

Rare Book Lecture: The Weird and Wonderful World of Animals and the Law

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Melbourne Law Library
19 September 2023

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The Weird
&
Wonderful
HISTORY
*'trespassing bees...
murderous zebras*

How did we come to write this book?

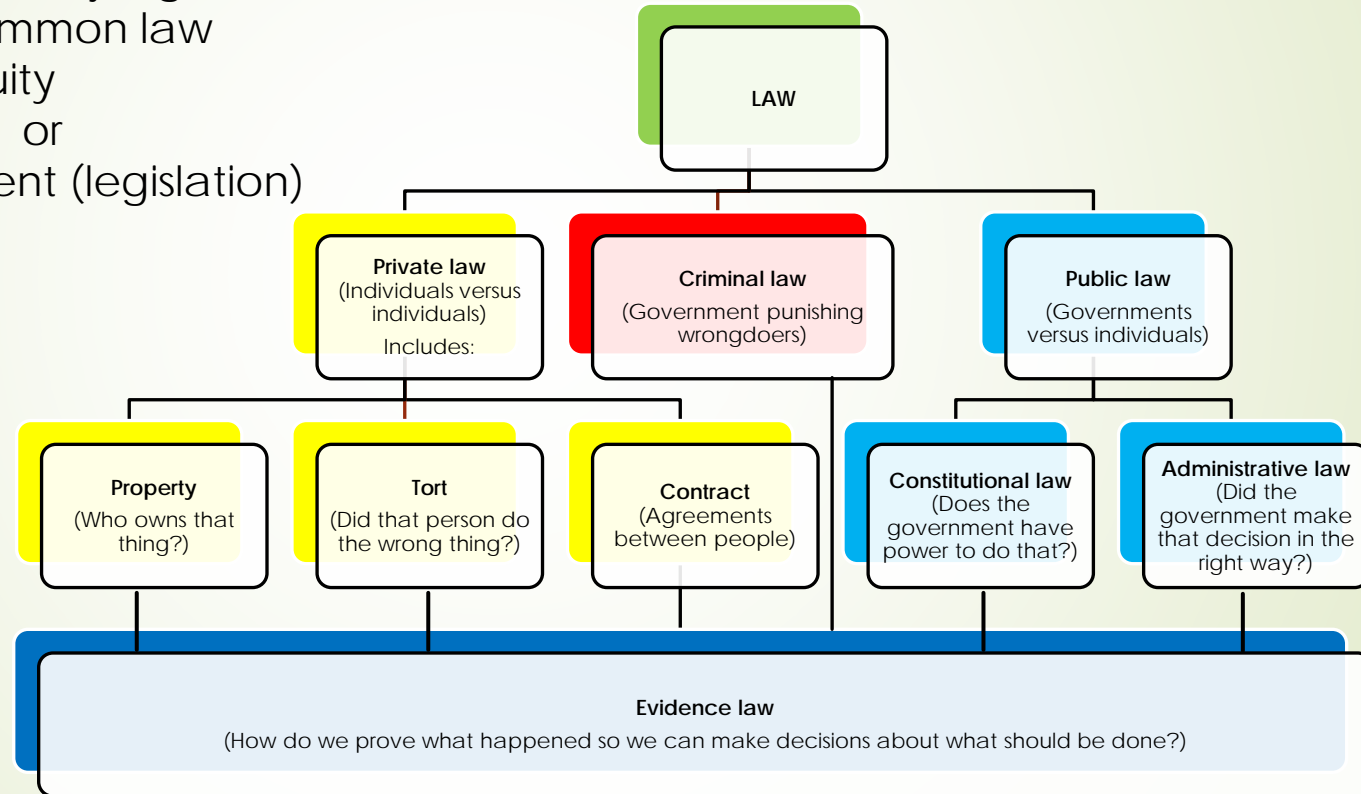



- ▶ We came to write this book because of the case involving Izzy the Staffordshire terrier, who had her 'day in court' in *Isbester v Knox City Council*, a case we discuss in the Introduction.
- ▶ The case went all the way to the High Court of Australia (the apex court in Australia)
- ▶ Let's tell you how she ended up there first...

