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Sophie Riley

University of Technology Sydney

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DEVELOPING AN ANIMAL LAW CASE BOOK: KNOWLEDGE TRANSFER AND SERVICE LEARNING FROM STUDENT-GENERATED MATERIALS

SOPHIE RILEY*

I INTRODUCTION

This article discusses the development of an animal law case book as part of an elective subject, 'Animal Law and Policy in Australia', taught at the University of Technology Sydney (UTS). The Animal Law Case Book Project (the CB Project) provides an example of an innovation in learning and teaching, demonstrating how practice-oriented learning in an emerging area of legal scholarship can also potentially make a meaningful contribution to the field of study.

The CB Project was initially funded by a Vice-Chancellor's Learning Grant at UTS in 2014,¹ which was then extended by a Voiceless Grant in 2015.² The project had three aims: first, to provide students with a learning experience that was consistent with the UTS Model of Learning (UTS Model),³ as well as Learning 2014 (now Learning.Futures)⁴ and the graduate attributes established by the Faculty of Law;⁵ second, to make a specific contribution to animal law in Australia; and third, to enable students to make a contribution to the community of practice in animal law. In order to fulfil the first aim, the CB Project targeted elements of the

* Senior lecturer, University of Technology Sydney. The helpful advice of Dr Nicola Parker from the Institute for Interactive Media and Learning at the University of Technology Sydney is gratefully acknowledged, as are the helpful comments and suggestions from the anonymous reviewers.

¹ The grant application was titled 'Teaching Beyond the Comfort Zone: Flipped Lessons, Blended Learning and Student-Led Scholarship'. The grant project ran across two environmental law subjects taught by the author and Dr Angela Dwyer, and also the subject *Animal Law and Policy in Australia* taught by Sophie Riley and Geoffry Holland.

² The grant application was titled 'The Animal Law Case book'. It provided funding for the final editing and conversion of the book into an electronic version. Voiceless will be arranging the printing of the electronic materials.

³ UTS, *UTS Model of Learning* (24 December 2014) <<http://www.uts.edu.au/research-and-teaching/teaching-and-learning/uts-model-learning/uts-model-learning>>; UTS, *Practice Orientation* (17 April 2013) <<http://www.uts.edu.au/research-and-teaching/teaching-and-learning/curriculum-design-and-graduate-attributes/practice>>.

⁴ UTS, *Learning.Futures* (12 May 2015) <<http://www.uts.edu.au/research-and-teaching/teaching-and-learning/learningfutures/overview>>.

⁵ Faculty of Law, University of Technology Sydney, *Graduate Attributes* (12 May 2015) <<http://www.uts.edu.au/current-students/current-students-information-faculty-law/graduate-attributes/bachelor-laws>>.

UTS Model and graduate attributes that emphasise practice-oriented learning and public service. These elements acted as a catalyst for enlisting the students' legal knowledge and skills to write case notes that comprise the case book. The production of the case book achieved the second aim of the project, and the dissemination of the case book achieved the third aim of the project.

In Australia, animal law is a recent area of legal scholarship,⁶ with the literature and materials being in their early stages of development. In particular, the field lacks a case book, representing an appreciable gap in animal law scholarship. Although much of animal law is derived from legislation,⁷ case law is significant to interpreting and fine-tuning legislation. Moreover, case law provides examples of the human-animal relationship in a legal context, highlighting the advantages, deficiencies, inconsistencies and trends in the law. Such matters are not only relevant to practitioners but also to all who are concerned with society's interactions with animals. Indeed, the lack of case-based information and knowledge likely means that some animal law materials remain inaccessible to stakeholders. In these circumstances, the notion of 'stakeholders' includes all those who have an interest in animal law, ranging from students to NGOs, legal and policy makers, and the wider community. Accordingly, an important objective of the CB Project was to open up animal law to a wide range of participants. This is commensurate with the public service component of the UTS Model and Graduate Attributes in the Faculty of Law, and is also consistent with concepts of service learning and knowledge transfer that are increasingly seen as pathways enabling universities to 'give back' to society.⁸

The concept of service learning is still evolving and varies in accordance with the circumstances.⁹ It traditionally encompasses direct service where students immerse themselves in community projects. For law students, this includes volunteering in legal clinics, working for pro bono projects, and engaging with internships.¹⁰ Service learning can also include derivatives comprising more modest and non-direct interventions, such as inquiry or research, which nevertheless benefit students and the

⁶ Steven White, 'Animals and the Law: A New Legal Frontier?' (2005) 29 *Melbourne University Law Review* 298, 298.

⁷ Alex Bruce, *Animal Law in Australia, an Integrated Approach* (LexisNexis, 2012); Deborah Cao, *Animal Law in Australia* (LawBook Co, 2010) chapter 3.

⁸ Jenny Ozga, 'Knowledge and Policy: Research And Knowledge Transfer' (2007) 48 (1) *Critical Studies in Education* 63, 75; Claudia Gomez, B Yasanthi Perera and Michael R Manning, 'Knowledge Transfer in Higher Education: The Case of Monterrey Institute of Technology' (2012) 6 (1/2) *International Journal of Management in Education* 101, 102; William K Cummings, 'The Service University Movement in the US: Searching for Momentum' (1998) 35 *Higher Education*, 69, 69. The word 'university' or 'universities' is used in a wide sense to include colleges and other institutions of higher education.

⁹ Ann Marie Thomson, Antoinette R Smith-Tolken, Anthony V Naidoo and Robert G Bringle, 'Service Learning and Community Engagement: A Comparison of Three National Contexts' (2011) 22 *Voluntas* 214, 223.

