

# the Animal Rights Legal Advocacy Network Newsletter

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April 2003

## ANIMAL RIGHTS CONFERENCE RAISES THE IMPORTANCE OF LEGAL CHANGE

*by Deidre Bourke*

New Zealand's fourth national animal rights conference was held in Wellington over Easter. The conference aims to bring animal advocates from around the country together and promote animal rights activism in New Zealand. The conference is the animal rights movement's biggest national event, with workshops, seminars and events running over a three day period. This year I attended the conference as the ARLAN representative, and to participate as a speaker talking about animals and the law.

As an attendee who has been to two previous national animal rights conferences, the greatest thing about these events is that they are held at self contained venues, so that you get to totally immerse yourself in and focus on animal rights issues for the entire weekend. It also means the conference is a great forum for networking with others and forging ongoing working relationships with people from around the country. Around 60 participants from a variety of animal advocacy groups, attended this year's conference. Groups represented included Save Animals From Exploitation (SAFE), the RNZSPCA, National Anti-Vivisection Campaign, Animal Watch Aotearoa, Wellington SPCA, Wellington Animal Action, Auckland Animal Action, and student groups like Animal Rights Victoria (based at Victoria University in Wellington).



**SPCA Officer Hans Kriek discusses the progress in the battle against factory farming and battery cages.**

Seminars at the conference covered a range of topics such as animal research, factory farming and animal rights law to practical workshops on effective campaigning strategy, vegetarianism advocacy and the legal rights of protestors at demonstrations, as well as discussion about animal rights theories and philosophy.

The animal rights law seminar emphasized the need for the animal rights movement to work to secure legal changes to help animals and give them rights as well as the importance of obtaining legal bans at the end of public education campaigns and revising the legal status of animals as property, or 'things'. **[Continued on page 2]**

## ARLAN NEWSLETTER

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## ANIMAL RIGHTS CONFERENCE REVIEW

The seminar discussed the role of ARLAN within the animal rights movement in New Zealand, as being primarily about working to hammer in those final nails at the end of effective campaigns and stimulating legal discussion and debate about how true rights for animals can be established. Progress being made in the United States, where animal rights legal groups have long been established was examined, and included a look on developing case law on issues such as standing, the distinction between animals and other forms of property, and the use of 'best interests' tests in animal cases. The approaches and theories of three US based law professors working to establish legal rights for animals was also reviewed.

Wellington activist Mark Eden, from the National Anti-Vivisection Campaign, also ran a legally orientated seminar on the rights and responsibilities of protestors at demonstrations. The seminar discussed common charges at protests such as obstruction, disorderly behaviour and trespass, the situations where activists might be at risk of being arrested on these charges and how to avoid this, as well as peoples rights where arrests do occur. There was also discussion of general safety concerns at demonstrations, given the recent spate of violence towards activists at circus protests, and an incident where anti-fur protestors were threatened at knife point by an Auckland fur retailer.

Hans Kriek, the National campaigns coordinator for the RNZSPCA, spoke about the SPCA's national campaigns against the battery hen cage and sow crate, showing graphic and shocking video footage of the conditions inside factory farms in New Zealand. He also discussed the SPCA's submissions on the Draft Code of Welfare for Layer Hens and Draft Code of Welfare for Pigs and expressed their concern at the ongoing delay with getting these important codes reviewed. **[Continued on page 3]**

### The ARLAN Newsletter

Welcome to the 2nd edition of the ARLAN Newsletter for 2003. We hope you enjoy reading it and keeping up to date with our ongoing activities. **A major goal for us in 2003 is to increase our circulation numbers!** From 15 ARLAN members, our circulation rose to 50 with our first issue, and has steadily risen to 255 as of this writing. We hope to reach 600 subscribers by the end of the year. Think of someone who might enjoy this newsletter and urge them to subscribe. Please pass it on!

