

Compassion, animals and the law (Editorial)

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Published

2018

Journal Title

Alternative Law Journal

Version

Accepted Manuscript (AM)

DOI

[10.1177/1037969X18805591](https://doi.org/10.1177/1037969X18805591)

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White, S, Compassion, animals and the law, Alternative Law Journal (Volume 43, Issue 4) pp. 237-237. Copyright © 2018 The Author(s). DOI: 10.1177/1037969X18805591

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Opinion

Compassion, animals and the law

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Issues of animal protection continue to command significant attention in a crowded national policy and political agenda. The harm experienced by animals exported live to south-east Asia and the Middle East is regularly highlighted in investigative exposés, most recently in April of this year when *60 Minutes* screened undercover footage from an export ship transporting sheep to the Middle East. This footage was the first obtained from a ship in transit, and the horrific scenes garnered worldwide attention. Predictably, much concern was expressed by the political class about the suffering experienced by the sheep, and governmental reviews initiated amid ministerial commitments to ‘do better’. This response reflects an all-too-familiar pattern. An exposé a few years earlier, concerning the killing of Australian cattle in Indonesian abattoirs, had so shocked Australians that tens of thousands rallied around the country, calling for an end to live export. Reviews were conducted and ‘reforms’ implemented. The story also prompted a temporary ban on live export to Indonesia, prompting disaffected cattle farmers to commence class action litigation in the Federal Court of Australia against the then minister, a matter still to be resolved (see *Brett Cattle Company Pty Ltd v Minister for Agriculture, Fisheries & Forestry*, NSD1102/2014, 27 October 2014). Despite the unceasing examples of the harms imposed on exported animals, the current federal government has ruled out a phased end to the trade.

Another animal protection issue garnering significant public attention exploded in 2015 when *Four Corners* screened footage of the extensive use of live animal baiting in the greyhound racing industry, highlighting the participation and/or complicity of senior industry figures. This led to criminal prosecution of some individuals. More broadly, responses included a short-lived proposed ban of the industry by the NSW government, a complete restructure of the broader racing industry in Queensland and, earlier this year, a racing ban in the ACT. Free-range farming is another issue often commanding media interest, in part because of a series of actions brought by the ACCC against producers and sellers making misleading claims about the free-

range status of their meat or egg production. The plight of wild animals also regularly evokes public concern, including the mass killings of kangaroos, the treatment of 'feral' animals such as wild horses, and the suffering and death of species experiencing habitat loss, such as the koala.

These issues, and many more, suggest that current animal protection regulation is not fit for purpose. In the face of this failure, novel legal approaches to advancing the interests of animals catch the headlines. For example, the Nonhuman Rights Project in the United States is engaged in litigation seeking common law recognition of animals as legal persons. Other jurisdictions, including South America, India and New Zealand, have recognised elements of nature, such as river systems, as legal persons. In Australia, the response is likely to be more prosaic. There is significant political consensus emerging on the need for an independent office of animal welfare, at federal or state level, moving administrative responsibility for animal protection away from conflicted agencies such as departments of agriculture. As well, there is increasing recognition that the triple demands of animal welfare, environmental protection and health promotion intersect, creating the potential for powerful coalitions challenging prevailing practices which impose cruelty on animals, and that harm our environment and our health. Importantly, contesting established harmful practices in industries such as commercial animal farming cannot just be a matter for 'consumer' action. Institutional responses entrenching shared norms and actionable regulation are critical, including through the creation of new regulatory bodies. Lawyers focussed on advancing the interests of animals, traversing NGOs, the public and private sectors, and the academy, are making an important contribution to this agenda. The number of law graduates with experience of animal law during their time in law school continues to grow, whether through specific electives, research projects, student competitions, volunteering or other involvement. Their compassion, commitment and cleverness are essential to pressing forward the arguments and action for change.

Steven White teaches animal law at Griffith Law School, and is Editor for this special Animal Law issue of the *Alternative Law Journal*.