

# the Animal Rights Legal Advocacy Network Newsletter

---

Vol.1 No.7

November-December 2002

## THE ARLAN END OF YEAR REVIEW

What a year it's been! With 2003 just around the corner, it's an appropriate time for our young organization to take a good look at where we've come from and where we're going. This edition of the ARLAN newsletter is entirely dedicated to giving our readers a sense of where we stand on the eve of our second year in existence.

It has been an extremely ambitious year. Not surprisingly, the year has had its highs and lows, and ARLAN has encountered successes as well as the occasional setback. On the whole, the Executive Committee is pleased with the progress we've made and is hoping for even more exciting advances in 2003. Here are some of the highlights from 2002.

### ORGANIZATION – COMING TOGETHER

Perhaps the most important achievement of all has been the coming together of ARLAN as an organization. Created quite literally out of thin air, ARLAN has grown from a handful of members in Auckland to over fifty members across New Zealand.

While ARLAN was first posited in late 2001, the group really came together in 2002. In April, the Executive Committee was formed to begin directing the progress of the network. Since then, a number of initiatives were started and the organization began the difficult task of coming into existence. While this is definitely still a work in progress, the concrete existence of this new network is something to be celebrated in its own right.

One of our most recent and exciting developments involves the creation of a second ARLAN branch, in Wellington. At our original Executive Committee meeting, it was decided out of necessity that owing to the location of most of our members, ARLAN would operate primarily as an Auckland based organization. The continued growth and interest from Wellington led to a November trip to Wellington by two Executive Committee members. After a productive encounter, the new ARLAN chapter was formed. More details on our Wellington group are available later on in the newsletter.  
**[Continued on p.2]**

**This is the final edition of the ARLAN Newsletter for 2002. The first edition of 2003 will be a joint January/February edition, which should be distributed in early February. The newsletter staff wish everyone a happy holiday season.**

## ARLAN NEWSLETTER

### Editor

**Peter Sankoff**

### Assistant

#### Coordinator/Layout

**Jennifer Bradley-Young**

### Writing/Production Team

**Peter Sankoff**

**Tiffany McNeill**

### Distribution

**Peter Sankoff**

### ARLAN Executive

#### Committee

**Deidre Bourke**

**Katherine Buchanan**

**Catrina MacLennan**

**Peter Sankoff**

**Joanne Wickliffe**

**Shannon Austin  
(Wellington)**

The ARLAN newsletter is a not-for-profit undertaking produced by ARLAN. It is intended for a wide distribution. Please copy freely.

We are able to produce this informational newsletter because of the generosity of our members and friends. If you enjoy the newsletter and would like to contribute to its continued existence, please contact us at: [contributions@arlan.org.nz](mailto:contributions@arlan.org.nz) or simply send a cheque made out to ARLAN to the PO Box listed below.

We welcome your feedback and any constructive criticism you may have. If you have any comments, please let us know by e-mail at:

[newsletter@arlan.org.nz](mailto:newsletter@arlan.org.nz) or:

ARLAN

PO Box 6065

Wellesley St.

Auckland, New Zealand

## ARLAN – YEAR END REVIEW

### NEWSLETTER

Two of the key early objectives of the Executive Committee were important to ARLAN's growth as an organization. First, there was a need to increase and stabilize our membership base. In order to do this, we needed a way to stay in contact with existing members, and keep prospective new ones informed of what we were up to. Second, ARLAN wanted to immediately begin addressing the shortage of written material in New Zealand relating to animals and the law.

The newsletter has been a tremendous success in addressing both of these concerns. At ARLAN's "birth" in early 2002, roughly 15 people were on our e-mail list. For the first newsletter, completed in May, we sent an unsolicited copy to 100 people and organizations in New Zealand. Almost half of those indicated they weren't interested in receiving any more! Nonetheless, by continuing to create interest in the legal community, we have built our subscription base up over 200 readers, a number that increases with each issue.