¹⁰ Spearlt and Stephanie Smith Ledesma, 'Experiential Education as Critical Pedagogy: Enhancing the Law School Experience' (2013-2014) 38 *Nova Law Review* 249, 250.

community.¹¹ In this article, the concept of service learning is used in the latter sense to describe a low-key and inquiry-based activity comprising case notes written by students and compiled into a case book. The dissemination of the case book involves a form of knowledge transfer, a concept that – like service learning – enjoys a diversity of meanings. In a legal context, knowledge transfer can encompass the writing of reports, undertaking research on a specific topic, and inquiry-based learning, an active form of learning involving gathering evidence and drawing conclusions.¹² For universities, knowledge transfer traditionally stemmed from dissemination of research and post-graduate work occurring in a commercial or semi-commercial setting.¹³ However, knowledge transfer can also extend beyond commercially-based research¹⁴ to include ‘knowledge as a resource for civil society’.¹⁵

Part II of this article commences by setting the pedagogical framework for the CB Project, drawn from the UTS Model and the graduate attributes in the Faculty of Law. An examination of service learning and knowledge transfer follows, before the discussion turns to the CB Project itself, explaining how the case book was built up from cases notes written by students. The discussion ends with a critique of the project, concluding that it affords an illustration of how practice-oriented learning can also be a form of service learning that opens the minds of the students to the expanded role they can play in advancing knowledge for the community of practice in animal law.¹⁶

II PEDAGOGICAL BACKGROUND

A Models and Concepts of Learning

As noted in the introduction, one of the conceptual underpinnings of the CB Project was putting the UTS Model into operation. This model, which is set out in Figure 1, focusses on providing students with a practice-oriented education that integrates the use of technology with

¹¹ Glenn A Bowen, ‘Promoting Social Change through Service-Learning in the Curriculum’ (2014) 14 (1) *The Journal of Effective Teaching* 51, 53; Kristin A Goss, David A Gastwirth and Seema G Parkash, ‘Research Service-Learning: Making the Academy Relevant Again’ (2010) 6 *Journal of Political Science Education* 117, 119, 131–132.

¹² Les Kirkup, *Inquiry-Oriented Learning in Science: Transforming Practice through Forging New Partnerships and Perspectives* (Office of Learning and Teaching, Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education, 2013) 9.

¹³ Alec Wersun, ‘Triple Translation: Academic and Managerial Discourses of Knowledge Transfer Policy in a New University in Scotland’ (2010) 31(5) *Discourse: Studies in the Cultural Politics of Education* 665, 665–666; Ozga, above n 8, 75.

¹⁴ Gomez, Perera and Manning, above n 8, 102.

¹⁵ Ozga, above n 8, 75.

¹⁶ Laurie N Dipadova-Stocks, ‘Two Major Concerns About Service-Learning: What if We Don’t Do It? And What if We Do?’ (2005) 4 (3) *Academy of Management Learning & Education* 345, 435.

research-inspired learning methods. The objective is to equip graduates with skills to participate in professional practice in a changing world.

Practice-oriented learning is a broad concept. It includes experiences such as internships and placements, but it also extends to ‘case-based approaches to learning’ and to the making of student-generated learning resources that demonstrate and/or incorporate professional practice.¹⁷ It is one way of affording students opportunities to engage in learning in a manner that stops them from being a passive audience in their education. In addition, the UTS Model encourages students to develop their learning by ‘analysing, understanding, appreciating the significance [of, and] interpreting’ their learning materials.¹⁸ Moreover, the ‘Learning.Futures’ initiative reinforces the importance of student-focussed experiences by underscoring that teachers need to support processes that identify and enhance student learning.¹⁹ For these reasons, the CB Project focussed on those parts of the UTS Model that emphasise practice-oriented learning against the backdrop of inquiry-based approaches.

Figure 1 – UTS Model of Learning

<p>UTS Model of Learning</p> <p>The UTS Model of Learning provides a framework for practice-oriented learning and teaching at UTS, which links to the development of <u>graduate attributes</u> and curriculum design that values <u>diversity and inclusivity</u> and draws on implications of different <u>ideas about learning</u>.</p> <p>The model has three distinctive features that are interrelated in the UTS student experience of practice oriented learning:</p> <ul style="list-style-type: none"> • An integrated exposure to professional practice through dynamic and multifaceted modes of <u>practice-oriented education</u>. • Professional practice <u>situated in a global workplace</u>, with international mobility and international and cultural engagement as centre piece. • Learning that is <u>research-inspired and integrated</u>, providing academic rigour with cutting edge technology to equip graduates for life-long learning.
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In addition to the UTS Model and ‘Learning.Futures’, each faculty at UTS, including the Faculty of Law, has prepared graduate attributes that augment the UTS Model.²⁰ The Law Faculty has the developed six graduate attributes set out in Figure 2. These attributes range from the acquisition of disciplinary knowledge to the achievement of disciplinary skills and the development of personal qualities such as self-management and public service. These graduate attributes complement the UTS Model in a number of ways. For example, ‘Legal Knowledge’, ‘Ethics and Professional Responsibility’ and ‘Self-management’ are allied with practice-

¹⁷ UTS, *Model of Learning*, above n 3. Generally, see Wendy B Davis, ‘Collaborating with Students as Co-authors’ (2013) 47 (1) *The Law Teacher* 32.

¹⁸ Paul Ramsden, *Learning to Teach in Higher Education*, (RoutledgeFalmer, 2003) 24.

¹⁹ UTS, *Learning.Futures*, above n 4.

²⁰ Faculty of Law UTS, *Graduate Attributes*, above n 5.

oriented learning. Moreover, ‘Ethics and Professional Responsibility’ includes an element of ‘public service’, an indication that service learning and knowledge transfer can form key building blocks in the development of socially responsible attributes.

Figure 2 – Graduate Attributes

Graduate Attributes in the Faculty of Law UTS

Graduate Attribute 1: Legal Knowledge

A coherent understanding of fundamental areas of legal knowledge including the Australian legal system, social justice, cultural and international contexts and the principles and values of ethical practice.

Graduate Attribute 2: Ethics and Professional Responsibility

A capacity to value and promote honesty, integrity, accountability, public service and ethical standards including an understanding of approaches to ethical decision making, the rules of professional responsibility and, an ability to reflect upon and respond to ethical challenges in practice.

Graduate Attribute 3: Critical Analysis and Evaluation

A capacity to think critically, strategically and creatively including an ability to identify and articulate legal issues, apply reasoning and research, engage in critical analysis and make reasoned choices.

Graduate Attribute 4: Research skills

Well-developed cognitive and practical skills necessary to identify, research, evaluate and synthesise relevant factual, legal and policy issues.

Graduate Attribute 5: Communication and Collaboration

Effective and appropriate communication skills including highly effective use of the English language, an ability to inform, analyse, report and persuade using an appropriate medium and message and an ability to respond appropriately.