**ANIMAL RIGHTS CONFERENCE – HOW THE LAW AFFECTS THE STATUS OF ANIMALS IN NEW ZEALAND – [continued from page 2]**

In the panel discussion on animal research in New Zealand, Dr Michael Morris examined the justifications and basis for conducting experiments on animals. Dr Morris noted that the majority of experiments in New Zealand are conducted for agricultural purposes, such as developing ways to get higher production out of already over-stressed farm animals. In 2001 around 5.5% of the animals experimented on in New Zealand were used for medical research. Dr Morris also questioned the validity of this research on the basis that animals are fundamentally different from humans in terms of their physiology, anatomy, metabolism and genetics. He noted that animals both suffer from different diseases than humans do, and that they react very differently from people to medications. For example, thalidomide does not cause birth defects in rats, and even chimpanzees our closest relatives do not develop AIDS when injected with the HIV virus. Differences in reactions to drugs already vary markedly from individual to individual depending on their genetics, size, sex and age, Dr Morris argued that when the test subject is an animal the complexity of these problems are multiplied exponentially so that the animal experiments have virtually no predicative value.



**Listening hard to a discussion on animal welfare.**

The issue of vivisection and secrecy of animal research in New Zealand was a large theme of the conference, with this years end of conference demonstration being held at Wallaceville animal research center in Upper Hutt, one of AgResearch’s main testing facility’s. AgResearch experiments on over 50,000 animals a year, conducting controversial cloning and genetic engineering experiments, experiments involving dogs, and ‘severe suffering’ tests on guinea pigs. Despite being a Crown Research Institute operating on tax payer money, they are also refusing to release information on the experiments conducted at their facilities. The demonstration marked the start of a national campaign against AgResearch.

Plans are already afoot for the next conference, which looks like it will be even bigger and better. It was great to meet up with the other ARLAN members that managed make it to the conference I hope to see even more of you there next year!

## CHANGES TO DOG CONTROL ACT PRESENTED IN PARLIAMENT

*by Louise Brown*

Parliament has proposed tough changes to dog control legislation following a public outcry over concern the present legislation was not tough enough [See ARLAN Newsletter, March 2003]. Following a severe dog attack on 7 year old Carolina Anderson on January 31, 2003, the move for stricter laws governing dog control was put on the "fast-track". To answer the call for urgent change, Parliament has decided to invoke changes through a bill already drafted in 1999. The Local Government Law Reform Bill (No 2) had all other parts passed except for a section covering dogs. On 14 April 2003, Prime Minister Helen Clark announced an amendment to this bill would allow new changes to be enacted quickly. The bill is now in front of the Local Government and Environment Select Committee for consideration.

Some of the proposed changes to the new bill include:

- New dog owners will have to get microchips embedded under the skin of their dogs as a way to better control and locate dogs that may attack. This will cost new dog owners anywhere between \$65-\$95 to have a veterinarian inject the chip into the neck of their dogs. All newly registered dogs would have to be microchipped by July 2006.
- A possible national database could be set up to track dangerous dogs and to provide more accurate information on breeds more likely to attack.
- The banning of future importation of American Pit Bulls, Brazilian Fias, Japanese Tosas, and Dogos Argentinos in to the country. All dogs of these breeds already in the country will have to be muzzled when in public.
- Councils could possibly be given a power to order potentially dangerous dogs to be muzzled when in public based on their behaviour, size and temperament. This new power is proposed to create a means to control dogs of mixed breeds that may be dangerous and not covered under the present legislation. The father of the girl attacked in January, John Anderson, has suggested the beginning height of 40cm and starting weight of 20kg as a possible benchmark for this new power. It is not yet known what if at all Parliament has proposed.
- Maximum penalties for injuries caused by dogs will jump to three years in prison for the owner and a fine of up to \$20,000. Previously, the maximum penalty was three months in prison and up to a \$5,000 fine.
- All dog owners by 2006 will have to have a securely fenced area for their dogs
- It has also been proposed that homeowners with dogs will have to have one entrance to their home reachable and without a dog in that area. This will greatly impact individuals who have guard dogs for the purpose of preventing people from approaching the home. **[Continued on page 13]**

## **ANIMAL LAW IN THE NEWS**

*by Peter Sankoff*

### **CANADIAN DOG WALKING LAWS BEING TESTED IN COURT**

An interesting story making the news in Canada concerns the public's right to have a safe and secure place to exercise their dogs. In the nation's capital, Ottawa, dog lovers are banding together to challenge recent laws that have tightened up restrictions on where pet owners can take their pets off-leash.