The newsletter has also been effective at beginning to address animal law issues in a more comprehensive manner. Articles this year have discussed animal cruelty, the export of dogs for consumption to China, animal ethics committees and their shortcomings, and much more. For the very first time in New Zealand, issues of animals and the law are beginning to receive serious attention.

### OUTREACH/PUBLICITY

The newsletter is not the only way in which ARLAN has attempted to raise its profile in the community. A number of initiatives were undertaken this year in order to spread our message and reach a greater number of people.

To begin with, we've been in the news, several times, and have made contact with a number of media members in Auckland. ARLAN was profiled this year in Sunday News, Law Talk, Animals Today and on National Radio.

**[Continued on p.3]**

## **ARLAN – LOOKING BACK ON 2002 AND GAZING INTO THE FUTURE**

**– CONTINUED FROM P.2**

### OUTREACH/PUBLICITY

We have produced commentary in the New Zealand Herald, and are often consulted by reporters on animal law issues.

We also pushed ahead by creating our own major source of information – the ARLAN web page. The web page is our primary source of storing information on animal law issues, and also allows us to distribute our newsletter and post our legislative submissions. If you haven't checked it out already, do so! [www.arlan.org.nz](http://www.arlan.org.nz)

A great deal of time and effort have also been channeled into connecting more closely with other organizations that work on behalf of animals. This year, meetings and discussions were held with a number of organizations, including SAFE, the SPCA (Auckland) and also in Wellington, the Sirius Global Animal Organization. In June, ARLAN became a member of the New Zealand Companion Animal Council, which will allow us to effectively meet and interact with other organizations working on the behalf of animals.

### LEGAL WORK

Work on actually becoming involved in legal proceedings where the interests of animals are at stake has been a difficult task. Unlike the ALDF in the United States, our members are unpaid volunteers rather than staff lawyers! For 2002, the Executive Committee decided that our priority would be organization, education and related matters, waiting until our ability to deal with animal law issues was more tangible before heading into the courtroom.

That said, movement has occurred on a limited basis. ARLAN has begun acting as a central network to refer animal related matters to interested lawyers who are willing to do the work at a reduced cost. ARLAN has referred several dog control cases to members who often defend at no cost where the client cannot afford to pay.

In addition, ARLAN was extremely busy in putting forth submissions to Parliament on important animal issues. In particular, submissions were made on three Codes of Welfare that were to be changed in accordance with the Animal Welfare Act 1999. More of this will occur in 2003.

**[Continued on page 4]**

## **ARLAN – LOOKING BACK ON 2002**

**– CONTINUED FROM P.3**

### EDUCATION – AUCKLAND FACULTY OF LAW

ARLAN made great strides in this area in 2002. Owing in large part to the presence of two faculty members on our Executive Committee, we were able to tap into a good deal of student interest. Student members played an invaluable role in ARLAN, providing research, attending seminars, and completing assistance on a number of projects.

There were several aspects of our student programme. First, ARLAN established its Seminar Series, which were extremely well received. In addition to being well-attended, both seminars attracted a good deal of publicity, with each being reviewed in Law Talk, as well as in other Auckland media. The first seminar, by Lecturer Peter Sankoff, introduced participants to several of the great dilemmas in the area of animal law. The second seminar featured Green Party MP Sue Kedgley discussing the difficult problems of Animal Ethics Committee and their secrecy in deciding questions of scientific experimentation on animals.

The seminars were not our only foray into education. Animal Law questions are now a popular source of scholarship in the Faculty. Three Honours dissertations on animal law issues were, or are in the processing of being, completed. Other projects are in the works, and Peter Sankoff has received funding from the Chapman Tripp Research Scholar programme to begin working on a text on Animal Welfare Law.

Additionally, ARLAN has been listed as a Community Placement program in affiliation with the University. Under this program, students work for 40 hours with a community organization to fulfil academic credit. Two students have signed up for 2002, and will be joining ARLAN's team in December.

