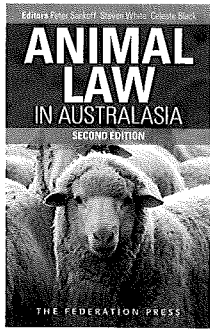


## Animal Law in Australasia: Continuing the Dialogue



Peter Sankoff,  
Steven White and  
Celeste Black

2<sup>nd</sup> edition

Federation Press

RRP \$75

The introduction to the first edition of this book set out the authors' intent to:

[s]timulate 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 ... instead of marginalised and ignored.

In this second edition, the purpose is to provide a clear intellectual pivot point for the development of a coherent body of animal law, in the same way that environmental law has developed over twenty years from a novel topic to a mainstream area of law.

One of the interesting questions raised in the text is "why is it difficult to make meaningful progress in animal welfare law reform?" When juxtaposed against health, education and the economy, animal welfare is portrayed as a marginal or fringe issue.

Professor David Weisbrot AM, who wrote the Foreword to this edition, notes that until recently, animal law was perceived as "somewhere between an oddity and an indulgence".

The way in which law regulates the treatment of animals reflects society's moral regard for animals. The legal status of animals is generally reflected in their status as 'property'. The treatment of animals also depends on whether animals are characterised as 'domestic' or 'non-domestic'. Domestic animals attract a higher standard of care, because they are not subject to the economic productivity balancing test to which non-domestic animals are subject. Animal welfare enforcement for domestic animals is based on a complaints model. Traditionally, the responsibility for criminal law enforcement fell to private charities, such as the RSPCA. This is model is uniquely used in the area of animal welfare. The regulation of non-domestic animals is based on a compliance model. Animal

suffering is permitted provided it is in accord with accepted industry practices.

Recently, the Coalition Federal Government abandoned plans to introduce the role of Inspector General of Animal Welfare (as part of the governance arrangements for the live export industry). In announcing the decision, Federal Agriculture Minister, Barnaby Joyce observed:

The Inspector General was a classic example of layer upon layer of bureaucracy without any practical outcome. The livestock export regulator was already, and remains, subject to appropriate oversight and review mechanisms. This is one bit of red tape we can do without...

This is an example of the peripheral role that animal welfare can have in political discourse. In this case, regulating animal welfare in the commercial sphere is characterised as 'red tape'.

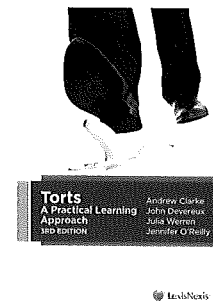
The ACT released a *Draft Code of Practice for the Sale of Animals in the ACT* on 21 October 2013. The Code applies to domestic animals, not stock or commercial-scale poultry; therefore, it reinforces the domestic/non-domestic animal divide. The Code outlines standards for the care and management of animals for sale in the ACT. This applies to anyone who sells animals in the ACT including pet shops, private backyards, fetes, markets, schools, newspapers and internet sales. The new Code was developed by the Animal Welfare Advisory Committee and includes mandatory standards which are enforceable by RSPCA inspectors, ACT Government officers and Australian Federal Police officers.

Contributors to the text are from Australia and New Zealand and include academics, practitioners and politicians. Some of the topics covered include farm animals and welfare law, the regulation of companion animals, the use of animals in research, dog control legislation, animals in entertainment, the use of codes in animal welfare, the application of welfare standards to fish, the impact of WTO regulation on domestic efforts to control cruelty, and Australia's regulatory regime for live exports.

The text raises interesting philosophical and regulatory issues affecting domestic, non-domestic and wild animals. This thought-provoking and pioneering text will absorb those interested in theories about animal rights.

Jane Grace, Australian Communications  
and Media Authority

## Torts: A Practical Learning Approach



Andrew Clarke,  
John Devereux,  
Julie Werren and  
Jennifer O'Reilly

3<sup>rd</sup> edition

LexisNexis

RRP \$139

*Torts: A Practical Learning Approach* offers a practical approach to acquainting oneself with the broad legal topic of Torts. It would be best appreciated by law students, university law staff and junior legal practitioners.

The textbook covers the following:

- » Part A: The Tort of Negligence;
- » Part B: Torts other than negligence including trespass, nuisance, breach of statutory duty and wrongful birth, life and death; and
- » Part C: Optional specialised topics of defamation and intentional torts related to goods.

Case law is a paramount aspect in Torts and this textbook cites some 520 cases. Given the large volume of cases cited, the textbook does not extract significant portions of each case and instead provides a case note. The case notes cover the facts, the legal principle which was in issue, the Court's decision and the significance of the case. This provides adequate information to continue reading the chapter without having to first read the case in its entirety. For the decisions I am quite familiar with, I was impressed with the case notes.

Where this textbook shines and the reason why I recommend this textbook is the end of chapter tutorial exercises and the model answers. Legal practise involves drafting memorandums, advices, letters, court documents and advising clients on the prospects of success. Universities, in a push to better prepare law students, now set exam questions akin to the tasks one would routinely undertake within a law firm. The textbook recognises this and sets practical exercises which contextualises the theory within the practise of torts to adequately inform and prepare the reader. This textbook would serve as a worthy aide for the junior lawyer, a teacher during a tutorial, or a student preparing for exams.

Rahul Bedi, Maliganis Edwards Johnson