Current Challenges and Future Directions for Animal Law in Australia

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Introduction

• In this session:
  • First, background on animal law in Australia, and internationally:
    • legal education;
    • legal research;
    • legal profession/advocacy;
    • community building.
  • Second, consider a range of questions in the above areas (as well as what constitutes ‘animal law’) in small groups.
  • Third, report back and discussion.
Legal Education

- In Australia, animal law has been taught in 11 Law Schools (mostly undergraduate):
  - ANU, Bond, Flinders, Griffith, Macquarie, SCU, Melbourne, UNSW, Sydney, Wollongong and UTS.
- First taught in 2005 at UNSW as a postgraduate course (Geoff Bloom).
- In addition, animal law can be pursued as part of a law degree through placement courses, research project courses, etc.
Legal Education (cont)

- Internationally, growth has been dramatic (dominated by US) (Sankoff 2008):

![Growth of Universities Offering an Animal Law Course - Worldwide](figure_e.png)
Legal Education (cont)

- Animal Legal Defense Fund (ALDF) suggests 135 law schools in US and Canada have now offered a course in animal law.
- Leading US educator is Lewis & Clark Law School’s Center for Animal Law Studies (Portland, Oregon):
  - suite of animal law elective courses, allowing for specialisation.
  - recently introduced Animal Law LLM Program.
Legal Education (cont)

- Limited number of courses offered in UK, Europe and South America.
- Universitat Autònoma de Barcelona (Autonomous University of Barcelona) recently established a Master in Animal Law and Policy.
- OVERALL: significant and apparently continuing growth, both in Australia and internationally.
Legal Education - Questions

a. Is there scope for increased teaching of animal law? Who should be teaching animal law?
b. What is required to persuade more university law schools to offer animal law?
c. What is required to persuade university law schools to offer animal law more frequently (eg annually instead of biennially)?
d. In what mode should animal law courses be offered (in person, online, etc)?
e. Should animal law courses be confined to law students/lawyers?
f. Is there a need for specialisation in animal law teaching? In what areas should there be specialised teaching?
g. Is there a need for higher level degrees in animal law in Australia? Is a higher level degree feasible? How could this be achieved?
Legal Research

• In Australia, prior to 2008, occasional journal articles addressed aspects of animal law.
• Since 2008 publication of a range of texts:
  *Animal Law: Principles and Frontiers* (eBook) +
Legal Research (cont)

- Growing number of PhD students, although difficult to know how many.
- Some research funding (e.g., through Voiceless grants program), but very limited.
Internationally, burgeoning range of:


- texts: see, for example
Legal Research (cont)

- Internationally (cont):
  - research centres: see, eg, Center for Animal Law Studies (US); International Research Group in Animal Law (GRIDA, Canada); Nonhuman Rights Project (US); Law and Animals Doctoral Program, University of Basel (ten funded positions) (Swiss); Foundation for the Animal in Law (Swiss); Animal Legal and Historical Center (US).
Legal Research - Questions

a. Most books published so far in animal law in Australia have been generalist texts. Are specialist texts required? Who could be researching and writing these?

b. There has been a proliferation of books and journal articles published in animal law by Australian researchers within the last decade. So far, though, research grants have been less evident, especially through the Australian Research Council. What might be required to address this gap?

c. Currently there may be up to a dozen PhD students pursuing projects in the field of animal law nationally. What measures could be taken to increase the pool of PhD students pursuing research in animal law?

d. How can animal law research be effectively communicated to the public?
Legal Profession/Advocacy

- In Australia, within the legal profession, lawyers active in organised animal law advocacy:
  - Barristers Animal Welfare Panel – now a national organisation, focussed on law reform, pro bono legal representation and strategic litigation (large membership base).
  - BLEATS – Queensland-based, coordinates large panel of lawyers prepared to act pro bono on behalf of RSPCA Qld.
Legal Profession/Advocacy (cont)

- Law Society Committees (eg NSW Young Lawyers Animal Law Committee, Animal Law Committee of the Law Society of South Australia).
- Pro Bono Animal Law Service (Public Interest Law Clearing House).
- Animal Welfare Community Legal Centre Inc (Tasmania)
- Voiceless, especially through support of the development of animal law.
Legal Profession/Advocacy (cont)

- Internationally, Animal Legal Defense Fund is notable, advocating for animals by:
  - ‘filing groundbreaking lawsuits to stop animal abuse and expand the boundaries of animal law’.
  - ‘providing free legal assistance to prosecutors handling cruelty cases’.
  - ‘working to strengthen state anti-cruelty statutes’.
  - ‘encouraging the federal government to enforce existing animal protection laws’.
  - ‘nurturing the future of animal law through Student Animal Legal Defense Fund chapters’ and their ‘Animal Law Program’.
  - ‘providing public education through seminars, workshops and other outreach efforts’.
  - In 2011 revenue of $5.7million, largely via donations and in kind assistance.

(ALDF <http://aldf.org/section.php?id=3>)
Legal Profession/Advocacy - Questions

a. What roles can lawyers perform in animal advocacy?
b. Do animal advocacy organisations need or have the capacity to support animal lawyers and/or litigation internships?
c. The establishment of the Barristers Animal Welfare Panel has been an effective way of harnessing the talents of barristers to act in animal law related matters and to advance arguments in various fora for reform of the law. In what ways could practising solicitors be encouraged to engage with animal law?
d. Can a case be made for attempting to establish an Australian organisation analogous to the American Animal Legal Defense Fund? What would its mission be? How would it be funded?
Community Building

- Within the legal profession, some community building through organisations such as Voiceless and BAWP, and through occasional conferences.
- Beyond the legal profession, significant potential for multidisciplinary approaches to thinking about and addressing the needs of animals:
  - Animal Law part of the wider emergent field of Human-Animal Studies (including disciplines such as animal welfare science, political science, philosophy/ethics, anthropology, art, history, environmental studies etc).
  - Thinkk: The Think Tank for Kangaroos (UTS) provides an excellent example of multidisciplinary collaboration, with key researchers bringing a range of disciplinary backgrounds including ecology, animal law, and animal behaviour.
Community Building - Questions

a. The animal law community in Australia is growing. Is there a need for a national organisation representative of lawyers teaching, researching and/or practising in animal law? What would be the purpose and role of such an organisation?

b. What possibilities exist for Australian animal lawyers to collaborate with lawyers from other jurisdictions? How could these be expanded/ encouraged?

c. What opportunities exist for information-sharing between animal lawyers outside government and lawyers working within government in areas affecting the interests of animals? How could these be expanded/ encouraged?

d. Are the needs of Australian law students for meaningful engagement with animal law being adequately addressed given, for example, the emergence of chapters of the US Student Animal Legal Defense Fund in Australian and New Zealand universities?

e. What are some of the key areas in which animal lawyers can collaborate with those from other disciplinary backgrounds? What form might collaboration take?

f. How can animal lawyers become more influential in policy making and legislation, at a both a state/territory and federal level?