### FUNDRAISING

As any non-profit organization will tell you, fundraising is no easy task. There is a limited pool of money available for hundreds of needy causes. Nonetheless, ARLAN has begun making attempts to finance the projects it wishes to undertake. While ARLAN does not require an immense budget, many of our activities are currently being self-funded by members of the Executive Committee. With better funding, a great deal more could be achieved. Most importantly, it might allow for the appointment of a part-time staff member, who could take over some of the organizational tasks currently being handled by ARLAN members, who are beginning to feel over-taxed! Fundraising in 2002 was a moderate success, as some members made valuable and appreciated contributions. **[Continued on p.5]**

## **ARLAN – OUTLOOK FOR 2003**

ARLAN enters 2003 in fine form, with a much more cohesive structure than 2002, and with many projects in mind for the New Year.

### **ORGANIZATION – COMING TOGETHER**

While 2002 was an impressive start for the organization, there is still a great deal to be done, and bringing together our members in an effective way is still a matter of serious concern to ARLAN.

Many of our projects have been achieved by a core group of volunteers, and it goes without saying that we could easily accomplish a great deal more with a touch more help! Unfortunately, given that our members all have other employment, it is often difficult to find the time to organize the actual organization! This of course leads to a circular problem: we don't have the time to get new members and assign them tasks, and we need new members to help us have time to do things!

What ARLAN needs right now is simple: a few dedicated volunteers who are willing to assist on a **consistent** basis. There are countless tasks that need doing, and it is a good place to come in and learn about interesting things while advancing an important cause.

ARLAN will make membership outreach and communication a priority in 2003. We have scheduled an Auckland meeting for February in order to consult our network members and determine how best to achieve our common goals in future.

### **NEWSLETTER**

In 2003, the goal for the newsletter is to expand and improve what we managed to achieve in 2002. First, we wish to continue to address our readership levels, as the newsletter is still our primary method of alerting the New Zealand populace to animal law issues. The Executive Committee firmly believes that we have barely scratched the surface in terms of reaching persons who have an interest in this area. For 2003, therefore, we are setting an ambitious goal of trebling our readership to 600 subscribers. Please help us achieve this goal by mentioning the newsletter to other lawyers, and if possible, displaying it prominently.

Second, we plan to continue providing a quality product, and doing so on a regular basis. The goal at present is to provide 9 issues annually, with one each month, and dual issues in January/February, June/July and November/December.

Third, we hope to be able to increase the number of persons contributing regularly to the newsletter. In 2002, we had 10 different writers assist us, and hope to at least double that in 2003. Please contact us if you wish to assist! **[Continued on p.6]**

## **ARLAN – OUTLOOK FOR 2003**

### NEWSLETTER

Finally, we hope to make serious strides in terms of content in 2003. The goal is to continue providing updates on ARLAN activities and matters of interest to lawyers, but also to begin writing on substantive legal issues with more regularity.

### OUTREACH/PUBLICITY

Our outreach and publicity goals remain the same as in 2002. Wherever possible, the objective is to continue spreading ARLAN's message and attracting new members. In addition, over the summer some work will be done to ARLAN's website to assure it maintains the ability to provide immediate and topical information.

We also hope to expand our media presence where possible by commenting on legal issues involving animals that arise on a day to day basis. The ultimate goal is to create a "rapid response" team, where appointed lawyers could respond quickly to issues raised in the media relating to animals. Too often, our view is that these issues are not well reported, and additional clarity provided by our members would be useful.

### LEGAL WORK

Without a doubt, this is the area in which we hope to expand with the greatest vigour in 2003. Both our Auckland and Wellington chapters believe that we need to establish a real presence in the courtroom in order to effectively fulfill our mandate.