Graduate Attribute 6: Self-management

The ability to implement appropriate self-management and lifelong learning strategies including initiating self-directed work and learning, judgment and responsibility, self-assessment of skills, personal wellbeing and appropriate use of feedback and, a capacity to adapt to and embrace change.

B Service Learning

As already mentioned, the construct of service learning varies according to context. It includes direct interactions such as volunteering²¹ and internships,²² as well as indirect engagements that incorporate

²¹ Julia Preece, ‘Service Learning and Community Engagement in South African Universities: Towards an “Adaptive Engagement” Approach’ (2013) 9 *Alternation* 265, 268; Andrew Furco, ‘Service-Learning: A Balanced Approach to Experiential Education’ (2011) *Educacion Global Research* 71, 71.

²² See generally, Mary Pat Treuthan, ‘Weaving a Tapestry: Providing Context Through Service-Learning’ (2002-2003) 36 *Gonzaga Law Review* 215.

research and inquiry.²³ For law students, service learning can comprise volunteering in legal clinics, undertaking internships, working on pro bono projects, conducting research for organisations, and contributing to communities of practice. This variety of activities creates complex and diverse views of service learning. Einfeld and Collins, for example, categorise five service learning models that have differing objectives and outcomes.²⁴ Goss, Gastwirth and Parkash identify the ‘research service-learning gateway’ as being a synthesis of service-learning and ‘community-based research’.²⁵ This paradigm incorporates low-key elements of indirect service learning with knowledge creation and knowledge transfer, allowing students to work on research or inquiry-based topics relevant to their learning and the community’s interests.²⁶

The array of undertakings germane to ‘service learning’ means that the term does not have a settled meaning.²⁷ Furco calls this the ‘service-learning struggle’.²⁸ He notes that initial versions of the concept contained two clear-cut components: a learning experience for the student and a benefit to the recipient community.²⁹ Definitional complications partly stem from the contradictory emphasis placed on each component. Versions of service learning that stress the learning component typically describe service learning in terms of ‘an academically rigorous instructional method that incorporates meaningful community service into the curriculum’.³⁰ However, community service itself is sufficiently malleable to expand the reach of service learning to concepts that emphasise the ‘service’ component such as community engagement³¹ and service for the common good.³² Ideally, student learning and community benefit should be mutually compatible and advantageous.³³ One gain from the students’ perspective stems from the development of cognitive and interpersonal skills³⁴ that enable them to become better lawyers.³⁵ At the same time, the community benefits by gaining access to university resources and enhanced knowledge and information systems.³⁶ At a more

²³ Preece, above n 9, 270.

²⁴ Aaron Einfeld and Denise Collins, ‘The Relationships between Service-Learning, Social Justice, Multicultural Competence, and Civic Engagement’ (2008) 49 (2) *Journal of Student College Development* 95, 96, 100, 103-104. The five models are: charity, civic education, project, communitarianism and social justice/change.

²⁵ Goss, Gastwirth and Parkash, above n 11, 119.

²⁶ *Ibid* 118.

²⁷ Thomson, Smith-Tolken, Naidoo and Bringle, above n 9, 217, 223.

²⁸ Furco, above n 21, 71.

²⁹ *Ibid*.

³⁰ Dipadova-Stocks, above n 16, 435; Susan R Jones, ‘The Underside of Service Learning’ (2002) September-October *About Campus* 10.

³¹ Preece, above n 21, 270.

³² Dipadova-Stocks, above n 16, 435.

³³ SpearIt and Ledesma, above n 10, 262.

³⁴ Alexander W Astin, Lori J Vogelgesang, Elaine K Ikeda and Jennifer A Yee, *How Service Learning Affects Students* (Higher Education Research Institute, University of California, 2009) 84.

³⁵ Judith McNamara, Catherine Campbell and Evan Hamman, ‘Community Projects: Extending the Community Lawyering Model’ (2014) 21 (2) *International Journal of Clinical Legal Education* 1, 25, 26.

³⁶ Gomez, Perera and Manning, above n 8, 105.

fundamental level, service learning allows universities to reformulate the way they and their students interact with society.³⁷

However, the reality may fall short of expectation. A number of commentators consider that direct service learning such as volunteering reinforces stereotyping that equates 'service' with charity.³⁸ If this is the case, students are at a disadvantage due to the absence of 'transformative potential' often seen in this type of service learning.³⁹ Indeed, for some commentators, service learning is a way of facilitating social change⁴⁰ by 'consciousness raising'.⁴¹ At the same time, this may involve long-term goals that cannot be achieved within the space of one or two semesters, making it difficult to evaluate whether students have in fact attained social objectives.⁴² With respect to the CB Project, these complications also overlap with the challenges presented by knowledge creation and knowledge transfer.

C Knowledge Transfer

The term 'knowledge transfer' is a comparatively recent innovation.⁴³ As discussed in the introduction to this article, it initially described a technique for universities to derive economic benefit⁴⁴ as they transferred their research to analysts, investigators and other industry stakeholders.⁴⁵ The term, however, also supports values that spread beyond economic utility.⁴⁶ It can underpin approaches that call for greater communication and exchange of research, knowledge and ideas among universities, communities and other stakeholders.⁴⁷ This formulation is more akin to a public service than a commercial transaction.⁴⁸ Indeed, for some, the public service component is seen as a way of making higher education more socially relevant, allowing universities to give back to the community.⁴⁹ In this way knowledge transfer effectively becomes a new form of social contract between universities and society.⁵⁰

³⁷ Thomson, Smith-Tolken, Naidoo and Bringle, above n 9, 220.

³⁸ Jones, above n 30, 10, 14-15; Einfeld and Collins, above n 24, 98.

³⁹ Jones, above n 30, 10; Einfeld and Collins, above n 24, 98.

⁴⁰ Tania D Mitchell, 'Traditional v Critical Service-Learning: Engaging the Literature to Differentiate Two Models' (2008) *Michigan Journal of Community Service Learning* 50, 50-51, 53.

⁴¹ Bowen, above n 11, 53.

⁴² Ibid.

⁴³ Grant Harman, 'Political Instruments Employed by Governments to Enhance University Research and Knowledge Transfer Capacity' (2009) 17 (2) *Higher Education Management and Policy* 75, 76.

