

*ANIMAL WELFARE GOVERNANCE SUB-COMMITTEE*

# **Preliminary Report**

## **August 2011**

Presented and ordered  
to be printed by the  
Legislative Assembly of the  
Northern Territory  
August 2011



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

**COUNCIL OF TERRITORY CO-OPERATION  
ANIMAL WELFARE GOVERNANCE SUB-COMMITTEE**

PRELIMINARY REPORT

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## **CHAIR'S FOREWORD**

The Animal Welfare Governance Sub-Committee was formed by the CTC on receipt of the reference on animal welfare governance. As there was a previous investigation of the treatment of cattle at Mataranka Station, the Sub-Committee decided to call for all related information from the Northern Territory Ombudsman, Charles Darwin University and the two government departments involved in animal welfare governance.

The Sub-Committee very quickly had a startlingly large amount of information to consider before scheduling the appearance of appropriate witnesses at public hearings. In addition to working through the supplied documents, the Sub-Committee has held six public hearings and heard from more than thirty witnesses, including the minister responsible for animal welfare, the Hon Malarnadirri McCarthy.

A further hearing is scheduled for the end of August after which the Sub-Committee will be in a position to consider its findings. This report provides an interim report on the Sub-Committee's inquiry process. A comprehensive report will be prepared detailing the Sub-Committee's findings for tabling later this year.

Lynne Walker  
Chair



## **ANIMAL WELFARE GOVERNANCE SUB-COMMITTEE MEMBERS**

<b>Ms Lynne Walker, MLA</b> Member for Nhulunbuy ( <i>SUB-COMMITTEE CHAIR</i> )	Territory Labor
<b>Ms Marion Scrymgour, MLA</b> Member for Arafura	Territory Labor
<b>Mr Gerry Wood, MLA</b> Member for Nelson ( <i>SUB-COMMITTEE DEPUTY CHAIR</i> )	Independent
<b>Mr John Elferink, MLA</b> Member for Port Darwin	Country Liberals
<b>Ms Kezia Purick, MLA</b> Member for Goyder	Country Liberals

## **SUB-COMMITTEE SECRETARIAT**

<b>Sub-Committee Secretary:</b>	Ms Helen Campbell
<b>Principal Research Officer:</b>	Ms Jan Whitehead
<b>Research Officer:</b>	Mr Simon Flavel (to 24 June 2011) Ms Alison Stirrup (from 24 June 2011)
<b>Administrative Assistants:</b>	Ms Alison Stirrup (to 24 June 2011) Ms Robyn Appleby (from 4 July 2011)
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## INTRODUCTION

The Council of Territory Co-operation (CTC) is a Sessional Committee of the Legislative Assembly of the Northern Territory which was formed in October 2009 as part of the Independent Member for Nelson, Mr Gerry Wood's agreement with the Chief Minister. Please see its earlier reports for more information about the CTC.<sup>1</sup>

### Animal welfare governance reference

On 4 May 2011 the Legislative Assembly of the Northern Territory referred the following matters to the CTC for inquiry and report to the Assembly by the last sitting day in August:

as part of its current considerations of the administration and service delivery by the Department of Housing, Local Government and Regional Services, the CTC inquire into and report on animal welfare governance in the Northern Territory and various government departments that are associated with animal welfare, husbandry or research with particular reference to:

- a) the appropriateness and effectiveness of the current NT *Animal Welfare Act* and regulations and other relevant legislation including provisions in regard to prosecution of instances of animal neglect and cruelty and arrangements for the governance of animal ethics committees; and
- b) the processes and systems adopted by the Department of Resources and its predecessors, the Department of Housing, Local Government and Regional Services and its predecessors and the Charles Darwin University in relation to the recent investigations into animal welfare issues at the Charles Darwin University owned cattle station.<sup>2</sup>

The CTC established an Animal Welfare Governance Sub-Committee (the Sub-Committee) comprising the existing CTC members and the two members referred by the Assembly to work on animal welfare governance; the Members for Port Darwin and Goyder.<sup>3</sup>

## WORK PROGRAM

In its inquiry the Sub-Committee sought answers to a range of questions relevant to the following three themes:

1. Is the legislation for animal welfare relevant, contemporary and best practice.
2. Does the NT have the right legislative framework for animal welfare governance.

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<sup>1</sup> Available at <http://www.nt.gov.au/lant/parliamentary-business/committees/ctc/council-territory-co-operation.shtml>.

<sup>2</sup> Legislative Assembly of the Northern Territory (LANT), *Hansard*, 4 May 2011, 'Motion - Establishment and Appointment of a Select Committee on Animal Welfare Governance in the Northern Territory', <http://notes.nt.gov.au/lant/hansard/hansard11.nsf/WebbyDate/AC5D49F71F0FD2F7692578A200096F64>, accessed 27 June 2011.