Last year, new laws came into effect that banned owners from taking their dogs off-leash in a number of places, including Federal reserves and large national parks. In many parts, dogs are prohibited altogether.

The challenge, which is being founded under Canada's Charter of Rights and Freedoms, maintains that the laws are discriminatory, in that they adversely affect the physically disabled and the elderly from using seeing-eye dogs and walking with their pets in a proximate location. Also of concern to the pet owners is a clause that fines parents if their children break the rules.

The group of pet owners was upset after the new laws reversed prior procedure and deemed that certain popular dog walking areas were suddenly off limits. According to the petition, there are now very few places where dog lovers can take their pets for a romp in the park without facing fines.

This type of case is unlikely to arise in New Zealand, for the Charter of Rights — unlike our own Bill of Rights — allows parties to challenge established legislation on the basis that it is constitutionally invalid. If a court agrees, the pet by-laws will be struck down.

### **WSPA DIRECTOR HIGHLIGHTS NEED FOR UN DECLARATION ON ANIMAL WELFARE**

A United Nations Declaration on the importance of Animal Welfare, emphasizing the need to develop humane standards of animal treatment, may be about ten years away, according to World Society for the Protection of Animals (WSPA) Director-General Peter Davies, who spoke to a group of animal welfare enthusiasts on 3 April in Auckland.

Davies stopped in Auckland after returning from a successful conference in Manila, Phillipines, where government delegations from around the world met to elaborate on the creation of this document. Davies believes it was a historic undertaking. "Government delegations have, for the first time at an international conference, recognised the importance of animal welfare and their responsibility in developing humane standards."

WSPA has made the adoption of a Universal Declaration on Animal Welfare one of its key priorities, and believes that the Manila Conference was an important step along this journey. Government delegations from 22 countries — including New Zealand [**Continued on page 6**]

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Australia, the United States, the United Kingdom and Germany – met to discuss how a Universal Declaration could best be accomplished. Davies was excited about the fact that governments from around the world had come together to discuss animal welfare.

"This is an historic and landmark agreement", said Davies. "Government delegations have, for the first time at an international conference, recognized the importance of animal welfare and their responsibility in developing humane standards. We now look to national governments worldwide to support this initiative by signing up to the Principles laid down in the proposal for a Declaration on Animal Welfare. WSPA believes that such international recognition of animal welfare is a key goal."

WSPA views the conference as an opportunity to get the "ball rolling" on a United Nations Declaration. Countries who attended the conference will now take the resolutions back to their governments to scrutinize and ultimately endorse the proposals. WSPA will also work to circulate the conference findings to countries who were not in attendance. In the long term, the goal is to have the participating countries sponsor the adoption of an international declaration at the United Nations.

Amongst other things, the Manila Conference agreed to recognize that "animals are living, sentient beings and therefore deserve due consideration and respect", and that the "welfare of animals shall be a common objective for all nations". The agreed Principles state that, "All appropriate steps shall be taken by nations to prevent cruelty to animals and to reduce their suffering".

A Universal Declaration on Animal Welfare is an admirable undertaking. While declarations of this nature tend to have little in the way of legal effect in individual countries, they have proved to be remarkably useful in encouraging member countries to begin enacting their own legislation to meet with international commitments. This, of course, was the manner in which New Zealand came to have its own Bill of Rights, which was enacted partly in response to the agreement of the International Protocol on the Protection of Civil and Political Rights. While a long way off, it is possible that a declaration of Animal Welfare may ultimately stimulate similar change domestically. While the conference agreement uses the language of "welfare" rather than "rights", the stated principles could be viewed as the basic foundation for an adoption of basic rights down the road. Such a movement, as Davies himself acknowledged, is clearly a long way off, but it is heartening to see states actively involved in this dialogue.



