



LAW 448

Animal Law

S3 External 2014

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

Jed Goodfellow

jed.goodfellow@mq.edu.au

Contact via jed.goodfellow@mq.edu.au

Room 331, W3A

Each afternoon following the lectures

Credit points

3

Prerequisites

LAW316 and 3cp in LAW units at 300 level

Corequisites

Co-badged status

Unit description

This unit is concerned with the role of the law in regulating our interactions with animals. This unit considers the important philosophical, ethical, legal and regulatory questions regarding the treatment of animals. How should animals be treated in modern-day society? Why are some animals afforded greater protections than others? How does one determine what is necessary and unnecessary harm in the treatment of animals? Should animals be conceptualised as personal property or afforded some or all of the protections available to legal persons under the law? Students will be exposed to a range of ideas that will inform their analysis of the contemporary animal welfare legislative framework. Regulatory arrangements will be examined and contrasted in relation to: companion animals; farm animals; animals used in commercial food (or other) production; wildlife, including protected species; and animals used in scientific experimentation, zoos and circuses. Significant international developments in animal law will be considered, and avenues for public interest litigation explored. Throughout the course, students will be presented with practical case-studies and a rich diversity of perspectives from a range of expert speakers. This unit is designed to be interactive and thought-provoking in which previous conceptions and assumptions regarding non-human animals are challenged.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

- Identify key legal principles in relation to regulation of the use of animals
- Discuss the key theories and research on regulation of the use of animals
- Review and critique literature on the regulation of the use of animals
- Identify legal issues and apply relevant legal principles to hypothetical problems involving the use of animals
- Display presentation and discussion skills in relation to animal law issues
- Communicate and clearly present the results of research on animal law issues
- Consider ways in which values and ethical issues affect animal law and policy

Assessment Tasks

| Name | Weighting | Due |
|-----------------------|-----------|-----------------|
| <u>Examination</u> | 10% | 23 January 2015 |
| <u>Presentation</u> | 30% | 20 January 2015 |
| <u>Research Paper</u> | 60% | 9 February 2015 |

Examination

Due: **23 January 2015**

Weighting: **10%**

The Take Home examination in this unit will be based on material covered in the first day of the intensive session, primarily, concepts introduced within the topic 'History: Philosophical Development, Origins of Property Status and First Animal Protection Laws' and 'Contemporary Philosophical Thought and Animal Law Strategy'.

The questions in the examination will be 'essay' type questions.

A student's examination answers cannot exceed 1,000 words. A bibliography is not required.

The examination answers must be properly referenced with appropriate analysis and argument supported by relevant authority. The examination answer must be typed on A4 paper. In completing their examination answers, students must comply with the 3rd edition of the *Australian Guide to Legal Citation*, compiled by the Melbourne University Law Review. The Guide is available for download for free at:

<http://www.law.unimelb.edu.au/mulr/aglc>

The examination paper will be available on iLearn by 5 pm on Monday 19 January 2015.

Examination answers must be submitted via Turnitin on iLearn by 5 pm on Friday, 23 January

2015.

Any student who does not submit answers to the examination on time or at all, will receive a zero mark for this assessment item as well as a zero mark for the unit, irrespective of marks gained in any other assessment item.

On successful completion you will be able to:

- Identify key legal principles in relation to regulation of the use of animals
- Discuss the key theories and research on regulation of the use of animals
- Consider ways in which values and ethical issues affect animal law and policy

Presentation

Due: **20 January 2015**

Weighting: **30%**

This assessment requires students (in groups of three to four) to give a 20 minute presentation on a particular area of animal use that was not specifically addressed during the course. The presentations must outline the relevant regulatory framework and provide a critical assessment of the framework using theoretical concepts covered during the course. Presentations will be followed by 5 minutes of questions from the class. Students will be assessed on their presentation/communication skills, the quality of research undertaken, and their application of theory. Marks will be attributed on a group basis. Students will be assigned to groups before the commencement of the intensive session.

Any student who does not complete and participate in the Presentation will receive a zero mark for this assessment item as well as a zero mark for the unit, irrespective of marks gained in any other assessment item.

On successful completion you will be able to:

- Identify key legal principles in relation to regulation of the use of animals
- Review and critique literature on the regulation of the use of animals
- Identify legal issues and apply relevant legal principles to hypothetical problems involving the use of animals
- Display presentation and discussion skills in relation to animal law issues

Research Paper

Due: **9 February 2015**

Weighting: **60%**

To fulfil the requirements of this assessment item, students must write a Research Paper in relation to one of several set questions or, with the prior approval of the Unit Convenor, their own question. The set questions will be available on iLearn on 15 December 2014. The Research Paper must be a properly referenced formal response with appropriate analysis and argument

supported by relevant authoritative cases and commentary. The research paper must be typed on A4 paper and must be kept to a maximum 3,000 words (excluding footnotes and bibliography). In completing their research paper, students must comply with the 3rd edition of the *Australian Guide to Legal Citation*, compiled by the Melbourne University Law Review. The Guide is available for download for free at:

<http://www.law.unimelb.edu.au/mulr/aglc>.