<sup>3</sup> LANT, *Hansard*, 5 May 2011, 'Motion - Membership of Council of Territory Cooperation', <http://notes.nt.gov.au/lant/hansard/hansard11.nsf/WebbyDate/D8A8F038797ECAA7692578A2000D98D8>, accessed 27 June 2011.



3. What were the failures in animal welfare governance systems and processes within and across government and Charles Darwin University.

Although not specifically mentioned in its terms of reference, the Sub-Committee included animal welfare concerns in the Territory's Indigenous communities in its animal welfare governance inquiry. The Sub-Committee determined that understanding how companion animal management priorities in the shires and in Local Implementation Plans (LIPs) relate to animal welfare governance is an integral part of its terms of reference.

### **Submissions**

The Sub-Committee sought submissions (either oral or written) and received five submissions by mid July 2011.

### **Papers**

Before undertaking public hearings, the Sub-Committee sought all relevant papers relating to the treatment of cattle and horses at Mataranka Station and the administration of animal welfare governance from:

- the Northern Territory Ombudsman;
- Charles Darwin University (CDU);
- the Department of Housing, Local Government and Regional Services (DHLGRS); and
- the Department of Resources (DOR).

These papers were then perused by Sub-Committee members as part of determining potential witnesses and to prepare for taking evidence during public hearings.

### **Hearings**

Public hearings were held in Darwin, Katherine and Mataranka to give as many interested people as possible a chance to speak to the Sub-Committee within the available timeframe. A list of hearings and witnesses is at Appendix A and a list of tabled papers and questions on notice from the initial hearings is at Appendix B.

Wherever possible the Sub-Committee's witnesses appeared in public hearings, however some witnesses wanted to give their evidence confidentially (i.e. *in camera*). While the Sub-Committee prefers that hearings be open and transparent it also understands that this isn't always possible and therefore considered each request for confidentiality on its merits. The Sub-Committee has determined that where required, information from confidential briefings be referred to in a way that does not identify the witness/es.

### **Expert opinion**

The Sub-Committee is seeking independent, expert legal advice on the Territory's animal welfare legislation and in particular, whether it is relevant, contemporary and best practice. This opinion, considered together with earlier government reviews of the

existing *Animal Welfare Act*, will form the basis for the Sub-Committee's determinations on the legislative framework.

## **Reporting**

Parliament's reference of the animal welfare governance inquiry to the CTC included a reporting timeframe of the last sitting day of August 2011. This report is a preliminary report of the Sub-Committee's work since receiving the reference. Additional hearings of the Sub-Committee are scheduled following the August sittings.

On Wednesday 10 August 2011 Parliament extended the Sub-Committee's reporting time to October 2011.<sup>4</sup> This will allow for the complexity of the matters raised during the Sub-Committee's inquiries to be comprehensively considered and reported on.

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<sup>4</sup> LANT, *Hansard*, 10 August 2011, 'Motion - Council of Territory Cooperation – Terms of Reference – Extension of Reporting Period', <http://notes.nt.gov.au/lant/hansard/hansardd.nsf/WebbyDate/1CE9426217A1B854692578E90000641C>, accessed 11 August 2011.



## APPENDICES



**APPENDIX A – Hearings and witnesses**

**ANIMAL WELFARE GOVERNANCE SUB-COMMITTEE**

**LIST OF PUBLIC HEARINGS AND WITNESSES**

<b>Darwin</b>	<b>Public Hearing</b>	<b>Wednesday 29 June 2011</b>
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**Northern Territory Ombudsman**

Ms Carolyn Richards

**Northern Territory Auditor-General**

Mr Frank McGuiness

<b>Darwin</b>	<b>Public Hearing</b>	<b>Thursday 30 June 2011</b>
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**Charles Darwin University**

Professor Barney Glover, Vice Chancellor

Dr Jenny Carter, Director Office of Research and Innovation

Dr Janis Shaw, Director Officer of Leadership and Organisation Culture, former  
Director Office of Human Resource Services

Ms Elaine Gardiner, Chair Mataranka Station Advisory Committee

Mr Tim Biggs, Team Leader, Agricultural and Rural Operations Katherine Rural Campus

Mr Brad Walker, current Manager Mataranka Station

**Animal Ethics Committee**

Professor Bob Wasson, past Chair and Research (Category B) Member

Dr Cathy Shilton, Deputy Chair and Veterinary (Category A) Member

Ms Deb Brackenreg, Community (Category D) Member

**Department of Housing, Local Government and Regional Services**

Mr Ken Davies, Chief Executive

Ms Catherine Weber, Deputy Chief Executive, Strategic Policy and Governance

Ms Trish Angus, Executive Director Strategic Policy Development and Coordination;  
formerly Animal Welfare Authority