**WSPA's London based Director-General Peter Davies, who recently spoke in Auckland on animal welfare issues.**

### **ANOTHER DISAPPOINTING SENTENCE UNDER THE AWA 1999**

The latest in a series of alarmingly low sentences under the Animal Welfare Act 1999 was handed out in Auckland to a Glen Innes resident who failed to get treatment for his suffering pet. The facts of this case are both gruesome and disheartening. **[Continued on page 7]**

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The dog – a Labrador cross – was found by an inspector who discovered it standing in its own faeces. The poor animal had been left to live in a crudely constructed box. Worse yet, its right hind paw had been crushed in some sort of accident, and was completely untreated. What was left was a deformed stump, swollen and infected. Other infections also arose from the dog having to stand in its own faeces. The dog was put down to alleviate its suffering.

The owner was found guilty of failing to get treatment for the animal's suffering. The penalty? An insignificant 150 hours of community service and \$45 in costs.

ARLAN has repeatedly referred to this issue in previous editions of the newsletter. Simply stated, there is a serious problem in New Zealand with the manner in which sentences are sought, and the results that are obtained. We are committed to addressing this problem in a bid to make animal welfare standards what they should be. As always, your help is needed to make this happen! If you are interested in making a meaningful contribution, contact us at: [cruelty@arlan.org.nz](mailto:cruelty@arlan.org.nz)

### **BEEF LAMB MARKETING AD WITHDRAWN AFTER LEGAL VICTORY.**

As we reported in last month's newsletter, on March 11, the Advertising Standards Complaints Board upheld a complaint about a television advertisement created by the Beef and Lamb Marketing Board of New Zealand. The television ad, shown across New Zealand, attempted to promote the benefits of beef and lamb by showing a parade of butchers walking through the streets, chanting and banging pots and pans, apparently enthused about another meal of dead animals.

The ad immediately drew condemnation from Hare Krishnas in New Zealand, a group which believes strongly in vegetarianism as a tenet of its faith. In effect, the ad mocked the Krishnas, suggesting that the lure of meat was strong enough to convert anyone to its lure. In April, the Board released the reasons for its decision.

The Board focused on two issues in coming to its decision. Firstly, it had to ascertain whether the dancing and chanting of the butchers in the New Zealand Beef and Lamb Marketing Bureau advertisement imitated that of the Hare Krishna movement. The Board had little difficulty in concluding that this was, in fact, the case: "The Board was unanimously of the view that the dancing, instrumentation, rhythm and intonation of the singing of the butchers engaged in an outdoor festival in a busy city, was evocative of the Hare Krishna movement."

The second issue was whether it was appropriate to show this type of scenario in an advertisement for "red meat", taking into account that the Hare Krishnas were staunch vegetarians as part of their faith. In the end, the board concluded that the advertisement would be likely to cause serious or widespread offence on the grounds of religious or ethical belief, breaching Basic Principle 3 of the Code for People in Advertising.

The decision is heartening in that it recognizes that the interests of vegetarians should be considered in determining what can be considered as "causing offence" on the grounds of religious or ethical belief.

## FIRST STRIKE UPDATE

*by Catriona MacLennan*

The initial meeting of New Zealand's First Strike working group for 2003 was held in March.

Those attending were advised that Randall Lockwood, American Humane Society Vice-President, would be visiting Australia in August, and it was suggested that he be invited to New Zealand to give some presentations and hopefully also meet with the First Strike working group.

The First Strike concept – which recognizes that domestic violence and animal abuse are often linked and considers ways of addressing both problems – was first introduced to New Zealand two years ago when Dr Lockwood gave presentations at a two-day workshop organized by Neil Wells of Unitec's School of Animal Health and Welfare.

CYFS social work supervisor, Briar Humphrey, told the meeting that work was continuing on inter-agency protocols for co-operation between CYFS and the SPCA. Wairarapa SPCA's Val Ball reported on developments in her region, stating that Women's Refuges, the Safer Community Council, Strengthening Families and other community groups had been advised that the SPCA was available to foster pets for families seeking to leave domestic violence situations. The Wairarapa is developing a model for use in other regions.

A United States First Strike information pack has been received and there was discussion about the need to develop New Zealand material. Two members of the working group agreed to work on this.