⁴⁴ Ozga, above n 8, 63.

⁴⁵ Harman, above n 43, 76.

⁴⁶ Wersun, above n 12, 669. Harman, above n 43, 76.

⁴⁷ Ibid 69.

⁴⁸ Gomez, Perera and Manning, above n 8, 102.

⁴⁹ Generally, see Yusef Waghid, 'Knowledge Production and Higher Education Transformation in South Africa: Towards Reflexivity in University Teaching, Research and Community Service' (2002) 43 (4) *Higher Education* 457.

⁵⁰ Maria Alice Lahorgue, 'Managing Relations with Industry: The Case of Brazilian Universities' (2009) 17 (2) *Higher Education Management and Policy* 127, 129; Jenny

Wersun and others take this argument further and contend that knowledge transfer can potentially comprise an accountability process to evaluate the legitimacy of universities.⁵¹ Such accountability can occur on two levels: first, by producing graduates who give back to society, and second, by making knowledge more ‘useful’.⁵² With respect to the first level, knowledge transfer should be seen as a means of encouraging students to participate in civil society, not only for students to gain a practice-oriented education, but also for students to use their knowledge and skills for the benefit of society.⁵³ One way of benefiting society is to make knowledge more useful. To achieve the second level, knowledge creation and transfer need to be more receptive to the wants of the community and stakeholders.⁵⁴ Waghid argues that for knowledge transfer to reach this level of responsiveness, two types of knowledge, Mode 1 and Mode 2, need to be combined.⁵⁵

Mode 1 knowledge is ‘rigidly institutionalised’, it being drawn from a particular field of study and practice.⁵⁶ By way of contrast, Mode 2 knowledge stems from ‘sites of knowledge production’ that extend beyond universities and disciplines.⁵⁷ These sites comprise groups drawn from academia, professional practice and the community.⁵⁸ Amongst other things, Mode 2 knowledge can potentially bring universities and communities together, allowing them to resolve difficulties, gaps and challenges in a cooperative manner. Moreover, society is increasingly calling upon universities to generate ‘socially useful knowledge’ that complements prevailing information systems.⁵⁹ Waghid’s argument centres on the premise that by supplementing Mode I with Mode 2 knowledge, universities are more likely to engage in activities that are pertinent to societal needs.⁶⁰ At its aspirational apex, this type of cooperation prompts universities and communities to become catalysts for transforming the social order.⁶¹ Accordingly, while the concept of knowledge transfer varies, the aim is to integrate university-based research with existing knowledge in order to help communities of practice.⁶²

Ozga and Robert Jones, ‘Travelling and Embedded Policy: The Case of Knowledge Transfer’ (2006) 21 (1) *Journal of Education Policy* 1, 1; Wersun, above n 13, 665.

⁵¹ Wersun, above n 13, 669; Gomez, Perera and Manning, above n 8, 103; Ben Jongbloed, Jürgen Enders and Carlo Saloerno, ‘Higher Education and its Communities: Interconnections, Interdependencies and a Research Agenda’ (2008) (56 (3) *Higher Education* 303, 306.

⁵² Wersun, above n 13, 669.

⁵³ Gomez, Perera and Manning, above n 8, 104-5.

⁵⁴ Ozga, above n 8, 63; Gomez, Perera and Manning, above n 4, 101.

⁵⁵ Waghid, above n 49, 477.

⁵⁶ Ozga, above n 8, 64.

⁵⁷ *Ibid.*

⁵⁸ Waghid, above n 49, 457, 458, 466-7.

⁵⁹ Thomson, Smith-Tolken, Naidoo and Bringle, above n 9, 218.

⁶⁰ *Ibid.*; see also Ozga, above n 8, 66.

⁶¹ Waghid, above n 49, 457, 458, 461.

⁶² Kathleen Taylor Brown, ‘A Pedagogy of Blending Theory with Community-Based Research’ (2011) 23 (1) *International Journal of Teaching and Learning in Higher Education* 119, 120.

For law students, blending Mode 1 and Mode 2 knowledge encompasses legal research and inquiry projects that are relevant to the community, have community input and are transmitted to the community. Arguably, one such example stems from CB Project.

III THE ANIMAL LAW CASE BOOK PROJECT

One rationale for the CB Project stemmed from the somewhat prosaic need for an animal law case book in the Australian jurisdiction. The lack of a case book is not surprising if it is kept in mind that the study of animal law in Australia is a comparatively recent innovation. White, writing in 2005, noted that there were no animal law subjects available for undergraduate students, nor were animal law textbooks available in this country.⁶³ By 2014, at least fourteen Australian law schools offered animal law courses⁶⁴ and three animal law textbooks were available.⁶⁵ In addition, a number of other useful publications had been generated by academics,⁶⁶ law groups such as the NSW Young Lawyers Animal Law Committee (Young Lawyers),⁶⁷ and NGOs such as Voiceless⁶⁸ and the RSPCA.⁶⁹ The growing interest in animal law has created a 'market' for legal knowledge among stakeholders, especially those who lack legal

⁶³ White, above n 6, 298.

⁶⁴ Voiceless, *Study Animal Law* (2015) <<https://www.voiceless.org.au/animal-law/studyanimal-law>>.

⁶⁵ Bruce, above n 7; Deborah Cao, *Animal Law in Australia* (LawBook Co, 2010); Graeme McEwen, *Animal law: Principles and Frontiers* (ebook) Barristers' Animal Welfare Panel (17 June 2011) <<http://bawp.org.au/wp-content/uploads/2013/07/eBook-FINAL.pdf>>.

⁶⁶ Australian resources include Peter Sankoff, Steven White and Celeste Black (eds) *Animal Law in Australasia: Continuing the Dialogue* (The Federation Press, 2nd ed, 2013) and *The Australian Animal Protection Law Journal*.

⁶⁷ The NSW Young Lawyers Animal Law Committee has been operational for approximately 10 years and has developed a number of publications on animal law issues, particularly companion animals; see <<http://www.lawsociety.com.au/about/YoungLawyers/Committees/AnimalLaw/>>; Animal Law Committee, *Animal Resources* <<http://www.lawsociety.com.au/about/YoungLawyers/Committees/AnimalLaw/Resources/index.htm>>.