Ms Giovina D'Allessandro, Director Local Government and Community Services

Mr Meguerditch Mikaelian, Director Water Safety and Animal Welfare

Ms Mel Frousheger, Animal Welfare Branch

**Department of Resources**

Mr Richard Galton, Chief Executive

Mr Rob Gobbey, Executive Director, Primary Industries

Dr Brian Radunz, Chief Veterinary Officer (via phone link)

Dr Sue Fitzpatrick, Principal Veterinary Officer

Dr John Eccles, Senior Field Veterinary Officer and Animal Welfare Officer

Mr Rob Wait, Regional Biosecurity Officer and Animal Welfare Inspector

Mr Greg Scott, Regional Biosecurity Officer and Animal Welfare Inspector



**Darwin                      Public Hearing                      Monday 4 July 2011**

Ms Meryl Gowing, formerly Director Water Safety and Animal Welfare, Department of Housing, Local Government and Regional Services

**Darwin                      Public Hearing                      Tuesday 2 August 2011**

The Hon Malarndirri McCarthy, MLA, Minister for Local Government

**Mataranka                      Public Hearing                      Tuesday 2 August 2011**

Ms Sue Edwards, Mataranka resident  
Mr Toby Gorringer, former CDU employee

**Katherine                      Public Hearing                      Wednesday 3 August 2011**

**Department of Resources**

Mr Richard Galton, Chief Executive  
Dr Brian Radunz, Chief Veterinary Officer  
Dr Sue Fitzpatrick, Principal Veterinary Officer  
Dr John Eccles, Senior Field Veterinary Officer and Animal Welfare Officer  
Mr Rob Wait, Regional Biosecurity Officer and Animal Welfare Inspector  
Mr Greg Scott, Regional Biosecurity Officer and Animal Welfare Inspector

**APPENDIX B – Tabled papers and questions**

**ANIMAL WELFARE GOVERNANCE SUB-COMMITTEE**

**LIST OF TABLED PAPERS AND QUESTIONS ON NOTICE**

**REGISTER OF TABLED PAPERS**

<b>Number</b>	<b>Date tabled</b>	<b>Title</b>	<b>Tabled by</b>
TP AWG03/01	29/6/11	Ombudsman's office file note 8/2/10 headed Doug Jenkins rings OO to provide information to the investigation	Mr John Elferink, MLA, Member for Port Darwin
TP AWG/03/02	30/6/11	DHLGRS Submission to AWG Sub-Committee	Ms Catherine Weber, Deputy CE, DHLGRS
TP AWG03/03	30/6/11	NTG Press Release dated 6/10/07 headed Animal Welfare Act under Review	Mr John Elferink, MLA, Member for Port Darwin
TP AWG03/04	30/6/11	Review of the Northern Territory Animal Welfare Act for the Department of Local Government, Housing and Sport, David Coles Kanzen partners, December 2007	Mr John Elferink, MLA, Member for Port Darwin
TP AWG03/05	30/6/11	Copy of email from Meryl Gowing to Brett Brogan, 9/11/09	Mr John Elferink, MLA, Member for Port Darwin
TP AWG03/06	30/6/11	Department of Housing Local Government and Regional Services Memorandum to Minister for Local Government, dated 21/6/10, Dept Ref: HLGRS-D1466	Ms Catherine Weber, Deputy CE DHLGRS
TP AWG03/07	30/6/11	Jurisdictional comparison of regulation and/or licensing schemes for research or teaching involving animals by education institutions	Mr Ken Davies, CE DHLGRS
TP AWG03/08	30/6/11	Licensing of DET (Taminmin College) under the <i>Animal Welfare Act</i>	Mr Ken Davies, CE DHLGRS
TP AWG03/09	30/6/11	Statement of Richard Galton Chief Executive of DOR to the CTC Sub-Committee on animal welfare governance	Mr Richard Galton, CE DOR
TP AWG03/10	30/6/11	Follow-up report regarding the animal welfare incident recorded against Mataranka Station and initially investigated on 4.9.09 and again on 5/9/09	Mr John Elferink, MLA, Member for Port Darwin

