



Anita Killeen: SPCA Auckland Pro Bono Panel of Prosecutors

EACH MONTH WE WILL CELEBRATE AN INITIATIVE BY NEW ZEALAND lawyers to use their legal expertise to benefit the community. To begin, we asked Anita Killeen, who is Chair and founder, about the SPCA Auckland Pro Bono Panel of Prosecutors.

How did you come to establish the Panel?

I have always been an animal lover. My husband and I have a Christmas tradition of going to the SPCA Village in Mangere and giving a financial donation. One Christmas I said to my husband that, given I was working as a prosecutor at the time, and part of the business of the SPCA is law enforcement and prosecution, perhaps I could be making a more substantial contribution to the SPCA and to New Zealand's animals.

In the New Year, I met the Chairman and the Board of the SPCA Auckland and gave a presentation that included a proposal to

take charge of developing an initiative I believed would save the organisation money and further its goals. The Board appointed me as a Director in early 2009, and, shortly after, I implemented the strategy which is now known as the Pro Bono Panel of Prosecutors for the SPCA Auckland.

Sadly, New Zealand has a poor track record when it comes to animal cruelty and research shows that people who are cruel to animals have a greater propensity to later be violent towards people.

One of the SPCA's primary objectives is for greater deterrence and denunciation for offenders who offend against animals and the organisation is tasked with the law enforcement and prosecution function for offences under the Animal Welfare Act. The government does not provide any money for these offences to be prosecuted in Court by the SPCA.

The SPCA's operating funds come almost exclusively from public



donations and the cost of prosecutions is financially challenging.

When I joined the Board I was horrified to learn that some offenders were not able to be brought to justice as there was no money to fund the prosecution. I established the Pro Bono Panel of Prosecutors to ensure that such cases be brought to court.

How long have you been involved with the Panel and how does it work?

My idea was to see if I could get some of New Zealand's most senior lawyers to offer their services at no charge. The Pro Bono Panel is a collection of 40 of the nation's greatest legal minds, and their purpose is to help fight the high incidence of abuse against animals.

The Panel has barristers and QCs from many different chambers, and lawyers and law firm partners throughout New Zealand. Each Panel member conducts prosecution cases in Court at no charge for the SPCA

THE PRO BONO PANEL OF PROSECUTORS FOR THE SPCA AUCKLAND

Panel members who have since been appointed to the judiciary are shown in italics.

- Deb Bell**, Barrister, Jervois Chambers, Auckland
Steve Bonnar QC, 22 Lorne Barristers, Auckland
Tiffany Cooper, Barrister, Sentinel Chambers, Auckland
Marc Corlett QC, Shortland Chambers, Auckland
Paul Dacre QC, Auckland
Peter Davey, Barrister, Kitchener Chambers, Auckland
Christine Gordon QC, Auckland
Kiri Harkess, McElroys, Auckland
Stephen Hunter, Partner, Gilbert Walker, Auckland
Gareth Kayes, Partner, Kayes Fletcher Walker Ltd, Auckland
Raewyn McCausland, Barrister, Guardian Chambers, Auckland
Richard Marchant, Barrister, Regent Chambers, Auckland
Simon Mount, Barrister, Bankside Chambers
John Upton QC, Capital Chambers, Wellington
Natalie Walker, Partner, Kayes Fletcher Walker Ltd, Auckland
Sir David Williams QC, Bankside Chambers, Auckland
John Billington QC, Shortland Chambers, Auckland
Roger Chambers, Barrister, Vulcan Chambers, Auckland
Nick Davidson QC, Christchurch
Paul Davison QC, Auckland
Richard Earwaker, Barrister, Sentinel Chambers, Auckland
Stuart Grieve QC, Auckland
John Haigh QC, Auckland (Deceased)
Rodney Harrison QC, Auckland
Mike Heron QC, Auckland
Anne Hinton QC, Auckland
David Jones QC, Lorne Street Chambers, Auckland
John Katz QC, Bankside Chambers, Auckland
Peter Kaye, Barrister, Vulcan Chambers, Auckland
Anita Killeen, Barrister, Quay Chambers, Auckland (Current Chair of Panel and Director of SPCA)
Aaron Lloyd, Partner, Minter Ellison Rudd Watts, Auckland
Ron Mansfield, Barrister, Bankside Chambers, Auckland
Stephen Mills QC, Shortland Chambers, Auckland
Mary Peters, Barrister, Bankside Chambers
Simon Moore QC, Auckland
Todd Simmonds, Barrister, Lorne Street Chambers, Auckland
Nicholas Till QC, Christchurch
Kit Toogood QC, Auckland
Harry Waalkens QC, Quay Chambers, Auckland



▲ **Anita Killeen**, Current Chair of Panel and Director of SPCA, and Barrister at Quay Chambers, Auckland

Auckland. The Panel has provided a platform where senior and junior lawyers, who act as second counsel to our Senior Panel lawyers, have been able to do pro bono work to assist the SPCA and to ensure justice is being done.