How the law works: a simple diagram

Law can be made by:

- Decisions of judges:
 - Common law
 - Equityor
- Parliament (legislation)





Izzy's case potentially raises all areas of law

- ▶ **Private law:** property law (Isbester as owner of Izzy) and tort law (law of responsibility for wrongdoing) (suing Isbester for harms done by Izzy because she failed to control her dog)
- ▶ **Criminal law:** a criminal offence by Izzy's owner under s 29 of the *Domestic Animals Act 1994* where a dog "attacks or bites any person or animal and causes death or a serious injury to the person or animal, the owner of the dog... is guilty of an offence and liable to a penalty not exceeding 40 penalty units."
- ▶ **Public law:** decisions of the Council to euthanize Izzy → were they properly made?
- ▶ **Evidence law:** did Izzy herself actually attack or bite anyone?

Talking points

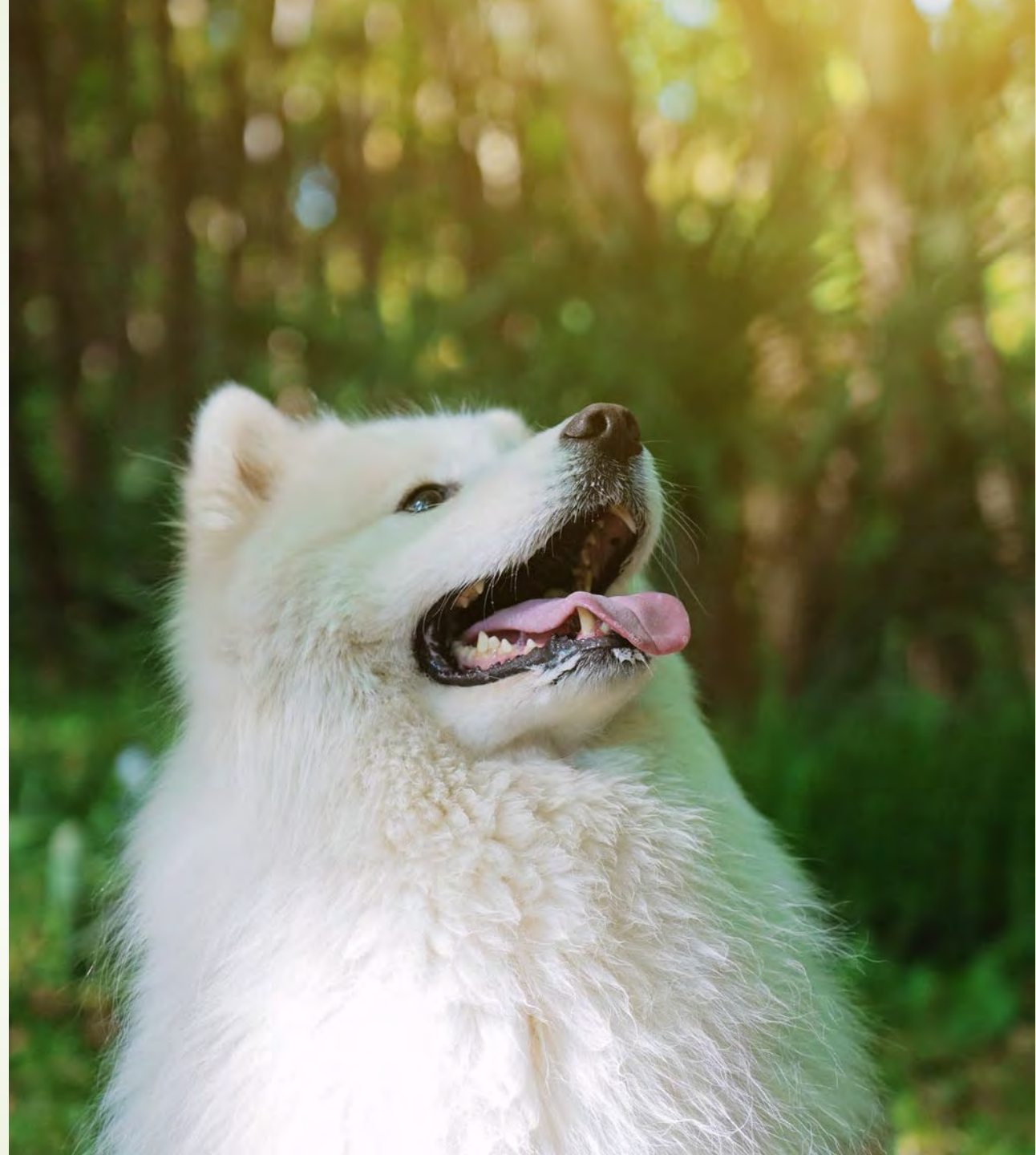


TRIAL OF A SOW AND PIGS AT LAVEGNY.

- ▶ 'Guilty Pigs' – the strange late medieval/early modern European prosecutions of killer animals