**REGISTER OF QUESTIONS ON NOTICE**

Date	Witness	Information requested	Number	Response date
29/6/11	Ms Carolyn Richards NT Ombudsman	Could you provide your information on who asked Mr Gray to apply for the position of Station Manager.	AWG03/01/01	28/7/11
29/6/11	Ms Carolyn Richards NT Ombudsman	Could you advise if Dr Heim was part of the interview panel for the Station Manager's position when Mr Gray was an applicant.	AWG03/01/02	28/7/11
30/6/11	Professor Barney Glover CDU Vice Chancellor	Since 2005 how many visits were taken by the asset management group of the Charles Darwin University (or its predecessors) to Mataranka Station.	AWG03/03/01	25/7/11
30/6/11	Professor Barney Glover CDU Vice Chancellor	How did the University deal with the complaint made in 2008 by an Aboriginal community about the poor condition of stock at Mataranka Station. Please provide all related documentation and any recommendations arising from the response to the complaint.	AWG03/03/02	25/7/11
30/6/11	Professor Barney Glover CDU Vice Chancellor	Please provide a copy of the Bellin Report.	AWG03/03/03	25/7/11
30/6/11	Professor Barney Glover CDU Vice Chancellor	Please provide a list of all members of the Animal Ethics Committee at or around September 2009 which includes their qualifications and which categories they fit into.	AWG03/03/04	25/7/11
30/6/11	Professor Barney Glover CDU Vice Chancellor	Please provide the data for the turnover rate for staff at Katherine Rural College and Mataranka Station for the years 2008, 2009 and 2010; the number of student enrolments and the completion of studies and course.	AWG03/03/05	25/7/11
30/6/11	Professor Barney Glover CDU Vice Chancellor	Could you provide the CTC with a list of the permits, project approvals and improvements that the AEC has issued since October 2009.	AWG03/03/06	25/7/11
30/6/11	Ken Davies CE DHLGRS	Subsequent to the Kanzen Review of December 2007 a further piece of work was done in relation to the review of the <i>Animal Welfare Act</i> . Could any further work on the review be made available to the Sub-committee.	AWG03/04/01	27/7/11



Date	Witness	Information requested	Number	Response date
30/6/11	Ken Davies CE DHLGRS	Why were the recommendations to clear up the confusion around the lines of responsibility to Ministers (in relation to the operation of the <i>Animal Welfare Act</i> ) not acted on after December 2007 when the issues were identified.	AWG03/04/02	27/7/11
30/6/11	Ken Davies CE DHLGRS	Please provide the original documentation of the request to DOJ for legal advice and the answers.	AWG03/04/03	4/7/11
30/6/11	Mr Ken Davies CE DHLGRS	Please provide a copy of the agreed policies and procedures between DHLGRS and DOR attached to the MOU	AWG03/04/04	27/7/11
30/6/11	Mr Richard Galton CE DOR	Please provide evidence of what happened, including what action was taken, to the animal welfare inspector's reports of Mataranka Station on the 4 <sup>th</sup> , 5 <sup>th</sup> and 25 <sup>th</sup> September 2009.	AWG03/05/01	28/7/11
30/6/11	Mr Richard Galton CE DOR	Please provide the file note in regards to a meeting that was held to discuss the recommendations of John Eccles and Greg Scott's report on 25/9/09.	AWG03/05/02	28/7/11
30/6/11	Mr Richard Galton CE DOR	Please provide all information and records relating to the starving animals from 18/9/08, including advice to the Animal Welfare Branch and or the Animal Welfare Authority, Ministerial briefs and ongoing reports in relation to the 2008 incidents.	AWG03/05/03	28/7/11
30/6/11	Mr Richard Galton CE DOR	Please provide the CTC with any documentation that might advise the Minister of the problems occurring at Mataranka Station at any time between September 2009 and the end of 2010.	AWG03/05/04	28/7/11
30/6/11	Mr Richard Galton CE DOR	Please provide any correspondence or documentation in regards to Mataranka Station not complying with the relevant legislation on waynotices when stock were moved or sold.	AWG03/05/05	28/7/11

Date	Witness	Information requested	Number	Response date
02/08/11	Minister Malarndirri McCarthy	When was the first time you or anyone from your Department had direct contact with Charles Darwin University about animal cruelty concerns at Mataranka Station, including licensing issues regarding the AEC.	AWG07/01/01	<i>Due 19/8/11</i>
02/08/11	Minister Malarndirri McCarthy	Please provide incidences and timelines of ongoing discussions between your Department and its monitoring of CDU over the animal cruelty concerns.	AWG07/01/02	<i>Due 19/8/11</i>
02/08/11	Minister Malarndirri McCarthy	Could you please describe what your Department has done in response to Chris Young's comments relating the shooting of cattle?	AWG07/01/03	<i>Due 19/8/11</i>
02/08/11	Minister Malarndirri McCarthy	Please provide all documents and instructions made by you as Minister to the Department in relation the emerging issue of cattle on pastoral leases, and elsewhere, as a result of the impact of the live export ban.	AWG07/01/04	<i>Due 19/8/11</i>
02/08/11	Minister Malarndirri McCarthy	Please provide the legal definitions of cruelty and neglect.	AWG07/01/05	<i>Due 19/8/11</i>