



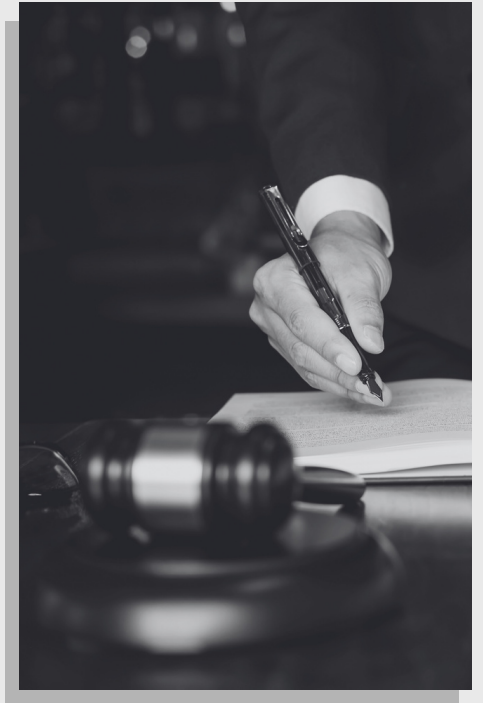
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HOW IT WORKS:

INTERNATIONAL & DOMESTIC LAW



In the international sphere, a country is known as a State (note the capital S). A State is a nation or territory of land that is recognised by the **United Nations (UN)** as existing as an independent State. The UN currently recognised 193 States, including Australia, and aims to maintain international peace and security by developing strong ties between States and promoting social progress.



THERE ARE TWO MAIN SOURCES OF INTERNATIONAL LAW:

Instruments
such as Treaties
and
Conventions

&

Customary
International Law

TREATIES AND CONVENTIONS CAN EITHER BE BILATERAL (BETWEEN 2 STATES) OR MULTILATERAL (BETWEEN 3 OR MORE STATES).

DOMESTIC LAW



The ratification of such a Treaty or Convention gives rise to a set of international rights and obligations. Specifically, States who ratify them, such as Australia, must incorporate these matters into their domestic law. Domestic law refers to laws within Australia's borders.

The Instruments themselves are not legally binding.

Australia incorporates its international obligations into domestic law once the Instrument has been ratified. Treaties and Conventions that Australia ratifies only become part of Australia's domestic law when parliament passes legislation incorporating the Treaty or Convention into domestic law. Only the aspects incorporated in domestic legislation are legally enforceable. This is why we refer to domestic legislation and case law when taking legal action.

DOMESTIC LAW

CONTINUED



For example, the ***Disability Discrimination Act 1992 (Cth)*** incorporates the guidelines set forth by the UN Convention on the ***Rights of Persons with Disabilities (CRPD)*** into domestic law.

Some universal instruments, such as the **UN *Universal Declaration of Human Rights (UDHR)*** have become part of customary international law and are considered binding on all States, even those who have not ratified the Treaty.

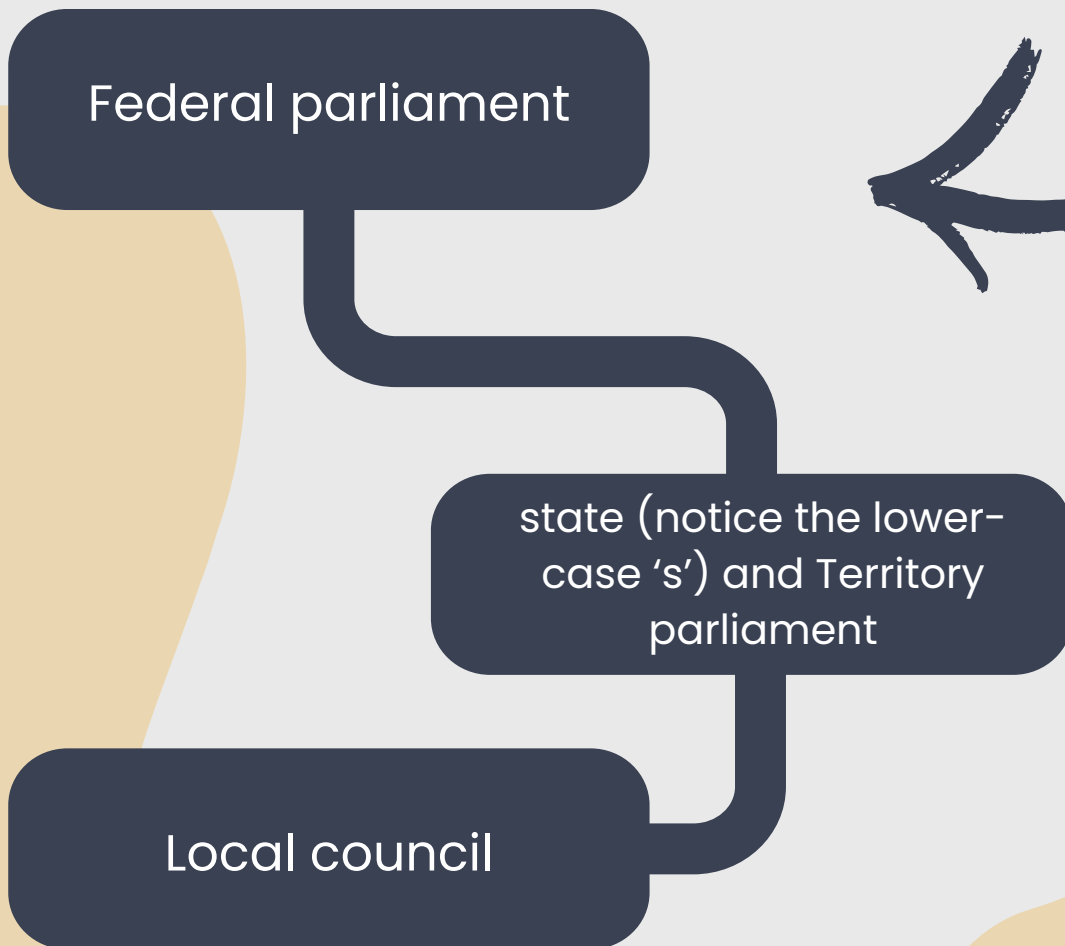
Australia uses a common law system whereby both legislation (also known as statute) and case law (rulings made in a courtroom) form the basis of our laws.

OUR GOVERNMENT:

HOW IS IT STRUCTURED?



Australia has **three** levels of government:



Section 109 of the Australian Constitution states that where State and Commonwealth law differ, Federal law takes precedence. The same is true for state and Territory law if it differs from local law.



ANIMAL & PET LAW

Whilst the Federal government creates laws for the whole of Australia, the enacted laws are restricted to topics covered by **Section 51 of the Australian Constitution**. This is why animal welfare and companion animal (pet) law remains in the jurisdiction of states and Territories.

STATES & TERRITORIES

State (lower-case s) and Territory governments create laws for their state or territory. Australia comprises **6 states and 2 territory parliaments** (or 6 state parliaments and 2 legislative assemblies) which are located in the capital city of each state and territory. All other territories, such as Christmas Island and Norfolk Island, are provided for under **Section 122 of the Australian Constitution** which gives Federal parliament the power to enact laws for them. They are governed according to federal law or the laws of either the Australian Capital Territory or the Northern Territory respectively.



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