A research group was set up, with Catherine Gudgeon as co-ordinator, to discuss how research into links between domestic violence and animal abuse could be carried out in New Zealand. A Napier lawyer has contacted the group to advise that she is interested in developing a First Strike group in Napier. Contact has also been made by the Western Australian SPCA, which is researching the possibility of developing a First Strike group in Western Australia.

The next meeting will be held at Unitec Building 115, Room 2018 at 1.30pm on Thursday 5 June 2003.

## ANIMAL LAW WEB SITE OF THE MONTH

This month's review, by Steven Gallagher, is the website of The Journal of International Wildlife Law & Policy: [www.jiwl.com](http://www.jiwl.com)

This website supports the Journal, an international publication distributed through Kluwer law International. The group's ultimate goals are to assist actors at the international, national and local levels draft and implement laws and regulations for the effective management and conservation of wildlife species. The website acts as a forum to discuss the ethical, legal, socioeconomic and political implications of differing approaches to wildlife conservation, management and utilization.

The site contains a wealth of opinions and views on the discussion board and in the journal articles which date back to 1998. The website is updated regularly so that there are always new topics to read up on. When looking for articles on a particular topic, the search engine is particularly useful and helps to sort out which articles are relevant to the user.

The journal itself has an impressive international board of editors, with academics and practitioners from both the legal world as well as specialists in research relating to animals.

Contact details are also available and those wishing to submit articles are readily welcomed. As a result of this, a lot of the written material has an international flavour. The written material is also complemented by a section which is dedicated to graphics.

Readers will find this site helpful in looking for opinions on a wide range of wildlife topics.

## **ARLAN UPDATE**

The end of April culminates an intense month of activity for ARLAN. It may well have been our busiest ever! Projects have been moving forward in a number of areas and we are excited about the progress. There is a lot more to do, of course!

### **EXECUTIVE COMMITTEE – NEW MEMBERSHIP**

Since February, the Executive Committee – a group of our most committed volunteers – has been concerned about our ability to deal with the number of new projects that have arisen. We are seriously worried about member “burnout”, an issue we were confronted with in 2002. To address this, we have altered the structure of the Committee and welcomed a number of new members aboard.

The creation of the Executive Committee stemmed from a desire to have a central body available to provide direction and structure to ARLAN’s operations [See ARLAN Newsletter, May 2002, Vol.1, No.1]. Decisions by the Committee have always been made on a consensual basis, and owing to our immediate needs, very little consideration has been put into creating a more defined structure.

This has now changed. Our first course of action has been to set fixed terms of membership for Committee members. Each member is now appointed to a fixed one-year term, effective from the date of appointment. At the end of their term, members are automatically invited to re-apply, with re-appointment subject to a confidence vote by the existing committee members. Members must receive a majority vote to be reappointed.

This is the first step into creating a more defined structure and role for the Executive Committee. Jennifer Burns, one of our newer members, is examining other issues in relation to ARLAN’s formal structure. We expect to report on this within the next few months.

More important than our structure is the new composition of the ARLAN Executive Committee. In February, we welcomed aboard Jennifer Burns, who had been informally attending meetings for some time. This month, we added three new members to the Committee: Louise Brown, Anna Cowperthwaite and Kerry Pollock. In the May edition of the Newsletter, we will profile these new members.

The Executive Committee would also like to extend its thanks to Joanne Wickliffe, one of the founding members of the Executive Committee, for her work during 2002-2003. Joanne has decided to leave the Executive Committee and focus on her primary concentration: litigation on animal law matters. Joanne remains an important member of ARLAN’s Litigation Committee, which oversees our practical work in the courts.

### **ARLAN WEBSITE – A RESEARCH TOOL ON ANIMAL LAW IN NEW ZEALAND**

Efforts are ongoing to make the ARLAN Website more useful to practitioners and persons interested in researching issues on animal law. While it has always **[Continued on page 10]**

been possible to access past issues of the ARLAN Newsletter on-line, the website has been re-organized to make it easier for readers to examine specific issues of interest to them.

In particular, the "Articles" section of the website has been completely revamped. It is now possible to browse through past sections of the newsletter by Subject topic. Articles are listed by subject as relating to: animal cruelty, animal research, Great Ape, or wildlife issues.

