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From: Mark Neeson
To: Bayvel, David; Burdon, Bruce; Culham, Earl; Jensen, Jockey; Kettle, Peter; O'Neil, Barry; Teoh, Lin Da
Date: 06/12/2000 09:06:11
Subject: Ministerial: AWINZ/SPCA and "Lord of the Rings"

This is a somewhat lengthy memo but is necessary in order to outline the "problem".

Request

I would appreciate your comments on a potentially significant issue for our future relationship with, and oversight of, approved organisations under the AWA.

Issue

We have received a Ministerial in which Felix Marwick of Newstalk ZB in Christchurch seeks information on AWINZ (Neil Wells's organisation). Apparently AWINZ has been involved in the "Lord of the Rings" film, presumably in the Canterbury area. His letter (actually an e-mail) says that he is "checking out some allegations regarding AWINZ in relation to its role" with the film.

He is also seeking factual info on AWINZ: approval, communication between the Minister and AWINZ etc.

I asked the EU if it could shed any light on AWINZ's involvement in the film. I am aware that Ross Burnell inspected the set's horses and was working with film producers mid-year.

Results to date

1 The answers to the factual questions are that AWINZ is not an approved organisation and therefore it has no powers under the Animal Welfare Act. AWINZ has applied to the Minister to be an approved organisation and consequently the Minister has communicated with AWINZ in considering the application.

2. The factual material is scarce. The EU (Earl) has spoken to Neil Wells and has been able to elicit some info but there line of questioning was not direct. Earl reports that Neil confirmed that Virginia PINE was working on LoR as part of the AWINZ contract, also confirmed that Sarah ELLIOTT has been working on LoR in the Wellington area as part of the contract. She has been involved when ever there has been shooting and will be back in Wellington next week.

3 Earl has spoken to Sarah, she confirmed she is there as part of the contract, it would be interesting to check if she has a warrant. When Earl phoned her she was working at UNITEC, so if she has a warrant under which organisation was it issued.

4 There is no incident that he is aware of that would have triggered media interest.

5 Virginia Pine is a warranted inspector with the Otago SPCA. Earl also advises that Virginia was using an SPCA vehicle while at the LoR.

Comment

This appears to be a very messy situation. It would appear that AWINZ has a contract with LoR but in what guise, did it hold itself out as having a role under the AWA or purely as an animal welfare specialist? What is its role?

There seems to be no info on what has given rise to the radio reporters interest. Was there an incident of some sort? I would like some hard info so we can give the Minister a good briefing. He is likely to have a real interest because it is close to his electorate.

There appears to be a very unusual relationship between the SPCA and AWINZ. If the SPCA has "lent", for reward, a warranted inspector to AWINZ and that inspector was present in order to exercise powers under the AWA, then in my view the arrangement is against the spirit of the AWA.

Earl and Jockey discussed the issue of warrants and are of the view that a warrant ceases to exist when it is being used outside of the organisation where it was issued ie the SPCA and being used for

the purposes of AWINZ. The issue is, have either Virginia Pine or Sarah Elliott used any powers under the Act? If so, then there is an issue from the EU's point of view under s 160 of the AWA.

Where to from here

The reply is due on 14 Dec. I propose the following:

1 A cover briefing explaining the situation as best we are able. However, there is a paucity of hard info. The best way to achieve this is to approach AWINZ and the SPCA directly and explain the issue and our needs. I believe we have a duty to take this approach as we are the Ministers advisers on approved organisations. We need to show that we can effectively monitor their performance. We also need to show that we are objective and prepared to ask the "hard questions".

I propose that:

1 I contact both organisations (Neil and Peter Blomkamp).

2 the Ministerial reply only respond to the specific questions.

3 If the Minister signs the letter, and the research identifies a problem, then Barry writes to AWINZ and SPCA, attaching a copy of the Minister's reply expressing his concern and seeking an explanation from them. I believe we need to be firm, fair and active. This does not appear to be an issue we should treat lightly.

I would appreciate views on the above: both on "the problem" and the proposed course of action by the end of today (Wed. 6 Dec).

Thanks

Mark.

CC: Ricketts, Wayne; Taylor, Emma

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