Hard copies are available in the MQ Library at LAW REF KU48.A84.

The Research Paper must be submitted via Turnitin by 12 noon on Monday, 9 February 2015.

Any student who does not submit the Research Paper on time or at all, will receive a zero mark for this assessment item as well as zero mark for the unit, irrespective of marks gained in any other assessment item.

On successful completion you will be able to:

- Identify key legal principles in relation to regulation of the use of animals
- Review and critique literature on the regulation of the use of animals
- Communicate and clearly present the results of research on animal law issues
- Consider ways in which values and ethical issues affect animal law and policy

Delivery and Resources

REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

PRESCRIBED MATERIALS

1. P Sankoff, S White & C Black (eds) *Animal Law in Australasia*, 2nd ed, Federation Press, 2013
2. Macquarie Library E-Reserve

REFERENCE MATERIALS

1. S J Armstrong & R G Botzler (eds), *The Animal Ethics Reader*, 2nd ed, Routledge, 2008
2. M Bagaric & K Akers, *Humanising Animals: Civilising People*, CCH, 2012
3. A Bruce, *Animal law in Australia, An Integrated Approach*, LexisNexis, 2012
4. J R Garrett (ed), *The Ethics of Animal Research, Exploring the Controversy*, The MIT Press, 2012
5. P Sankoff & S White (eds), *Animal Law in Australasia*, 1st ed, Federation Press, 2009
6. D Cao, *Animal law in Australia & New Zealand*, Thomson Reuters, 2010
7. Y Otomo & E Mussawir (eds) *Law and the Question of the Animal: A Critical Jurisprudence*, Routledge, 2013
8. M Radford, *Animal Welfare Law in Britain: Regulation and Responsibility*, Oxford University

Press, 2001

9. C Sunstein & M Nussbaum, *Animal Rights: Current Debates and New Directions*, Oxford University Press, 2004

10. B A Wagman & M Liebman, *A Worldview of Animal Law*, Carolina Academic Press, 2011

11. *Animal Law Review* (available at HeinOnline)

12. *Journal of Animal Law* (available at HeinOnline)

13. *Stanford Journal of Animal Law & Policy* (available at <http://sjalp.stanford.edu/index.html>)

14. *Journal of Animal Law & Ethics* (available at HeinOnline)

15. *Journal of Animal & Environmental Law* (available at <http://www.jael-online.org/>)

16. *Journal of Animal and Natural Resource Law* (available at <http://www.animallaw.info/>)

17. *Australian Animal Protection Law Journal* (In library)

18. Animal Legal and Historical Center, <http://www.animallaw.info/>

DELIVERY OF UNIT

This unit will be delivered by a one week intensive session consisting of a combination of lectures, tutorials, and group related activities during class time.

External students are required to attend in person for classes on 19 and 20 January 2015.

If a student who is absent from classes for medical or other acceptable reason provides, within a reasonable time, the Unit Convenor with (i) appropriate medical or other documentary evidence, and (ii) satisfactory written answers to the questions set for that class, that student will be deemed to have attended the class for the purposes of the minimum attendance requirement noted above.

Any student who does not comply with the attendance requirement will receive a zero mark for the unit, irrespective of marks gained in the prescribed assessment items.

CHANGES TO PREVIOUS OFFERINGS OF THIS UNIT

Different weightings have been assigned to assessment pieces.

Unit Schedule

TOPICS STUDIED IN THIS UNIT

The week intensive will be delivered from 9 am to 3 pm from Monday to Thursday with the exception of Tuesday, on which classes will go until 4.30 pm. External students will deliver their presentations after class on the Tuesday, 20 January. The schedule of topics and classes in this unit are as follows:

| Day | Date | Topics |
|-----|------------|---|
| 1 | 19 January | Introduction to Animal Law |
| | | History: Philosophical Development, Origins of Property Status & First Animal Protection Laws |
| | | Contemporary Philosophical Thought and Animal Law Strategy |
| 2 | 20 January | Principles of Animal Welfare Law and Regulation |
| | | Standard-setting and Enforcement of Animal Welfare Legislation |
| 3 | 21 January | Regulation of the Treatment of Companion Animals |
| | | Regulation of the Treatment of Farm Animals |
| 4 | 22 January | International Issues in Animal Law |
| | | Animal Advocacy – Animal Law in Practice |
| | | Animal Politics and Law Reform |
| 5 | 23 January | Presentations |

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of

Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

EXTENSIONS AND DISRUPTION TO STUDIES

EXTENSIONS

Any student seeking an extension of time to submit the research paper must submit an application for Special Consideration in accordance with the policy and procedure set out below. Extensions of greater than seven (7) days will not usually be granted.

No extensions of time will be granted in relation to the take home examination.

If, for justifiable reasons, a student is unable to do the take home examination he or she should submit an application for Special Consideration, which, if granted, will enable the student to complete a different examination. In the case of a different examination, it will be in the form of a formal two (2) hour examination at a date and time determined by the Unit Convenor. For this examination a student will be permitted to bring into the examination room personal notes (whether typed or handwritten) up to a maximum of FOUR A4 sides of paper (ie four single-sided sheets or two double-sided sheets). No other written material, magnifying glasses, or goods of any other kind whatsoever will be permitted to be taken into the examination room.