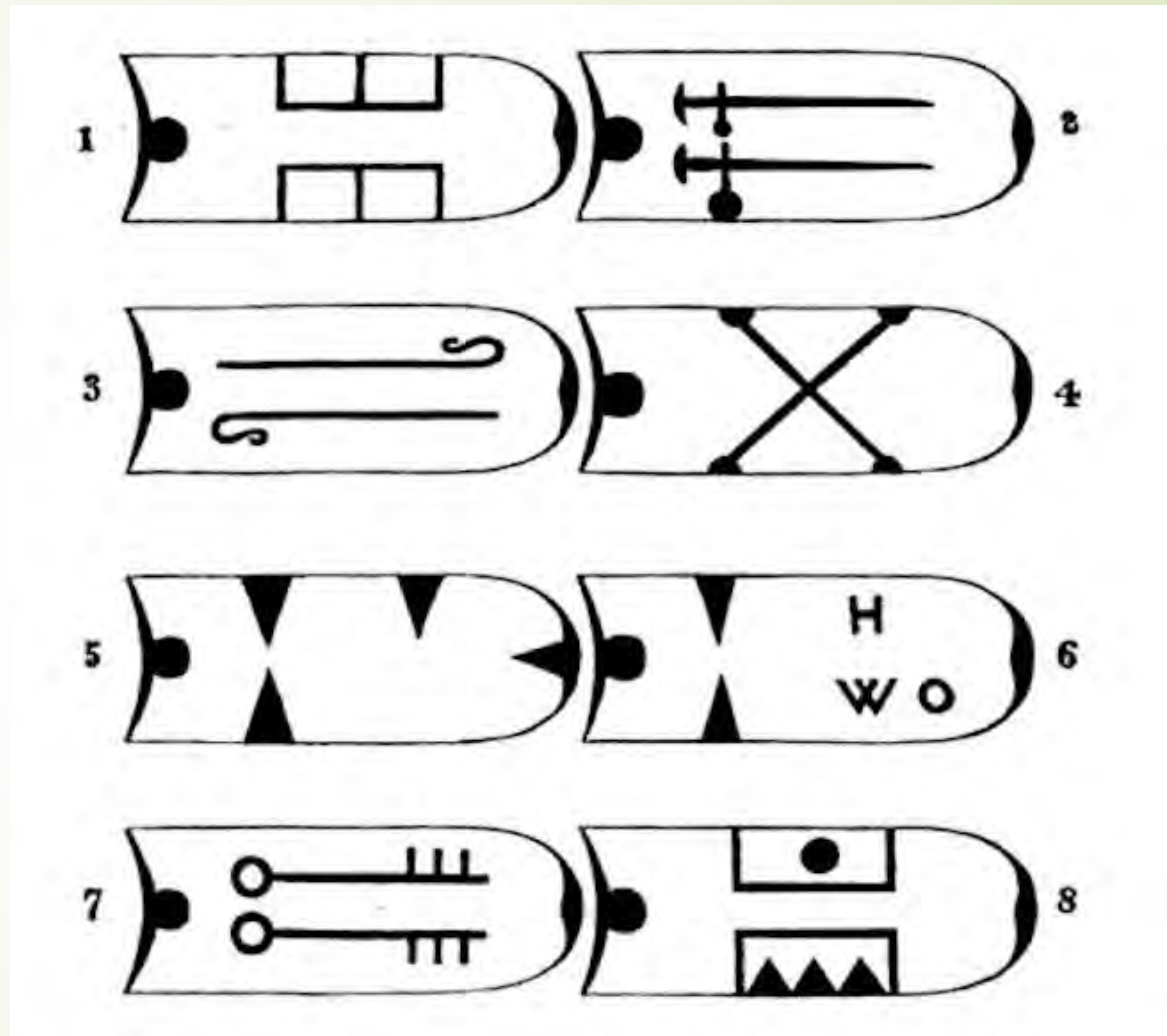
Talking points

- ▶ 'Buddy's choice' – letting the dog choose who his owner was in a court case
- ▶ Who would he go to?



Talking points

'Does the Queen own all the swans?' – No, *not quite*, but the truth is far stranger than that.



Talking points

- ▶ 'Day of the Tentacle' – should an octopus who took a selfie have copyright in the photo?



Happy the Elephant

- New York Court of Appeals said Happy the elephant(at Bronx Zoo) could not avail herself of habeas corpus rules (usually applied to humans)
- Happy does not have legal personhood



Leatherback turtles

- ▶ Panama passed a law which allowed sea turtles the legal right to live and have free passage in a healthy environment.
- ▶ Any Panamanian citizen can be the voice of the sea turtle and defend them legally





Thanks



- ▶ None of this would have been possible without Carole Hinchcliff and her enthusiasm: she's consistently passed on articles and items of interest while I was researching my book, found strange sources during lockdown and been so enthusiastic. She's been a very staunch supporter of the book from its inception.
- ▶ Thanks to my family and to my co-author Jeremy Gans (all of whom put up with bizarre animal facts, and continue to do so)
- ▶ Thanks to so many supporters of the book who are in the audience!
- ▶ And also thanks to Marina Casfikis, Mick Scalzo and the Melbourne Law School Events Team for making this such a seamless and wonderful event.