⁶⁸ Voiceless is the 'Animal Protection Institute' and was established in 2004. It is 'an independent, non-profit think tank focused on raising awareness of animals suffering in factory farming and the kangaroo industry in Australia': Voiceless (2015) <<https://www.voiceless.org.au/>> Voiceless has issued a number of publications, including Voiceless, *From Paddock to Prisons* (2005); Voiceless, *The Animal Law Toolkit* (2009); and Voiceless, *Science and Sense, the Case for Abolishing Sow Stalls* (2013). These and other publications are available from <<https://www.voiceless.org.au/our-approach/research-and-publications>>.

⁶⁹ The RSPCA is The Royal Society for the Prevention of Cruelty to Animals. The organisation defends the dignity of animals and works towards stopping animal cruelty. They 'offer shelter, education, medical attention and love'. Furthermore the RSPCA considers itself animal guardians: RSPCA (2014) <<https://www.rspcansw.org.au/about/about-rspca-nsw>>. The RSPCA has web pages devoted to a number of significant issues such as, the live export trade, animals in circuses, puppy factories and the plight of chickens> RSPCA, *The Issues* (2015) <<https://www.rspcansw.org.au/the-issues>>.

expertise and will likely need legal knowledge in a user-friendly format.⁷⁰ As already discussed, other crucial rationales for the CB Project centred on providing students with a practice-based learning experience that also enabled them to contribute to the community of practice in animal law.

A *The Project*

In spring 2013, the CB Project was rolled out in the subject *Animal Law and Policy in Australia*. The learning objectives for the subject were designed to facilitate student learning in the context of the animal welfare/animal rights debates. As such, the objectives especially focussed on: the interpretation and evaluation of legal and policy instruments; the identification of areas of deficiency with respect to legal, economic, social and ethical issues; and the development of students' skills in drawing conclusions. The learning activities comprised class presentations, a research essay and the CB Project. Each of these provided students with opportunities to display their knowledge and, to varying degrees, their analytical skills. In particular, writing accurate and accessible case notes required students to condense large volumes of material while still capturing the essence of the decision.

The student cohort comprises mainly law students, although the subject is open to any student across the university at UTS. At the time of writing, the subject had run for three years and had attracted a number of non-law students (mainly science students) and also a handful of international students. In the experience of the writer, the science students are an important component of the student cohort, providing a counterbalance to the often emotive response that animal issues tend to evoke. Additionally, international students afford outlooks on animal law and regulation that frequently differ from Australian perspectives. This is particularly evident with students from developing countries who invariably highlight the importance of capacity building and alleviation of poverty as pre-requisites to effective animal protection.

The building blocks of the CB Project consisted of case notes that students were required to complete as part of their assessment in the subject. Each student was asked to prepare three case notes from a list that was compiled by the teaching team.⁷¹ The cases covered a range of animal issues such as Defining an Animal; Animals as Property; Standing; Procedural Matters; Torts and Damages; Wills and Family Law; Service Animals; Experimentation; Animals, Religion and Culture; Animals and Commerce; Animals and Environmental Protection; and Criminal Law. The cases were selected from a number of jurisdictions including Australia, Canada, Israel, the United Kingdom and the United States of America. The choice of cases was limited by the fact that the cases needed to be available in English and also had to be formally reported, so that the students had access to them.⁷² In compiling the case

⁷⁰ Waghid, above n 49, 465.

⁷¹ The two teachers are Sophie Riley and Geoffry Holland.

⁷² An exception to this is the decision in *Department of Local Government and Regional Development (WA) v Emanuel Exports et al* (Magistrates Court, 8 Feb 2008). There has

list, the teaching team sourced cases from the text book used in the subject, *Animal Law in Australia, an Integrated Approach* written by Alex Bruce,⁷³ as well as from cases the teachers used in their teaching of other subjects such as environmental law, international law and media law.

From the outset it was intended that the case notes would be both an educational and a community resource. For these reasons, the assessment criteria focussed on a synthesis of elements such as legal knowledge, communication skills and public service, informed by social justice concerns. By way of example, the assessment criteria required that the case notes be set out in plain English and presented in a manner suitable for lawyers and non-lawyers alike. The students were also set a limit of 750 words and asked to use a template to ensure that the material was written in a standardised format. The template set out the name of the case; the court dealing with the case; the facts of the case; the issues; the decision and reasons for the decision; and the significance of the case.

The overlay of social justice was largely incorporated in two ways: first, by asking students to explain the significance of the case; and, second by collating the case notes into a book that would be freely available to the community. With respect to the first element, in order to explain and reflect on the importance of the case, students needed to link their allocated cases to material drawn from areas of the subject such as the theoretical underpinnings of animal law, statutory interpretation and social justice. This encouraged students to think about the way the law operates in specific instances, highlighting the law's benefits, gaps and deficiencies. It is also an exercise that is consistent with the UTS Model and 'Learning.Futures', which encourage interventions designed to improve the quality of student learning. The second element, the production and dissemination of the case book, relates to knowledge creation and the availability of that knowledge.⁷⁴ These matters are also relevant to social justice issues, particularly where knowledge gaps lead to knowledge becoming inaccessible. In the case of animal law, knowledge gaps potentially create barriers that hinder stakeholder engagement.⁷⁵ Accordingly, part of the community engagement process lies in making the law more available, accessible and easy to understand. The case note set out in Figure 3 provides an example of how one student explained and evaluated the decision of *Jarvis and Weston* [2007] FamCA 1339, linking the reasoning to the concept of animals as property.

been much written on this important case and the students were able to provide a case note based on secondary materials.

⁷³ Bruce, above n 7.

⁷⁴ Ozga, above n 8, 75.

⁷⁵ Megan A Senatori and Pamela D Frasch, 'The Future of Animal Law: Moving Beyond Preaching to the Choir' (2010) 60 (2) *Journal of Legal Education* 209, 218.