In addition, the "Seminars" section of the website has been updated to provide easily accessible links to commentary and a review of each seminar.

Check it out! [www.arlan.org.nz](http://www.arlan.org.nz)

## STUDENT INITIATIVES

Early April saw the first ARLAN meeting of 2003 for law students at the University of Auckland. An enthusiastic group of animal lovers met to discuss ways in which they could assist in ARLAN initiatives.

In order to maximize their involvement, students were provided with specific initiatives to work on. These tasks ranged from writing articles for the newsletter, to attending upcoming animal welfare prosecutions in Auckland to provide insight into their process. Students will also be assisting with the legislative review process, researching aspects of the Codes of Welfare.

Other tasks include assisting with legal research and case briefing for the proposed text on Animal Welfare Law, and reviewing animal law texts for the newsletter. Student meetings will be held periodically to discuss ongoing projects and in order to bring students up to speed on ARLAN issues.

## ASSISTING THE SPCA

Recent discussions with the Auckland SPCA, Investigations Unit, have been quite productive. We are now looking at a number of ways in which ARLAN may be able to assist with legal research. Of particular concern is the treatment by the judiciary of dog fighting cases. We hope to compile an international comparison of cases and statutes dealing with this area. It is clear that this is a major animal welfare issue in New Zealand. It is important that the first cases prosecuted under this charge are dealt with in an appropriate matter. **[Continued on page 11]**

### ARLAN SEMINAR SERIES UPDATE

We are pleased to announce the second ARLAN seminar of 2003.

**Neil Wells,**  
**UNITEC School of Animal**  
**Health and Welfare**

**"Is the Moral Status of**  
**Animals Really Reflected in**  
**the Animal Welfare Act?**

**Tuesday, 6 May 2003**  
**2-3 pm**

**Forum 2 - Building 801**  
**Faculty of Law**  
**University of Auckland**

Another effort is underway to assist investigators with the prosecutions themselves. The first step forward on this front will involve a few training initiatives. In May, Peter Sankoff, lecturer at the University of Auckland, Faculty of Law, will provide a 90-minute training seminar for investigators at the Auckland SPCA on evidence topics. The seminar will be designed to be of practical utility for the front-line personnel who conduct animal welfare prosecutions.

## ARLAN LOGO

After several months of consultation on this matter, ARLAN finally has a new logo. Here it is!



The logo is an instrumental part of our upcoming membership and fundraising initiatives. Work is underway to utilize the logo as a letterhead for official ARLAN work. Additionally, it will be utilized as part of various fundraising projects. Stay tuned for your chance to buy ARLAN embossed items like mugs and t-shirts!

The ARLAN logo was obtained through contacts made by ARLAN Executive Committee member Jennifer Burns. It was designed by NDC (new Media) Northern Design Consultancy, a highly creative design and advertising company based in Whangarei. NDC offers advertising campaigns, branding, print, websites and interior design to medium and large businesses and has raised the standard of design and visual communication with all the companies it has worked for.

ARLAN wishes to thank NDC, and especially its director Richard Cranenburgh, for donating their time and efforts to this cause. To learn more about NDC, visit their web site: <http://www.ndcdesign.co.nz>

## ARLAN LEGAL EDUCATION INITIATIVES – SHARING RESOURCES WITH UNITEC'S SCHOOL OF ANIMAL HEALTH AND WELFARE

April also saw a highly successful first meeting between ARLAN and Unitec's School of Animal Health and Welfare. Two members of ARLAN's Executive Committee met with senior members of the Unitec Faculty to discuss possible initiatives which the two groups could work on together. The connection is a natural fit, as Unitec currently has the primary responsibility for training inspectors who wish to be qualified under the Animal Welfare Act 1999, as well as others.

The meeting was extremely useful and yielded a number of proposals. Both sides agreed that there was a huge need for increased education for lawyers and **[Continued on page 13]**

## CALL FOR HELP!

One of ARLAN's central mandates is to improve the understanding and accessibility of the law relating to animal welfare. We have made no secret of our dissatisfaction with the difficulty in accomplishing this. New Zealand law in this area is notoriously hard to research, as most judgments are unreported, and scattered across the country.