Sources/Attributions

Slide 2

- Photo taken from Facebook: Barristers Animal Welfare Panel, and accessed here: <https://www.abc.net.au/news/2015-04-13/izzy-the-staffordshire-terrier/6390200?nw=0>

Slide 5

- The etching of the trial of the pigs was from this article in Wired, and is apparently public domain (<https://www.wired.com/2014/09/fantastically-wrong-europes-insane-history-putting-animals-trial-executing/>) which in turn took it from here (a book of days) <https://archive.org/details/bookofdaysmiscel01cham/page/128/mode/2up?view=theater>

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- Photo by [Alvan Nee](#) on [Unsplash](#)

Slide 7

- <https://www.atlasobscura.com/articles/why-the-queen-owns-every-swan>, and apparently in the Public Domain - from a British Book of Birds

Slide 8

- The octopus selfie is at the link below, and as discussed, no one has copyright in it because the “author” is an octopus, and the Australian Copyright Act contemplated that authors must be persons! Hurrah! : <https://www.uwphotographyguide.com/ocean-art-contest-winners-2020>

Slide 9

- Photo taken from ABC article here, from Bronx Zoo handout: <https://www.abc.net.au/news/2022-06-15/happy-the-elephant-is-not-a-person-stay-at-bronx-zoo/101154776>

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- Photo by [Marc-André Julien](#) on [Unsplash](#)