The students wrote some 80 case notes, and 78 of these were selected for inclusion in the case book.⁷⁶ The assessment task was a type of formative assessment in the sense that it assessed both the quality of legal knowledge created by the students and the way that the students used that knowledge. Accordingly, it was assessment for learning. Given that law is ever-changing and legal practitioners are constantly learning, it was seen as important that assessments facilitate students becoming skilful and proficient learners.⁷⁷

At first instance the cases were marked as an assessment and then underwent three rounds of editing: by the author, by volunteers from the Young Lawyers, and by Emmanuel Giuffre, the legal counsel of Voiceless. In 2014 the author was awarded a grant from Voiceless to assist with the final editing and production of electronic and print versions of the case book. At the time of writing, the case notes were undergoing a final editing, and it is anticipated that the electronic and print versions of the book will be available by late 2015. The students will be acknowledged as the authors of their case notes and the electronic version will be hosted by the Australasian Legal Information Institute (AustLII).

The CB Project presented many challenges, for both students and teachers alike. To start with, some students found it more difficult than anticipated to prepare materials for readers outside their discipline. The project team saw this as a positive development because it emphasised to students that plain expression can be difficult to achieve but is important for good communication. In this respect, the project team advised students that it would be helpful for them to have a lay person read or view their work. Another challenge stemmed from the word limit allocated to each case note. The rationale behind this requirement was to encourage students to be concise in their thinking and writing. The teachers, however, were flexible, as some cases clearly raised more complex issues than others. From the teachers' perspective, challenges mainly centred on workload matters and the time involved in setting up the project, and marking and editing the students' work. As with any class, the students' work reflected a variety of standards and abilities, and this was reflected in the differing times that the marking and editing processes took per case note.

On the positive side, the students were mainly enthusiastic about the CB Project. The author obtained approval from the Human Research Ethics Committee at UTS to set up an anonymous survey to gauge the students' response.⁷⁸ The survey was made available at the end of the semester. Possibly due to 'survey fatigue', few students took part in the CB Project survey, so no usable data was gathered. However, students did

⁷⁶ This is not to be taken as an indication that the case notes not included were written to a sub-standard level. The author of this article erred in giving more than one student the same case note. The material was combined in the editing process.

⁷⁷ Anthony Wiedwiecki, 'Teaching for Lifelong Learning: Improving the Metacognitive Skills of Law Students Through More Effective Formative Assessment Techniques' (2012) 40 *Capital University Law Review* 149, 151.

⁷⁸ Sophie Riley, 'Teaching Beyond the Comfort Zone: Flipped Lessons, Blended Learning and Student-Led Scholarship', Human Research Ethics Committee Approval number 2013000007, 6 February 2013.

make comments on the standard faculty surveys that are conducted for every subject, and they also approached their teachers personally at the conclusion of the subject. One student expressed the view that there were too many assessments, while others were more encouraging, remarking for example that: '[the] assessment was varied and interesting. I like the way that it is being used in the case book.' The personal comments were all positive, with students expressing enthusiasm about being part of the project, and asking about the launch of the casebook and whether they could take animal law internships or otherwise volunteer.

It is anticipated that subsequent student cohorts will add to the casebook, and that over time it will be built into a comprehensive resource.

Figure 3 – Sample Case Note

Jarvis and Weston [2007] FamCA 1339

Court

Family Court of Australia

Facts

Jarvis, the applicant, and Weston, the respondent, had separated and were in dispute over the final arrangements regarding the custody of their 11-year-old son. Areas of dispute included where the boy would live and the school which he would attend. The question of where the child's dog should reside was also contested.

Issues

- The content of the custody arrangement in respect to the child
- Whether the child's dog should reside with his mother or father

Decision and Reasons for the Decision

The custody arrangement

The Court held that the son was to stay for the greater part of the time with his mother and go to the school near her home. He was to stay with his father every second weekend. The burden of travel associated with attending school represented a practical difficulty with the father's proposal. The Court found, '[w]hen his interests are weighed in the balance overall, the burden of such frequent travel on school days cannot be diminished. That fact, as well as the child's need also to spend leisure time in his mother's household, compels the adoption of the mother's proposal as being more consistent with his best interests overall.'

Where the dog should reside

Once the arrangements for the child's custody had been drafted, a dispute arose

as to with whom the child's dog would reside. The father took issue with the mother's collection of the dog as the issue had not been raised previously and he wanted more time to think about it.

He also claimed that the Court had no jurisdiction to make an order about the dog. With respect to the matter of jurisdiction, the Court stated that 'whether the issue falls to be considered under the accrued, associated, inherent, or *parens patriae* jurisdiction of the Court it can be found should the need arise.' It then held that 'The boy is attached to the dog. The dog is to go with the boy.'

Significance of the Case

Jurisdiction in the federal sphere is possible

Moore J made a decision about the dog in the federal jurisdiction of the Family Court of Australia, rather than treating the issue of the animal's future as to be determined under state property law.

Justice Moore acknowledged the arguments of the father's legal counsel regarding lack of jurisdiction to decide the dog's future may have been correct, but jurisdiction could be found 'under the accrued, associated, inherent, or *parens patriae* jurisdiction of the Court'.

Recognition of the relationship between boy and dog

This is the most significant aspect of the decision. The relationship between human and animal was recognised and taken into consideration – 'The boy is attached to the dog. The dog is to go with the boy'. There is no legally recognised framework within which to consider such emotional attachments. It is solely up to the discretion of the Court to decide how to evaluate and make a decision about acknowledging such relationships.

Distribution of the pet as property to a person not party to the custody dispute

It could be inferred that although the boy was not in actuality one of the disputing parties, marital 'property' under dispute, in the form of the dog, was effectively distributed to him. The attachment of the boy to the dog trumped conventional property law rules. Here the Court is taking the attachment between human and animal into account in its decision about how to distribute marital property.

This case illustrates the need to have better legislative frameworks that are underpinned by a more complex approach to animals that goes beyond the definition of animals as property. It also points to the ability of the common law, in some circumstances, to move beyond the definition of animals as property and enable a more nuanced judicial approach to animals.

B Discussion

1 The Project

Asking students to write case notes contributed to their acquisition of disciplinary knowledge in a way that is consistent with practice-oriented learning. Beyond this aspect of the project, the assessment also helped

students to understand how judges deal with legal argument and how the law deals with animals in range of situations. Moreover, the case notes also facilitated the development of skills and attributes important to community engagement. For example, the requirement that the case notes be written succinctly and in language that could be easily understood by non-lawyers required students to distil the facts and reasoning of the cases as well as consider how to communicate complex legal matters to non-law audiences. This involves exercising legal skills as well as providing a community benefit. The field of animal law draws together a range of stakeholders including lawyers, animal activists, NGOs, farmers, government, scientists, veterinarians and those that deal with animals in trade and commerce. In essence, the CB Project challenged the students to write the case notes from the standpoint of a 'community need'. In this way, a conventional student assessment became practice-oriented at a more advanced level. Moreover, the CB Project delivers the benefit of a resource that can encourage dialogue and action on animal matters.⁷⁹ For these reasons, the discussion in this article places the project within the framework of service learning and knowledge transfer.