DISRUPTION TO STUDIES

Disruption to Studies Policy - what is it?

The University recognises that students may experience disruptions that adversely affect their academic performance in assessment activities. Support Services are provided by the University to assist students through their studies. Whilst advice and recommendations may be made to a student, it is ultimately the student's responsibility to access these services as appropriate.

The Disruption to Studies Policy applies only to serious and unavoidable disruptions that arise after a study period has commenced. The full Disruption to Studies Policy can be found [here](#).

Serious and Unavoidable Disruption: The University classifies a disruption as **serious and unavoidable** if it:

- could not have reasonably been anticipated, avoided or guarded against by the student; and
- was beyond the student's control; and
- caused substantial disruption to the student's capacity for effective study and/or completion of required work; and
- occurred during an event critical study period and was at least three (3) consecutive

days duration, and / or

- prevented completion of a final examination.

Students with a pre-existing disability/health condition or prolonged adverse circumstances may be eligible for ongoing assistance and support. Such support is governed by other policies and may be sought and coordinated through [Campus Wellbeing and Support Services](#).

How to submit a Disruption to Studies Notification?

NOTIFICATION

The Disruption to Studies Notification must be completed and submitted online through www.asik.mq.edu.au within five (5) working days of the commencement of the disruption. In the situation where a student requires a proxy to submit it on their behalf, this will be taken into account on submission of appropriate evidence as detailed below.

In submitting a Disruption to Studies Notification, a student is acknowledging that they may be required to undertake additional work. The time and date, deadline or format of any required extra assessable work as a result of a Disruption to Studies Notification is not negotiable.

Further, in submitting a Disruption to Studies Notification, a student is agreeing to make themselves available so that they can complete any extra work as required.

VALIDITY

Supporting documentation must be submitted within five (5) working days of submitting the Disruption to Studies Notification. Refer to the [Disruption to Studies: Supporting Evidence Schedule](#) for information/examples of supporting documentary evidence relevant to the disruption event(s).

Once supporting documentation has been supplied, a determination of whether the disruption meets the Serious and Unavoidable criteria will commence.

All original documentation submitted regarding the disruption must be retained by the student as this may be requested by the University at any time. In this event, students will be provided 10 business days to submit the original documentation.

WITHDRAWAL OF NOTICE OF DISRUPTION

A student may withdraw their Disruption to Studies Notification up to the point where the determination of whether it is Serious and Unavoidable has been made. After this determination, the student may not withdraw the Disruption to Studies Notification and must submit themselves to partake in the assessment activities organised by the Unit Convenor.

Disruptions relating to medical circumstances

Where the particular circumstances pertaining to the disruption are medical in nature, a completed *Professional Authority Form* is required to be submitted with the Disruption to Studies Notification. Medical certificates will not be accepted as supporting documentation.

Refer to the [Disruption to Studies: Supporting Evidence Schedule](#) for details regarding the Professional Authority that is relevant to the disruption event. Students can contact staff in [Campus Wellbeing and Support Services](#) for professional guidance on medical circumstances relating

to a disruption event or to the completion of a Professional Authority Form.

The University may contact the Registered Health Professional or their practice to verify the authenticity of any *Professional Authority Form* or other supporting information provided or to obtain further information from the Registered Health Professional regarding the impact of the medical condition on the student's ability to complete the assessment task and/or final examination.

Prior conditions

Conditions existing prior to commencing a unit of study are covered by other policies, except in the event of deterioration or exacerbation of the condition. The student is responsible for managing their workload in light of any known or anticipated problems. Students with a pre-existing disability/health condition may contact [Campus Wellbeing and Support Services](#) for information on available support.

Disruptions relating to non-medical circumstances

Where the particular circumstances pertaining to the disruption to studies are non-medical in nature, appropriate supporting evidence indicating the severity (serious / not serious) and impact of the circumstances must be included with the Disruption to Studies Notification as set out in the [Disruption to Studies: Supporting Evidence Schedule](#). Details of the actual circumstances are not required to be included if the supporting evidence provides the severity impact of the circumstances.

Academic Performance Academic performance is not a consideration for the determination of whether a disruption is classified as Serious and Unavoidable.

The full Disruption to Studies Procedure can be found [here](#).

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)

- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Identify key legal principles in relation to regulation of the use of animals
- Discuss the key theories and research on regulation of the use of animals

Assessment tasks

- Examination
- Presentation
- Research Paper

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and

systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Discuss the key theories and research on regulation of the use of animals
- Review and critique literature on the regulation of the use of animals

Assessment tasks

- Examination
- Presentation
- Research Paper

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcome

- Identify legal issues and apply relevant legal principles to hypothetical problems involving the use of animals

Assessment tasks

- Examination
- Presentation
- Research Paper

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Display presentation and discussion skills in relation to animal law issues

- Communicate and clearly present the results of research on animal law issues

Assessment tasks

- Examination
- Presentation
- Research Paper

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcome

- Consider ways in which values and ethical issues affect animal law and policy

Assessment tasks

- Presentation
- Research Paper