The problem in this area is two-fold: experience and organization. While many of our members have a sincere interest in animals, they lack experience in dealing with animal law related matters, and are reluctant to get involved. The more serious problem is an organizational one. In order to effectively address the needs of animals in court, we require a strategy of how to do so. This will require a good deal of planning and organization, and to date, few lawyers have expressed a willingness to take over this difficult role. The Executive Committee currently finds itself stretched to the limit as it is, and putting together a strategy will undoubtedly tax it even farther! We urgently require committed people to help make ARLAN's courtroom presence a reality.

### EDUCATION – AUCKLAND FACULTY OF LAW

ARLAN has an extremely ambitious calendar on this front in 2003. Basically, we hope to expand virtually every aspect of our operation at the Faculty of Law in Auckland.

In addition, thanks to our newly established group in Wellington, there is a good possibility of a presence at Victoria University in 2003. ARLAN Member Alison Wilson, who studies at Victoria, is committed to creating a student presence there. **[Continued on page 7]**

## ARLAN – WHAT’S ON FOR 2003?

### EDUCATION – AUCKLAND FACULTY OF LAW

The first goal at Auckland in 2003 is to reinvigorate our student numbers. Many of our ARLAN members have graduated, and we will begin by instating a vigorous information and recruitment plan when students arrive in March, 2003.

Second, we hope to expand our seminar series in a substantial way. The seminar series offers students a chance of learning about animals and the law outside of the classroom setting, and we hope to provide seminars on a variety of topics. The current objective is to increase from two to six seminars in 2003.

Third, the plan is to continue promoting student research in the area of animals and the law. Peter Sankoff and Kate Buchanan will offer themselves as supervisors on animal law issues for Honours dissertations as well as Masters papers.

Finally, we hope to continue the educational role of ARLAN by instituting a discussion group amongst students keen on learning more about animals and the law. The early plan is for students and faculty to meet bi-weekly to discuss a particular topic of interest.

### FUNDRAISING

Fundraising is our final objective for 2003. Our objectives in this area are still undefined and we are eager to hear from people who may have an interest in helping out on this matter. Broadly speaking, we are currently considering two particular types of fundraising: First, we plan to appeal to our broader membership to request assistance in acquiring funds to help us with our project areas. Additionally, we may consider various approaches involving the creation of an ARLAN Logo.

### HOW TO HELP IN 2003!

As always, it is critical to reinforce that ARLAN has no “independent” existence. It is only as strong as the support of its members. We are constantly looking for individuals who wish to help on any of our projects, including:

- help in writing our newsletter (including a regular column or feature)
- assistance in organizing and coordinating seminars
- fundraising help (including design of a logo)
- legal research on legislative initiatives
- volunteering to coordinate and litigate on animal related matters

And much more! What we need more than anything else is your initiative, energy and enthusiasm to help out on a particular project! See you in 2003!

## WELLINGTON ESTABLISHES ARLAN BRANCH!!

*by Tiffany McNeill*

We're pleased to announce that the Wellington branch of ARLAN has gotten off the ground with a hiss and a roar (to mix my animal metaphors)- and we're on the look out for keen additions to our group.

### **What we want to do**

The Wellington branch has decided to focus on a number of different issues. (We are wary of taking on more than we can reasonably tackle at this very early stage so the following should be read more as a list of goals, rather than a description of tasks we are yet able to become actively involved in.)

The members of our Vivisection Sub-Group (Donna McKnight and Amanda Smith) are in discussions with Dr Michael Morris about how ARLAN can assist with obtaining information from often reluctant sources about meetings of ethics committees [An issue discussed in last month's newsletter].

Our Prosecutions Sub-Group is looking for anyone interested in lending their legal expertise to assisting with private prosecutions (whether simply advising on the drafting of informations or appearing on behalf of groups such as the SPCA). We are also looking into the possibility of assisting the Wellington SPCA with a couple of legal questions that require some research. Our biggest task, however, is to increase our membership numbers so that we have a wider pool of enthusiastic legal talent to draw on so for the benefit of our furry and feathered friends.

