

Jim Anderton

Minister of Agriculture, Minister for Biosecurity, Minister of Fisheries, Minister of Forestry,
Associate Minister of Health, Associate Minister for Tertiary Education, Minister responsible for Public Trust

OIA 94

5 MAR 2007

Grace Haden
P O Box 17463
Greenlane
AUCKLAND

Dear Grace Haden

I refer to your official information request, dated 22 January 2007, concerning the Animal Welfare Institute of New Zealand (AWINZ) approved under the Animal Welfare Act 1999 (the Act).

From your recent and earlier letters, I am aware that you have a number of concerns in relation to AWINZ. I have commented further on these as part of my response. However, the only requests for **information** that I can identify from your letter of 22 January are for:

1. Details of the number of requests for prosecution that I have had from AWINZ, the dates of the application/s and the result/s of the prosecution/s.

Having consulted with my officials, I can advise that neither the Ministry of Agriculture and Forestry (MAF) nor I have received any such requests for prosecution.

Incidentally, according to your letter, the requirement for consultation arises from an internal AWINZ manual. It is not a requirement under AWINZ's Memorandum of Understanding (MOU) with MAF.

2. The dates that the trustees Nuala Grove and Sarah Gilbert left the trust and Wyn Hoadley commenced.

This is an operational matter relating to the trust and neither MAF nor I hold this information.

3. A copy of the signed MOU between AWINZ and MAF.

Please find a copy of the signed MOU enclosed. I am advised that the MOU is currently under revision.



I have considered the other questions in your letter, of 22 January 2007, and previous correspondence. As you are aware, I have a discretion under the Act to revoke a declaration of 'approved organisation' status, if I am satisfied that an approved organisation no longer meets one or more of the criteria set out in section 122 of the Act or has failed to comply with any condition imposed under section 122(2).

AWINZ is audited regularly by MAF, for compliance with the Act and the MOU. As a result of MAF's consideration of the issues you raised, my officials have identified a number of matters for possible inclusion in future audits of AWINZ. I have asked that they consider these further when revising and refining the terms of reference for the next audit.

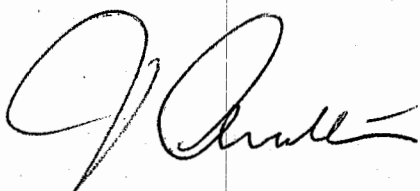
Overall, however, I am satisfied that none of the matters you have raised are matters upon which I could, or should, take action under section 123 of the Act at this time. As is the case with other approved organisations, if a future MAF audit identified significant failures by AWINZ against the statutory criteria and a reasonable time to take remedial action did not result in improvement, it might be appropriate for me to become involved. However, it is my view that this is not the case at the present time.

In your letters, you have alleged several instances of possible conflict of interest under section 122(1)(c) of the Act (for example, that Mr Wells, in his capacity under Wells Associates Ltd, carried out internal audits of AWINZ). It is important to note that the statutory conflict of interest provision relates to the **organisation** (and, in particular, to its aims and objectives being in alignment with the powers and functions it obtains through being an approved organisation under the Act), rather than to individual/personal conflicts of interest. I am not satisfied that any of the matters you have raised indicate that the aims and objectives of AWINZ are at odds with its powers and functions as an approved organisation.

Finally, I note that a number of the matters you have raised would be more appropriately addressed by other organisations. Examples include the allegation that impounded animals were sold for personal gain (which, being an allegation of criminal activity, is a matter for the Police) and the possible confusion of identity between AWINZ and Waitakere City Council (which should be raised directly with the parties concerned).

Thank you again for bringing your concerns to my attention.

Yours sincerely



Jim Anderton
Minister of Agriculture