2 *Service Learning*

Although, as already explained, the notion of service learning varies, at its core it involves providing students with a learning experience gained through helping and assisting others. As Steffes points out, '[s]ervice learning activities also offer much-needed assistance in local organizations and give students valuable skills and expertise.'⁸⁰ For law students, traditional service learning consists of volunteering at legal clinics, internships and undertaking pro bono work. In this way students immerse themselves in the community and learn from the service they provide to the community. The CB Project does not sit within this category of service learning. It is more a derivation of service learning, in a similar way to the research service-learning gateway described by Goss, Gastwirth and Parkash.⁸¹ As already pointed out, this gateway introduces low-key elements of service and research/inquiry into student learning. One of the benefits of this type of service learning is that it is available to greater numbers of students than would normally be possible with traditional service learning projects such as clinics and internships.⁸² Research or inquiry based projects possess innate flexibility, enabling the work to be allocated in accordance with the number of students, giving each of them a chance to participate.

Notwithstanding these benefits, teachers also need to be aware of pedagogical and ethical considerations flowing from student involvement.

⁷⁹ Ozga, above n 8, 75.

⁸⁰ Jeanne S. Steffes, 'Creating Powerful Learning Environments: Beyond the Classroom' (2010) 36 (3) *Change: The Magazine of Higher Learning* 46, 48.

⁸¹ Goss, Gastwirth and Parkash, above n 11, 119.

⁸² Spearlt and Ledesma, above n 10, 255.

Furco, quoting Sigmonds, notes that service learning should provide benefits to both the recipient and the student, which should occur in an 'academic context' that facilitates student learning.⁸³ Accordingly, where emphasis is placed on the service component without comparable learning benefits, it is doubtful that this provides a good learning experience or is ethically justifiable. The CB Project was based on a form of assessment routinely given to law students and directly related to their studies. Thus, even in the absence of the CB Project, the writing of case notes would have facilitated student learning. However, as explained above, the students who worked on the CB Project were writing for an identified audience knowing that their work would reach the public domain. Accordingly, the students' work did not become 'buried' once it was marked. Often the teacher is one of only a handful of people, if not the only person, other than the student to peruse the student's work. By foreshadowing that the case notes would be available to the community, the project gave students ownership of their work and encouraged them to be professional.

Notwithstanding these positive features, a common difficulty with service learning is assessing the impacts of the project on student learning. As Kezar points out, the challenge often stems from the fact that teachers benchmark student learning by recourse to objectives such as problem solving and critical thinking, which may overlook benefits to personal development of skills and attributes.⁸⁴ At least one study, for example, noted that although research service learning may not deliver measurable outcomes with respect to cognitive skills, it may 'open students eyes to future opportunities in academic research and non-profit and public sector work'.⁸⁵ This is borne out by the CB Project, where students made positive comments to their teachers about the experience of working on the case notes and mentioned that they were inspired to become more involved with animal law matters. It is not clear, however, whether this enthusiasm stemmed from the CB Project, the animal law subject, or a combination of the two.

3 *Knowledge Transfer*

The dissemination of the case book represents the knowledge transfer component of the CB Project. These impacts have not been formally evaluated because knowledge transfer is the next stage of the project. However, it is useful to consider the benefits, in a general sense, of providing a case book for animal law and to examine preliminary and informal feedback provided by interested parties.

Antoine F Goetschel,⁸⁶ speaking in 2013, explained that the basic needs for educating animal lawyers include textbooks and case books.⁸⁷

⁸³ Andrew Furco, 'Service-Learning: A Balanced Approach to Experiential Education' (undated) <http://www.wou.edu/~girodm/670/service_learning.pdf> 1.

⁸⁴ Adrianna Kezar, 'Assessing Community Service Learning, Are We Identifying the Right Outcomes?' (2002) May-June *About Campus* 14, 15, 16.

⁸⁵ Goss, Gastwirth and Parkash, above n 11, 131.

⁸⁶ Antoine F Goetschel is a lawyer who specialises in animal law. He has published widely in this field, including Gieri Bolliger, Antoine F Goetschel, Michelle Richner and

As already discussed, although animal law in Australia is largely statute-based, case law is still important for understanding how the law is interpreted and applied. Cases reveal trends in the law that highlight recent developments, spotlight whether regulation is effective and draw attention to gaps and inconsistencies. These matters are relevant to lawyers and non-lawyers who form the community of practice in animal law. Indeed, the teachers of *Animal Law and Policy in Australia* considered that compiling case notes and arranging them into convenient chapters with an index and legislation list would make the case law more accessible by locating it in one place and formatting it in a user-friendly manner.

Apart from the need for a case book, preliminary and informal feedback on the CB Project has been very valuable. This includes the input from law students referred to above, as well as commentary and advice from the Young Lawyers, Voiceless, the Centre for Compassionate Conservation at UTS,⁸⁸ and a number of animal law teachers. In particular, the Young Lawyers and Voiceless perused drafts of the case book and their observations were useful and very positive, pointing to the fact that such a resource is vital for disseminating animal law and encouraging stakeholder engagement. In a similar vein, an overview of the CB Project was well-received at the Animal Law Teachers' Workshop held at Bond University over the weekend of 18 and 19 October 2014.

The decision to disseminate the case book by producing electronic and print versions was made for a number of reasons. The first stemmed from benefits provided by using differing media. For example, digital media are popular because they can be interactive and provide access to quick scanning and sourcing of information.⁸⁹ However, research also shows that readers perceive digital media to suffer from technical inadequacies

Alexandra Spring Guide, *Animals in the Law* (German) (Schulthess Verlag, 2008); Gieri Bolliger, Antoine F Goetschel and Manfred Reh binder, *Psychological Aspects of the Animal in the Law* (in German) (Stämpfli Verlag, 2011).

