

Introduction

In 2009, the introduction to the first edition of this work began with the following words:

Our aspiration for this book is for it to play a small role in helping to usher in a new era for the animal law movement in Australasia. For the first time, we have a scholarly book written by experts in Australia and New Zealand that focuses not on the American or European framework, but on issues, problems and perspectives specific to this part of the world. Our hope is that this book will help inspire a new generation of Australasian scholars to see animal law as we do: a discipline rich in potential for critical legal inquiry, provoking long-term, meaningful change for animals in this part of the world. We hope this book, as its name implies, will stimulate greater dialogue about the nature of our legal relationship with animals. Questions about the role of law in addressing the treatment of animals need to be brought in from the periphery, where they can be fervently discussed and debated instead of marginalised and ignored. This is a critical goal, for perhaps the greatest obstacle to the better legal treatment of animals is passivity and ongoing acceptance of the status quo; a status quo most easily maintained through silence.

Given the nature of our stated objectives, it is difficult to say with any precision the extent to which we achieved our goals. Nonetheless, there is some reason to be excited about what has occurred since we initiated 'A New Dialogue' – the subtitle of the first edition of this book.

Though it has hardly been a singular influence, *Animal Law in Australasia* has definitely been part of an expanding discussion of animal law related issues in Australia and New Zealand, and has even spurred legal dialogue in other jurisdictions.¹ Scholarship in this area, for one thing, has increased dramatically. Most of the scholars who participated in the first volume have continued their efforts and expanded their research, while others, inspired in part by these first attempts, have joined the field. As a discipline, animal law

1 The text is cited several times in the dissenting opinion of Fraser CJA in the Canadian decision of *Reece (City) v Edmonton* (2011) 335 DLR (4th) 600 (Alta CA), which explores the right of a non-profit organization to challenge the way in which an elephant held in a municipal zoo is treated. The judge recognised, *ibid* at 632, that 'the existence of an ongoing debate about the animal welfare model and the evolution of the law in this area [as] part of the relevant context in which the issues raised by the appellants arise'. Fraser CJA went on to point out that debate over the issue was too important to be ignored noting, *ibid*, that 'the existence of the debate, an incontrovertible fact, demonstrates that the issues raised in this case are properly characterized as novel, in that they are not only arguable but also difficult and important'.

is flourishing and dialogue over animal topics within the legal academy is now commonplace. The number of university law schools offering an elective course in animal law continues to grow, and we've seen the emergence of a small but growing base of doctoral students pursuing research in animal law. Animal law is also making a significant contribution to the broader interdisciplinary movement of Human-Animal Studies, engaging with disciplines as diverse as sociology, politics, anthropology, ecology, history and science. There remains plenty to be accomplished, to be sure, but the framework for educated discussion now exists. It is simply no longer accurate to state, as we did just four short years ago, that 'books and legal articles examining the status of animals in Australia and New Zealand [are] few and far between'.

More significantly, the discussion has not been restricted to academia, as questions about the laws governing animal care and their appropriateness have moved heartily into the mainstream, filling the internet, newspapers and television screens on close to a daily basis. Whether it is concern over the live export of cattle or the appropriate cage size for layer hens, people are questioning the laws governing human-animal relations. Instead of passivity and ongoing acceptance, there is anger, discussion and the push for alternatives and, most importantly, better treatment of animals.

In some ways, it follows that our goals in this book are more modest. Rather than jump-starting a dialogue about human-animal interaction and how it is reflected in the legal system, we are seeking to continue pushing that dialogue forward by revisiting evolving debates, and addressing new or previously ignored areas of animal law. Our challenge in this book has been to retain the utility of the first volume as an introductory work on animal law issues while simultaneously addressing a raft of new concerns. We hope we have succeeded in this endeavour.