### **How we got together**

On 2 November a small group of us met with Deidre and Peter from the Auckland branch over coffee in the library. Peter and Deidre brought us up to speed with the very positive progress that ARLAN has made since its recent formation in May 2002. We also discussed a few avenues that ARLAN Wellington may like to explore and ways in which the two branches could work together.

Only a few days later, such was our enthusiasm that the newly self-appointed members of the Wellington executive met again- at the offices of Buddle Findlay. On 23 November, we had a guided tour of the Wellington SPCA facility in Newtown with Hans Kriek, the acting director. It was a good opportunity to discuss some of the current concerns in animal welfare. We are hoping to meet again before the Christmas break to discuss our goals for 2003.

### **What you can do**

We come from all walks of legal life- from law students to barristers and solicitors. So, wherever you fit into the Wellington legal hierarchy, we invite you along to our next meeting. If, like us, you want to use your legal skills for the good of animals, then we'd love to meet you. Please contact Shannon Austin ([Wellington@arlan.org.nz](mailto:Wellington@arlan.org.nz)) for the date and time of our next meeting.



**Back row:** (L to R): Amanda Smith, Tiffany McNeill, Donna McKnight, Hans Kriek (SPCA), Claire Williams.  
**Front row:** Alison Wilson, Shannon Austin.

## 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

**If you cannot provide full copies, names and full case numbers of the decisions would also be appreciated.** Remuneration for copying can be provided.

Please send case material 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.

## Barks, Meows and Squawks...

A collection of notable quotes on animals and the law.

“Although some in society may hold the view that higher life forms are mere “composition[s] of matter”, the phrase does not fit well with common understandings of human and animal life. Higher life forms are generally regarded as possessing qualities and characteristics that transcend the particular genetic material of which they are composed. A person whose genetic make-up is modified by radiation does not cease to be him or herself. Likewise, the same mouse would exist absent the injection of the oncogene into the fertilized egg cell; it simply would not be predisposed to cancer. The fact that it has this predisposition to cancer that makes it valuable to humans does not mean that the mouse, along with other animal life forms, can be defined solely with reference to the genetic matter of which it is composed. The fact that animal life forms have numerous unique qualities that transcend the particular matter of which they are composed makes it difficult to conceptualize higher life forms as mere “composition[s] of matter”.

–Bastarache J. of the Supreme Court of Canada, for a majority, rejecting the contention that a genetically altered mouse could be patented as a “composition of matter” in *Harvard College v. Canada (Commissioner of Patents)*, Dec. 5, 2002. The mouse was created to have a particular susceptibility to cancer, in order to make it more effective for certain medical research. The Court rejected the application for a patent, holding that the Patent Act in its current form did not allow for the patenting of life forms. As the next quote demonstrates, it is unclear whether this should be viewed as a “victory”.

“The biotechnology revolution in the 50 years since discovery of the structure of DNA has been fuelled by extraordinary human ingenuity and financed in significant part by private investment. Like most revolutions, it has wide ramifications, and presents potential and serious dangers as well as past and future benefits. In this appeal, however, we are only dealing with a small corner of the biotechnology controversy...

Animal rights supporters object to the fact that the oncomouse is deliberately designed to cause sentient beings to grow painful malignant tumours. Of course, whatever position is adopted under patent law, animals have been and will continue to be used in laboratories for scientific research. Pets are property. Mice are already commodified. Parliament may wish to address animal rights as a distinct subject matter. If the claim for the patent on the oncomouse itself is refused, the result will not be that Harvard is denied the opportunity to make, construct, use and sell the oncomouse. On the contrary, the result will be that anyone will be able to make, construct, use and sell the oncomouse.”

–Binnie J., dissenting, in the same case, and stating the painful and obvious truth regarding the current state of the law allowing for the genetic modification of animals.

# 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)
  - people with any artistic ability or fundraising skills are required to help out with our presentation and **Fundraising** opportunities.
  - 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.