



## Lawyers for Animals Year In Review

Lawyers for Animals has had a hugely successful year with the commencement of the Animal Law Clinic at Fitzroy Legal Service on 5 April 2013 and its celebratory launch on 9 May. The Clinic is the first in Australia to offer free, face-to-face legal advice specifically on animal issues and has already helped dozens of people (and animals) who could not otherwise have accessed such advice. Scroll down to read more about this exciting initiative and LFA's other successes of 2013.

### President's message

Personally, and on behalf of LFA, I'd like to express my sincere thanks to the amazing team of people who make LFA the progressive, friendly and active organisation it is. This especially includes: our current and former Executive; our legal and administrative Clinic volunteers; our project volunteers; and our everyday members, without whose continuing financial and communications support we would be unable to operate. Our continuing thanks also to Kindness Trust for providing us with a lovely 'home base' and meeting space in Kindness House. Here's to consolidating our 2013 achievements and growing more active for the animals in 2014!



Our President, Nichola Donovan, with Banjo and Arkie

### Animal Law Clinic – a first for Australia

In collaboration with Fitzroy Legal Service, Lawyers for Animals launched the Animal Law Clinic, a free legal advice service on matters relating to animals, including dangerous dog laws, animal rights, welfare and activism. The Clinic runs on Friday evening each week and has helped over forty clients since opening on 5 April 2013.

The majority of appointments to date have concerned companion animals. Legal advice has been sought about dangerous and menacing dog laws, conduct of veterinarians,

neighbourhood disputes such as wandering cats, and disputes about companion animal ownership. The Clinic has a strong focus on the interests of the animals involved.

The Clinic is run by over 30 volunteers consisting of lawyers and law students. Further information about how to become involved in the Clinic is available on our [website](#).



The Hon. Justice Marcia Neave and Adjunct Professor Rob Hulls

The launch of the Animal Law Clinic was officially celebrated on 9 May 2013, with speakers including the Hon. Justice Marcia Neave of the Supreme Court of Victoria; former Attorney-General of Victoria, Rob Hulls, and former Victorian Commissioner for Equal Opportunity, our own Moira Rayner.

## Events

### Animal Law Breakfast

In June, Lawyers for Animals and Victorian Women Lawyers hosted our second animal law discussion over a delicious vegan breakfast at Maddocks.

Shatha Hamade, Legal Counsel for Animals Australia and former Legal Counsel for RSPCA SA, spoke about the key issues faced by lawyers in advocating for positive animal welfare outcomes through the law, and shared her own experiences of working as a prosecutor at the RSPCA.



Picture: Jo-Anna Robinson Source: Sunday Mail (SA)

## **Annual Comedy Fundraiser**

The annual Melbourne International Comedy Festival Fundraising event was a great success. Many thanks go to [Joel Tito](#) for entertaining us on the night.

## **Submissions**

### **Puppy farms**

In March 2013, LFA sent a [letter](#) to Victorian Premier to follow up on his Government's pre-existing commitment to eliminate illegal or poorly run puppy farms, noting that much work is still needed.

### **Code of Practice for Operation of Breeding and Rearing Premises**

In May 2013, LFA made a [submission](#) to the Department of Environment and Primary Industries review of the Code of Practice for the Operation of Breeding and Rearing Premises. A [second submission](#) was made in August 2013 concerning a revised version of that draft Code.

## **Key developments in Animal Law in 2013**

### **Successful prosecution of chicken meat companies for misleading advertising**

On [8 July 2013](#), the Federal Court found that two chicken meat production companies (the owners of the Steggles brand) had engaged in conduct likely to mislead and deceive consumers. The companies advertised their chickens as 'free to roam in large barns' when in fact, as Justice Tracey found, "with few exceptions, each bird was in physical contact with one or more other birds" for a large part of the bird's growth cycle.

Previously, a fourth respondent, Turi Foods Pty. Ltd. (La Ionica brand) settled its dispute with the ACCC on terms which included the making of declarations and consent orders, including payment of \$100,000 to the Commonwealth.

In October 2013, the companies were ordered to pay a total of \$400,000 in civil pecuniary penalties. The Australian Chicken Meat Federation, the peak industry body for Australia's chicken meat industry, was also ordered to pay \$20,000 in penalties for having misleading statements on its website. These three parties have since been ordered to pay the party-party costs of the ACCC.

Lawyers for Animals played a pivotal role in instigating the ACCC's investigation and prosecution of this case, with the initial idea and legal research for the action coming from current and former members of our Executive Committee.

## US legal action seeking to have chimpanzee recognised as a “legal person”

At the start of December, the Nonhuman Rights Project, a US-based animal rights group, filed a common law writ of habeas corpus claiming that Tommy, a chimpanzee living in a small cage in New York, is being held captive unlawfully. The writ demands that Tommy be recognised as a legal person and released to a sanctuary.

According to its [website](#), the Nonhuman Rights Project’s strategy is to file as many habeas corpus suits as it can in the states where it has the best chance of winning them. It also aims to encourage other animal rights groups to file similar cases.



Source: Nonhuman Rights Project

## Legislative developments

The Victorian Government has released a revised [Code of Practice for Breeding and Rearing Businesses](#), which will come into effect on 11 April 2014. The Code specifies the minimum standards of accommodation, management and care for dogs and cats housed in breeding and rearing establishments.

While some gains have been made for the animals in these establishments, particularly in relation to annual health checks by veterinary practitioners; Lawyers for Animals is disappointed that the new Code appears to perpetuate the occurrence of puppy 'factories', in that:

- It sets minimum exercise and space requirements which will not allow animals to express normal behaviours. For instance: only 7.5m<sup>2</sup> of space (eg. 2.5m x 3m) is required for an enclosure housing a female dog with 10 pups aged between 8-16 weeks, provided all are less than 40cm tall at the shoulder (that's around the size of a beagle or cocker spaniel). Can you imagine a cage the size of a small bathroom containing 11 dogs, 10 of which are active young pups between 2-4 months of age? Now imagine those pups locked in that cage for all but 20 minutes per day, which is the minimum run/play time they are allowed under the Code. How can clever, energetic animals hope to remain mentally stimulated, emotionally stable and developmentally enriched in such confinement?
- Despite claiming to impose 'breeding limits to enable animals to be easily rehomed'; in fact, there is no limit on how many animals a single large animal business can produce in any particular period. The only limits imposed are the maximum number of litters one female animal may produce – five for dogs, eight for cats – and at what age a male dog should retire (without veterinary exemption) – six years. In relation to 'retired' animals, the Code provides that 'when an acceptable home is unable to be found, [they] may be euthanised via

lethal injection by a veterinary practitioner.' It is therefore conceivable that a large animal business may continue to produce hundreds or even thousands of animals each year, in factory-like conditions.

- The minimum staffing ratio of one person per 25 fertile animals – which, according to the example provided in the Code, may equate to one person per 81 animals (if an average litter includes eight animals) – does little to counteract the perception that large puppy and kitten factories may continue to flourish under this Code.

It is axiomatic that large breeding establishments – like factories – are driven by profit, with less concern for the welfare of the animals unfortunate enough to be used within them. At a time when there are still thousands of dogs and cats euthanised each year for want of good homes, such breeding establishments effectively contribute to unnecessary suffering and death. Lawyers for Animals will continue to advocate for a limit on the number of animals that any single breeding establishment can produce; and improved conditions for the animals within them. We also promote the adoption of stray/unwanted animals from rescue groups and shelters.

Thank you for your continuing support.

**Lawyers for Animals**

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