Peter Sankoff, Lecturer at Auckland University's Faculty of Law, and member of ARLAN's Executive Committee, has begun research and organization for a short text tentatively entitled Animal Welfare Law in New Zealand. The idea for the text is to provide practitioners, judges and legislators with handy access to the law relating to animals. It will discuss the theoretical underpinnings of Animal Welfare law and make recommendations for improvements.

Unfortunately, we recognize that most of the law in this area is unreported and somewhat difficult to access. As a result, we are hoping to circumvent this problem by calling on you, ARLAN's members and newsletter readers, to assist in any way you can. We urgently require copies of ANY unreported cases with some legal significance decided under:

- The Animal Protection Act 1960
- The Animal Welfare Act 1999
- The Dog Control Act
- The Marine Mammal Protection Act

A database of all the cases in ARLAN's possession has now been compiled. Rather than sending copies of case material, send a list of cases in your possession that can be checked against our database.

Case names can be mailed to:

Peter Sankoff  
9 Eden Crescent  
Faculty of Law  
University of Auckland  
Auckland

Case names and numbers can also be e-mailed to: [p.sankoff@auckland.ac.nz](mailto:p.sankoff@auckland.ac.nz)

The creation of a text on animals will hopefully promote better consistency and accuracy in the law. Your assistance is invaluable to this exercise.

inspectors who work with the Animal Welfare Act 1999. To that end, we agreed to consider how to make the best use of each other's resources to ensure that educational needs were being met. The first step relates to the ARLAN seminar series. Unitec has agreed to provide a number of speakers a year to address law students, and ARLAN agreed that seminars would be held at Auckland and repeated at Unitec. This is designed to ensure that topics of interest to both parties could be discussed by the widest possible audience.

The more ambitious plan relates to practical training in relation to the Animal Welfare Act and the manner in which prosecutions are conducted. We have agreed to begin setting a foundation for jointly hosting a practical conference on Animal Law to be held in 2004. It would be the first major Animal Law Conference in New Zealand. The objective is to improve the knowledge base of people working within the field and through this, achieve more acceptable results in prosecuting offenders.

Other matters discussed included possible training initiatives for ARLAN lawyers and, in the long term, considering the best way to begin bringing forward test cases on animal welfare.

## **SEMINAR VIDEOS NOW AVAILABLE**

ARLAN has now begun videotaping seminars for members who are not able to see the seminars in person. The first seminar, by Peter Sankoff discussing Animal Rights vs Animal Welfare is obtainable for a small fee to cover the cost of reproduction. You can also borrow the video by contacting us ([contact@arlan.org.nz](mailto:contact@arlan.org.nz)), or by visiting Peter Sankoff at the Law Faculty. A small fee to support ARLAN is requested in exchange.

Videotapes of future seminars will also be eventually available.

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## **DOG CONTROL AMENDMENTS TABLED IN PARLIAMENT – [continued from page 3]**

The public can make submissions on these new laws while the bill is in front of the select committee. There is presently not a deadline for submissions but the final report from the committee is expected on August 17<sup>th</sup> 2003.

ARLAN is determined to prepare a submission on this Bill that addresses the impact of this bill on animals. While we recognize that improvement to the Dog Control Act is both necessary and desirable, we are unconvinced that this legislation is a rational response to the problems of dog attacks in New Zealand. We are committed to presenting a submission by early June and would love to have the input of our members! Please contact [cruelty@arlan.org.nz](mailto:cruelty@arlan.org.nz) if you would like to assist.

## Barks, Meows and Squawks

A collection of notable quotes on animals and the law.

"It is not only our fundamental duty to show compassion to our animal friends, but also to recognize and protect their rights... If humans are entitled to fundamental rights, why not animals? In our considered opinion, legal rights shall not be the exclusive preserve of humans which has to be extended beyond people thereby dismantling the thick legal wall with humans all on one side and all non-humans on the other side. While the law currently protects wild life and endangered species from extinction, animals are denied rights, an anachronism which must necessarily change."