It is estimated that this initiative — now in its ninth year of operation — has saved the SPCA Auckland hundreds of thousands of dollars of donor funds a year by ensuring the legal services are provided for free. This enables donor funds to be used for SPCA's animal welfare activities, as opposed to fulfilling its law enforcement function.

The Panel initiative has received accolades nationally and internationally for its leadership, positive animal welfare outcomes, service to the community and innovation in establishing the first fully pro bono model of prosecuting animal welfare cases.

What results have been achieved?

The establishment of the Panel has ensured that all cases that SPCA Auckland believe ought to be prosecuted have been. The Panel has been involved with the full spectrum of animal welfare cases — including neglect, cruelty, torture, malnourishment, and hoarding cases as well as test cases on new points of law.

Due to the seniority and experience of the lawyers involved, as well as having good administrative systems in place, there is now greater consistency of SPCA Auckland's prosecution files,

and in my view, higher quality prosecution files being placed before the Courts.

In addition to Panel members conducting defended hearings and jury trials, our prosecutions cases also attract appellate activity and our Panel members have conducted appeals in the High Court, Court of Appeal and leave to appeal to the Supreme Court. This in turn has, in my opinion, led to a greater development of animal law in New Zealand and a greater public awareness of animal welfare and animal law issues.

Furthermore, together with the Pro Bono Panel, I have also been involved in working for harsher penalties against animal cruelty. I combined my efforts with the National Government, specifically, by lobbying the relevant ministers to reform The Animal Welfare Act 1999. In July 2010 an amendment to the Act was passed into law unanimously, increasing the maximum sentence for wilful ill-treatment of an animal from three to five years' imprisonment and the maximum fine doubled to \$100,000 for an individual and \$500,000 for a company.

I am also currently involved in lobbying for legislative change in the area of domestic violence and animal cruelty including having recently made a submission in relation to the Government's Public Discussion Document: *Strengthening New Zealand's Legislative Response to Family Violence*.

In particular, my submission highlighted case law and empirical evidence that demonstrates that animal cruelty needs to be viewed within a broader context of criminal offending. Animal cruelty can be a marker of family violence and companion animal abuse often co-occurs in the context of domestic violence.

For the reasons set out in a recent New Zealand Law Journal paper ("*The Mistreatment of Animals in Domestic Violence*" [2014] NZLJ 71), I have recommended that the Domestic Violence Act 1995 should be amended to expressly allow protection orders to include companion animals and the Veterinarians Act 2005 should be amended to require the mandatory reporting of animal abuse by vets. These amendments are two measures that, in my submission, will contribute in a meaningful way to the reduction of harm in society.



What sort of input in terms of time and other resources is made by the lawyers on the Panel?

The SPCA Auckland is very grateful to the generous donation of time that individual Panel members make to files. Some prosecution matters are resolved relatively swiftly, with a Panel member being involved with reviewing the case file prior to a prosecution being commenced.

Other prosecution files have involved significant commitments of time from our Panel members. For example, Todd Simmonds recently conducted an animal hoarding prosecution for the SPCA Auckland. Todd contributed a significant amount of time and resources to this prosecution which included appearing as counsel at a judge-alone trial, a Court of Appeal hearing and leave to appeal to the Supreme Court.

We are very grateful to have a significant commitment of pro bono litigation support from Kayes Fletcher Walker, the Office of the Manukau Crown Solicitor. The firm

support the work of the Pro Bono Panel in a number of ways including by acting as instructing solicitor, by providing legal opinions on individual files as to whether the test for a prosecution is met, as well as appearing in court to assist Panel members on cases. The pro bono work that Kayes Fletcher Walker provides is a significant factor in the ongoing success of the Panel initiative and contributes to ensuring the consistency and high quality of SPCA Auckland's prosecution files.

We are also grateful to a number of

other law firms who have contributed significant resources. For example, Russell McVeagh provided litigation support for over four years to the Auckland SPCA in a recent prosecution file conducted by John Billington QC.

The New Zealand Animal Law Association also supports the work of the Pro Bono Panel through providing legal opinions on points of law and having a pool of lawyers who have offered to act on a pro bono basis as second counsel to Panel members on prosecutions files.



DOCUSERVE NZ
LEGAL PROCESS SERVERS—*Est. 1988*

RECOGNISED INDUSTRY EXPERTS
SERVING LEGAL DOCUMENTS FOR OVER 27 YEARS

Fast, professional, nationwide process serving for solicitors & government agencies

P: (09) 302-2476 E: team@docuserve.co.nz W: www.docuserve.co.nz