had very few animal welfare fines.

We have nothing further to add to the information we have already provided you. If you are not satisfied with our response you have the right to seek a review by the Ombudsman.

Kind regards
Kim

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Senior Legal Counsel

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From: Claudia Cooper <claudia@taxpayers.org.nz>
Sent: Tuesday, 8 September 2020 1:02 PM
To: Kim Ellwood <ellwoodk@landcorp.co.nz>
Subject: Re: Request for Official Information

Hi Kim,

Thanks for getting back to me. We find it interesting that out of the four fines paid over the past three years, two of those have been in the three month period we requested, and the other two approximately a month apart from each other in 2017. Could you please re-check your records to make sure you haven't missed any? Or, to make it simpler, could we please have a list of all fines (whether or not they are related to animal welfare or MPI infringements) that Landcorp has either paid in full or subsidized part of over the past three years. That example you gave is helpful in aiding our understanding your policy. Could you please outline an example of the process when an animal welfare fine is at issue? We would be interested to see what it entails given the duty of care farmers have under the Animal Welfare Act.

Warm regards,
Claudia

From: Kim Ellwood <ellwoodk@landcorp.co.nz>
Date: Monday, 7 September 2020 at 4:53 PM
To: Claudia Cooper <claudia@taxpayers.org.nz>
Subject: Request for Official Information

Dear Claudia,

You have made two Official Information Act requests relating to animal welfare fine payments. We will answer these in turn below.

1. Request for a list of all animal welfare fines and infringement notices of employees paid for in full or subsidized to an extent by Landcorp over the past three years.

Since 1 July 2016 there have been four animal welfare infringements paid by Landcorp as outlined below. Individual's names have been redacted under s9(2)(a) of the Official Information Act.

Animal Welfare Fines from 1 July 2016						
DocNo	VendorNo	VendorName	GLAccount	GLAcctName	TransDate	Do
AP177455	101495	[REDACTED]	2021	Animal Health	7/05/2020	7
AP160237	115656	Ministry for Primary Industr	2021	Animal Health	3/08/2017	3
AP176326	109744	[REDACTED]	1031	Livestock Sales	3/03/2020	3
AP160638	115656	Ministry for Primary Industr	2021	Animal Health	9/09/2017	9

2. What do you consider circumstances where there is 'no identified individual wrongdoing' after a fine has been ordered? Secondly, could I please ask for clarification as to what you consider to be 'acceptable mitigating reasons'?

To answer this question it is easiest to look at specific cases. For instance, two related to bobby calves with extended front hocks – a pre-natal tendon condition where a calf will stand on its front tip-toes as the tendons have not fully extended. The condition was reported by the processors who notified MPI (as they are obligated to do). MPI issued an infringement notice addressed to the farm managers as the notified PICA's (People In Charge of Animals) for the farms the bobby calves came from.

In these cases there was no individual wrong doing by the farm manager. The bobby calf herds had teams of around 12 (including calf-rearers) where the farm managers reasonably delegated the task of calf load-out to others. Internal investigation found that there was an education gap rather than a negligence gap, and as a reasonable employer, Landcorp covered the infringement notice. Our senior managers then worked with the teams to improve knowledge and processes to ensure that MPI obligations are met in the future. Please be aware that Landcorp takes animal welfare issues very seriously and we look at each situation on a case by case basis.

If you are not satisfied with our response you have the right to seek a review by the Ombudsman. You can find details at www.ombudsman.parliament.govt.nz.

Kind regards
Kim

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From: Claudia Cooper <claudia@taxpayers.org.nz>
Sent: Wednesday, 26 August 2020 10:05 AM
To: Kim Ellwood <ellwoodk@landcorp.co.nz>
Subject: Re: Request for Official Information

Hi again,

Thanks for that. I have a couple more questions in light of your response. First, since a fine is imposed as punishment for breaking the law, what do you consider circumstances where there is 'no identified individual wrongdoing' after a fine has been ordered? Secondly, could I please ask for clarification as to what you consider to be 'acceptable mitigating reasons'?

Warm regards,
Claudia

From: Kim Ellwood <ellwoodk@landcorp.co.nz>
Date: Wednesday, 26 August 2020 at 9:41 AM
To: Claudia Cooper <claudia@taxpayers.org.nz>
Cc: Simon King <kingsi@landcorp.co.nz>
Subject: RE: Request for Official Information

Hi Claudia,

Thanks for your email enquiring whether Landcorp has a general policy of reimbursing employees when fined for animal welfare or MPI infringement notices.

Landcorp deals with each matter on a case by case basis. Where there is no identified individual wrongdoing or there are acceptable mitigating reasons, Landcorp may decide to subsidise these penalties. In other cases, Landcorp employees have had to privately fund these penalties.

Kind regards
Kim

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From: Claudia Cooper <claudia@taxpayers.org.nz>
Sent: Tuesday, 25 August 2020 10:47 AM
To: Kim Ellwood <ellwoodk@landcorp.co.nz>
Subject: Re: Request for Official Information

Hi Kim,

Thanks for getting back to me. I have a follow up questions pertaining to staff reimbursements. There were a couple of reimbursements to employees for animal welfare fines and one for an MPI infringement notice. Does Landcorp have a general policy of reimbursing employees when fined for these sorts of matters?

Best,
Claudia

From: Kim Ellwood <ellwoodk@landcorp.co.nz>
Date: Wednesday, 12 August 2020 at 10:59 AM
To: Taxpayers' Union Information Requests <requests@taxpayers.org.nz>
Cc: Simon King <kingsi@landcorp.co.nz>
Subject: Request for Official Information

Dear Claudia,

We refer to your Official Information Act request received by Landcorp on 24 July 2020.

Please refer to the correspondence and documentation attached in response to your request.

If you are not satisfied with our response you have the right to seek a review by the Ombudsman. You can find details at www.ombudsman.parliament.govt.nz

Kind regards
Kim

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From: Claudia Cooper <claudia@taxpayers.org.nz>

Sent: Friday, 24 July 2020 9:56 AM

To: ceooffice@lakesdhb.govt.nz

Subject: Request for Official Information

Dear Sir or Madam,

This is a request for official information under the Official Information Act 1982 relating to expenditure incurred in the lead-up to and during the Level 4 Lockdown.

We request the following information:

1. All staff credit and purchase card statements for your agency from the 1st of March 2020 until the 30th of May 2020.
2. A list of items of expenditure. Including entertainment, staff expenses, travel, furniture, telecommunications and computer peripherals purchased or paid for between the 1st of March 2020 and 30th of May 2020.
3. A list of all staff reimbursements made within the same period.

We do not wish to cause unnecessary expense or burden on your agency. If clarification of any of our requests is needed, please call or email. Likewise, if a request proves unnecessarily burdensome in form and we are likely to be able to adjust it to be more specific or better suited to your information systems without losing the benefit of what is sought, please also get in touch. If there is likely to be a delay in being able to assemble or provide some of the information requested, please provide the rest of the information as it becomes available.

To avoid unnecessary printing and postage costs, we ask that you send a confirmation of receipt, the response and any other correspondence related to this request to requests@taxpayers.org.nz. Please include the following reference in the subject line: Lockdown Expenditure Official Information Request.

Yours Faithfully,
Claudia Cooper

Claudia Cooper

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