-Narayanakurup J., High Court of Karala, India, in *Balakrishnan vs. Union of India*, 6 June 2000, during a court hearing relating to India's decision to ban the training and exhibition of bears, monkeys, tigers, panthers and dogs. In the case, petitioners (employees of circus establishments) challenged the government's decision and the manner in which it had been instituted. The High Court upheld the government's decision, and in the process, held that animals "are entitled to dignified existence and humane treatment sans cruelty and torture."

"At the outset, we note that we are uncomfortable with the law's cold characterization of a dog... as mere "property". Labelling a dog "property" fails to describe the value human beings place upon the companionship that they enjoy with a dog. A companion's dog is not a fungible item, equivalent to other items of personal property. A companion dog is not a living room sofa or dining room furniture. The term inadequately describes the relationship between a human and a dog... Nevertheless, the law categorizes the dog as personal property despite the long relationship between dogs and humans. To the extent this opinion uses the term "property" in describing how humans value the dog they live with, it is done only as a means of applying established legal doctrine to the facts of the case."

-Bablitch J. of the Wisconsin Supreme Court, in *Rabideau v. City of Racine*, 617 N.W. 2d 678 (2001). In *Rabideau*, the plaintiff sued to recover damages for emotional distress after an off-duty police officer negligently shot her dog. In spite of its "discomfort" the Court held that a person could not sue for negligent infliction of emotional distress where the distress was caused by a loss of property.

"I'm not sure if it's satisfactory from an emotional standpoint, but it is satisfactory from a legal standpoint."

-William Scott Lewis, Racine assistant city attorney, during oral arguments in *Rabideau v. City of Racine*, referring to the fact that the law is clear: dogs are property and have no special legal status as companions.

# Animal Rights Legal Advocacy Network

Improving the law to improve the conditions of animals

**ARLAN** is an organization of New Zealand lawyers and law students established in 2001, working to improve the law as it affects animals. We need your help to make this a reality.

## How you can help?

- **Information** – By joining our e-mail chat group you can learn more about animal law issues in New Zealand. In turn, you can keep us posted about issues arising near you. E-mail: [contact@arlan.org.nz](mailto:contact@arlan.org.nz) to join in. Also, check out our web page: [www.arlan.org.nz](http://www.arlan.org.nz)
- **Become an Active Member of ARLAN** – ARLAN urgently needs dedicated lawyers and law students who care about the plight of animals to join our cause. We succeed only to the extent that we have supporting volunteers who are willing to help. There are a number of ways you can assist, and what we need most is your time and enthusiasm! Several projects are underway and require assistance:
  - the **ARLAN Newsletter** needs volunteers to assist in writing and production. We also require volunteers outside of Auckland to assist in distributing our newsletter. To help out contact: [newsletter@arlan.org.nz](mailto:newsletter@arlan.org.nz)
  - the **ARLAN Animal Cruelty Committee** needs volunteers to help us ensure that better animal cruelty prosecutions are undertaken where animals are deliberately hurt. This committee is still in the process of being established, but for more information, contact: [cruelty@arlan.org.nz](mailto:cruelty@arlan.org.nz)
  - the **ARLAN Legislative Review Committee** needs volunteers to assist in reviewing and making submissions on legislative initiatives at different levels of government. To help contact: [betterlaws@arlan.org.nz](mailto:betterlaws@arlan.org.nz)
  - support ARLAN and learn about Animal Law by attending one the **ARLAN Seminar Series**. Watch out for notices in this newsletter.
- There are other ways to help!** If you're not sure what you wish to do, just send us an e-mail at any of the addresses listed above. We'll find a way for you to help!
- **Support ARLAN Financially** – ARLAN is a non-profit organization that exists through the generosity of its members and supporters. While we endeavour to keep costs low, several of our activities require some degree of financial support including the maintenance of our website, and distribution of this newsletter. Any amount you can give would be hugely appreciated. To make a financial contribution, contact: [contributions@arlan.org.nz](mailto:contributions@arlan.org.nz), or simply send a cheque made out to ARLAN to: ARLAN, PO Box 6065, Wellesley St., Auckland, New Zealand.