

# FACTUAL SCENARIO 1

Justine bought Rocky the dog 5 years ago from a breeder.

A year later she moved in with her partner Angela.

They both love Rocky and consider him part of their family.

Unfortunately, as Angela has to move overseas for work, they have decided to separate. Both Justine and Angela would like to have full custody of Rocky.

Justine argues that as she purchased Rocky, she is his sole owner. Angela argues that as she has helped look after Rocky for the past 4 years, including contributing to veterinary, food and other costs, she is an equal owner of Rocky.

Angela wants to take Rocky overseas with her to her new apartment in New York. She has landed a prestigious job working (probably long hours) in an advertising agency a few blocks from her apartment. Justine wants to keep Rocky in her suburban Melbourne home, which she also uses as a workspace during the day.

Rocky has a health condition, which means that he shouldn't be exposed to excess stress. Angela believes that it would cause stress to Rocky to be separated from her, as she is Rocky's 'favourite' (Justine concedes that this is the case).

# Questions

1. How do you think the situation would be resolved under the current state of the law? What relevant interests would be taken into account?
2. How do you think the situation would be resolved if animals were recognised as legal persons? What interests would be taken into account, and how would different interests be prioritised?
3. Are the interests of the animal better represented and protected under the current state of the law, or with the legal status of 'person'?

# FACTUAL SCENARIO 2

Sam the elephant was purchased from a circus by the 'State Zoo' 3 years ago. In the circus Sam was trained to perform numerous 'tricks' to entertain people. Due to an appearance on a popular TV show, Sam became quite a famous national celebrity.

His transfer to the Zoo was widely publicised, and resulted in a significant increase in Zoo attendance. He now lives in an enclosure with 10 other elephants. The facilities are said to be some of the best in the world, with 'heated sleeping quarters' in the winter months, and a 'large swimming area with beautiful foliage surrounds'.

However, recently a group of animal activists have started a campaign to 'Free Sam and Friends'. They argue that intelligent animals like elephants should not be held captive in artificial environments for human entertainment. In response to their complaints, animal welfare inspectors investigated the Zoo, and concluded that Sam and the other elephants are being held in conditions that exceed required standards. They noted that the elephants have access to 24-hour veterinary care and a constant supply of fresh food and water.

The activists are asking the government to intervene to ban elephant captivity for entertainment purposes, including exhibition in zoos. They want all captive elephants to be transferred into large sanctuaries free from human spectators, where they will be able to express their natural behaviours.

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# FACTUAL SCENARIO 3

Stallion is a greyhound, bred and raised to race in the greyhound racing industry. After a promising start, Stallion's race times have started to fall, and his owner Karen is now considering whether to keep him or give him away.

She sees little point in keeping Stallion, given that he's not going to bring in much money from racing and she doesn't think he'd make a very good pet dog. To get an idea of interest, Karen has posted an advertisement on an online forum to give away Stallion free to a good home (she doesn't think anyone would pay).

A number of people have contacted her offering to take him. She hasn't met with any of them, and they all sound a bit 'shady' in their brief text messages. However, she doesn't perceive any alternative options as she knows the local dog rescue shelter is a kill shelter and it's hard for them to re-home retired greyhounds. As she's very busy with work, she doesn't have time to properly assess all of the potential new owners.

At this stage, she's probably just going to pick one at random. She's given away plenty of greyhounds in the past, but hasn't kept in touch or heard from any of their new owners about how the dogs are doing. A local dog rescue group has complained about the number of dogs Karen has 'bred and discarded in the name of racing'. They have offered to take Stallion until they can find him an adequate home.

As this group have regularly caused 'trouble' for Karen (and in her opinion 'publicly defamed her good name'), she has refused to let them have him.

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# FACTUAL SCENARIO 4

Asha is a wildlife rescue volunteer. She regularly drives along a local road renowned for road kill, checking to see if any of the hit animals are still alive and suffering.

One night, she came across a young kangaroo who had been hit and left to suffer by the side of the road. She took the kangaroo to a local vet, who explained that unless Asha could afford to pay for an expensive surgery, the kangaroo would have to be euthanised.

As a wildlife volunteer and part-time student, Asha wasn't in a position to afford the surgery. Accordingly, although she was very distraught about the decision, the kangaroo had to be euthanised. A few weeks later, Asha came across an injured rare endangered parrot sitting underneath a tree. She took the parrot to the same vet, who explained again that significant money would be required to adequately address the parrot's injuries.

Again, Asha explained her situation. However, this time the vet exercised their discretion to operate free of charge. They said that it was more worthwhile expending the resources on such a beautiful and special animal.

Asha argued that the vet should have helped the kangaroo as well. This comment annoyed the vet who replied that they weren't a public hospital and couldn't be expected to help every animal that came through their door.

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# FACTUAL SCENARIO 5

Maria is an animal activist who regularly breaks into intensive animal agriculture facilities to film the ‘suffering of the sentient animals inside’. On one occasion she broke into a duck farm and couldn’t help but ‘rescue’ one of the small ducklings.

She became very attached to the duckling who she named ‘Liberty’. On the one-year anniversary of Liberty’s rescue, Maria posted photos of the rescue contrasted with Liberty’s new life to an Instagram account. The account was called ‘Free the Ducks’ and encouraged people to engage in animal liberation actions to release ducks and other birds from intensive agricultural facilities.

In an emotional moment, Maria decided to name the duck farm where Liberty was raised to ‘shame them’ for breeding and killing sentient ducks. The owners of the farm reported Maria to the police for trespass and also claimed that she had stolen Liberty who remained the legal property of the farm.

The police seized Liberty and returned her into the possession of the farm owners. Maria was extremely upset by this turn of events and hired a lawyer to argue that she was Liberty’s guardian.

The duck farm owners refused to take this argument seriously, maintaining that Liberty was stolen property. Since the seizure, Maria has not been able to secure any guarantees that Liberty won’t be killed.

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