⁸⁷ Antoine F Goetschel, Keynote Address, speaking at Sydney University at the 2013 Voiceless Lecture Series, 12 April 2013.

⁸⁸ The Centre for Compassionate Conservation operates within the Institute for Sustainable Futures at UTS. The Centre is involved in research and education that proffers a compassionate approach to the protection of wild animals. These approaches are particularly relevant at the intersection of animal welfare and environmental conservation. The Centre also acts in an advisory capacity to NGOs, government bodies and other stakeholders: UTS, *Centre for Compassionate Conservation* (15 December 2014) <<http://www.uts.edu.au/research-and-teaching/our-research/centre-compassionate-conservation>>.

⁸⁹ Ziming Liu, 'Reading Behavior in the Digital Environment' (2005) 61 (6) *Journal of Documentation* 700, 701; Mary L Greaney, Elaine Puleo, Gary G Bennett, Jess Haines, K Viswanath, Matthew W Gillman, Kim Sprunck-Harrild, Molly Coeling, Donna Rusinak and Karen M Emmons, 'Factors Associated with Choice of Web or Print Intervention Materials in the Health Directions 2 Study' (2014) 41 (1) *Society for Public Health Education* 52, 53; Wouter van der Velde Olaf Ernst, 'The Future of eBooks? Will Print Disappear? An End-user Perspective' (2009) 27 (4) *Library Hi Tech* 570, 582; Gonca Cumaoglu, Esra Sacici and Kerem Torun, 'E-Book versus Printed Materials: Preference of University Students' (2013) 4(2) *Contemporary Educational Technology* 121. This study also researched university students at 132.

with respect to readability'.⁹⁰ Perhaps partly for this reason, Huang, Chen and Ho conclude that printed materials are favoured for in-depth reading and for when readers want to 'construct meaning'.⁹¹ Moreover as a rule, older readers tend to select print over digital media more than younger readers,⁹² although this rule needs to be qualified because another study concluded that almost 2/3 of students (young and old) printed learning materials that were available electronically.⁹³ Given the fact that print is still a popular and useful delivery method, it was considered important to provide both electronic and print versions of the case book so that participants or stakeholders were not excluded.⁹⁴

Another reason for choosing both electronic and print media stemmed from the way the project developed and was resourced. The original Vice-Chancellor's Grant at UTS related to the editing and compilation of the case notes into a PDF book. The teachers of the animal law subject viewed this as a cost-effective way of producing and disseminating the materials. However, following the first stage of the CB Project, feedback from members of the Young Lawyers inspired the application for the Voiceless Grant. It is telling that the Young Lawyers provide some of their own publications in both PDF and print versions in order to reach as wide an audience as possible.⁹⁵

An important counter-consideration is what Blackman and Benson refer to as 'stickiness' in knowledge transfer.⁹⁶ This term describes processes and influences that hinder the transfer of knowledge to those that would use and benefit from it.⁹⁷ One way of preventing stickiness is to envisage knowledge transfer in terms of developing a community of practice that engages all relevant stakeholders. These stakeholders command an array of expertise and knowledge and can 'share [this]...as a collective and extend it through their practice'.⁹⁸ In the case of the CB Project, this enlivens deliberation on whether the establishment of an interactive web site should supplement or replace the electronic and print versions of the case book. An interactive web site would be relatively straightforward to update and would enable a range of stakeholders to proffer their experience and expertise in the way depicted by Blackman

⁹⁰ Ernst, above n 89, 582.

⁹¹ Kuo-Liang Huang, Kuo-Hsiang Chen and Chun-Heng Ho, 'Promoting In-Depth Reading Experience and Acceptance: Design and Assessment of Tablet Reading Interfaces' (2014) 33 (6) *Behaviour & Information Technology* 606, 607, 608, 616.

⁹² Greaney et al, above n 89, 60.

⁹³ Sung Wook Ji, Sherri Michaels and David Waterman, 'Print vs Electronic Readings in College Courses: Cost-efficiency and Perceived Learning' (2014) 21 *Internet and Higher Education* 17, 22, 23.

⁹⁴ Greaney et al, above n 89, 60.

⁹⁵ The PDF version is available from <<http://www.lawsociety.com.au/about/YoungLawyers/Committees/AnimalLaw/Resources/index.htm>>. An example of a resource available in print version is: The Law Society of New South Wales Young Lawyers, *Companion Animal Law Guide New South Wales* (Lexis Nexis Butterworths, 2nd ed, 2014).

⁹⁶ Deborah Blackman and Angela M Benson, 'Overcoming Knowledge Stickiness in Scientific Knowledge Transfer' (2012) 21 (5) *Public Understanding of Science* 573, 574.

⁹⁷ *Ibid.*

⁹⁸ *Ibid* 585.

and Benson. However, it also raises questions as to who would design, host and maintain the web site and how the web site would be funded. This issue will be re-visited once the case book has been launched into the public domain and feedback obtained from users. If the CB Project can be widened through the establishment of a web site, there is scope for multi-institutional collaboration with students from across Australia.

IV CONCLUSION

The CB Project was designed as a practice-oriented learning experience that was also a form of derivative service learning involving knowledge transfer. It provides an example of an innovation in learning, demonstrating how practice-oriented learning can lead to the production of a resource that makes a potentially meaningful contribution to the field of study and to the community. Concepts of knowledge transfer and service learning resonate with both the UTS Model and the Law Faculty's graduate attributes.

The practice-oriented approach to learning emphasised by the UTS Model readily lends itself to learning that also encompasses community service. Although the scope of activities that come under the umbrella of service learning and community service is vast, at their core is the aim 'to demonstrate social responsibility and a commitment to the common good',⁹⁹ something that is also consistent with graduate attributes that incorporate public service and social justice issues. It is also important to bear in mind that elements of public service and a commitment to the common good do not take the place of student learning; rather, they inform it by placing students at the centre of knowledge creation that answers both a societal and pedagogical need. The CB Project fulfilled these aims by focussing on student-prepared learning materials that could be used beyond the class room to contribute in a meaningful way to the animal protection community.¹⁰⁰

⁹⁹ Preece, above n 9, 268.

¹⁰⁰ Dipadova-Stocks, above n 16, 437.

