Introduction

Currently, the Department of Agriculture and Fisheries and Forestry is calling for submissions for their inquiry into the live export trade of cattle to Indonesia.

You have been appointed as the representatives of the youth of Australia to make a submission based on your research and evaluation of the reforms which addressed the issue of live export in relation to Australian sheep in the Middle East. The webquest you will do today will give you information about the issue of live export of sheep to the Middle East, and how reforms were put into place as a result of conditions giving rise to reform and actions of agencies of reform. You must evaluate the effectiveness of the legal agencies and mechanisms of reform in achieving justice for those concerned about animal welfare, and farmers and the livestock industry in relation to the live export of sheep to the Middle East (specifically Egypt). On this basis recommend legal reforms which would be effective (or ineffective) in achieving justice in the issue of live cattle export to Indonesia. Consider justice in relation to farmers and the livestock industry, those concerned for animal welfare, and also the Indonesian community.

The legal reforms you will investigate (in relation to the Middle East) are:
- the implementation of national standards for live export (ASEL) in 2004
- the Memorandum of Understanding between Australia and Egypt (2006)
- the ban on live exports of sheep to Egypt (and restriction of live export of cattle) by an Order (2008)

You will be working in pairs, one member of your team will do the webquest on 'agencies' the other will do the webquest on 'mechanisms'. You will then come back together and use your expertise in different areas to write your submission to DAFF.

The responses to the questions in the webquest should be written on the sheets provided by your teacher or in a word document. They should each be 2-3 sentences, or you may like to use bullet points instead. Your submission to DAFF should be 2-3 paragraphs, and should follow the structure your teacher advises.

Tasks

You have already investigated the conditions giving rise to reform. Using the materials you looked at in class on Monday; write two sentences which address the issues giving rise to reform in relation to animal welfare (especially the welfare of animals being exported).

There were also several specific events between 2003 and 2008 which drew the attention of the Australian public to the conditions giving rise to reform. These included the MV Cormo Express incident, the Al Kwait incident, Australian Quarantine Inspection Service (AQIS) reports, and revelations about the treatment of Australian cattle and sheep in Egypt.

See the link below to the media articles about the MV Cormo Express incident and the conditions of livestock in Egypt:

[Read ONE article and consider how this event relates to ONE condition of reform. Add ONE sentence the two sentences on conditions giving rise to reform you have written.]

Evaluation

There have been many agencies of reform involved in this issue, however you will look at two: the media, and a non-government organisation (Animals Australia). You should note that these two agencies have also been influential in the reforms which have been proposed in light of the issues in Indonesia.

A site which might be useful for this section of the webquest is the Track Record of media and NGO campaigns for animal welfare. Remember to confine your search to the years between 2003 and 2008, and be aware that there is information on the timeline which is NOT relevant to the live export issue we are examining.

Agency: MEDIA

The media have been responsible for exposing the incidents like the MV Cormo Express saga, the conditions in abattoirs in Egypt and the sale practices in countries throughout the Middle East. You might like to think about the role the media has in influencing public opinion, therefore initiating public pressure on law reform mechanisms. Access the following articles and media reports:

[Sheep on Board a National Shame: The AgeABC 7.30 Report, 2007 (NOTE: This is the episode we watched in class, and contains disturbing material. If you would prefer to download the transcript of the episode that is also fine.)]

[Media Release by LiveCorp-Improved Standards in Middle East]

What was the media's role in the law reforms which occurred (or did not occur)? Do you think they were effective in influencing law reform? HINT: Think about
how the media uncovered what the government had not released to the public, and how the media drew attention to some of the conditions giving rise to law reform. Also consider the way the media was used by both those who wanted reform in this area and those who did NOT.

Agency: (Non Government Agency) ANIMALS AUSTRALIA
Animals Australia are a non-government organisation which are known as "the voice of the animals". They have been responsible for many of the investigations and footage of the live export trade which has been aired by the media since 2003. They also run advertising campaigns, protests, and lobby parliamentary MPs to change the law relating to live exports. Animals Australia was responsible for launching a court case in 2003 against an exporter (Emmanuel Exports) for animal cruelty under WA legislation. The magistrate decided (in 2008) that the Commonwealth export licence exempted the exporter from State animal welfare legislation. Animals Australia exposed the ineffectiveness of the Memorandum of Understanding (see the 'Mechanisms' part of the webquest for more information) Australia and Egypt had agreed to regarding the humane treatment of livestock. This was influential in leading to the total ban of the exporting of live sheep to Egypt. Visit these webpages and outline how Animals Australia have exposed the need for law reform in relation to live exports. Animals Australia: Egypt Investigation 2006 December 17th 2003: Cruelty complaint lodged with WA Police (read this section of the court case ONLY)

HINT: You might want to look at how the failure of existing law (a condition giving rise to reform) was exposed by this investigation and legal complaint, and also what arguments they use for increasing standards of animal welfare.

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**Process**

Mechanism: PARLIAMENT
In response to the mounting pressure from the conditions giving rise to reform and the agencies of reform, Parliament enacted legislation to regulate the conditions livestock experienced during live export. The Agriculture, Forestry and Fisheries Legislation Amendment (Export Control) Act 2004 (Cth) implemented the Australian Standards for the Export of Livestock (ASEL), the first national standards to regulate the live export trade. Visit the links below to help you evaluate how effective the standards were in relation to these issues:

- **a)** did the standards achieve justice for those concerned about animal welfare? Animals Australia: How effective are the ASEL? RSPCA: How is the live export trade regulated? NOTE: According to the Meat and Livestock Association, Australia has the highest standards for animal welfare.
- **b)** did the standards achieve justice for farmers and the livestock industry? Meat and Livestock Association: Improvements in Australia and Overseas

HINT: Look at the yellow "speech" bubbles for information on how farmers feel about the standards in place for livestock export.

What is one suggestion you can make for improving the effectiveness of the ASEL?

When the government wishes to ban export of livestock to a country, they make an "order" under the Australian Meat and Livestock Industry Act 1997 (Cth). This is delegated legislation made by the Minister of Department of Agriculture, Forestry and Fisheries. Following the conditions giving rise to law reform and pressure by the agencies of law reform, the Australian Meat and Livestock (Export of Livestock to Egypt) Order 2008 was made. This banned live sheep exports to Egypt, and permitted live cattle exports to only one abattoir in Egypt.

Visit the following websites and comment on whether you think that the Order has achieved justice for those concerned about animal welfare in both Australia AND world wide.

RSPCA: Live Export Facts (NOTE: Look at the section entitled 'Myth: If Australia doesn't supply live animals for slaughter, other countries with worse animal welfare standards will') Also see MP John Alexander's comments upon live export bans. Even though he is mostly referring to the ban on exports to Indonesia, his comments are still relevant to how the ban on exports to Egypt may not have been effective in achieving justice for those concerned about animal welfare.

Do you think Parliament has effectively responded to the conditions giving rise to reform and the agencies of reform in relation to animal welfare?

Mechanism: INTERNATIONAL LAW
Memorandums of Understanding (MOUs) are agreements between two governments regarding the standards of livestock handling and slaughter. Following the temporary bans on trade to Egypt in 2006 (NOTE: this is NOT the lasting ban which is discussed above) and Saudi Arabia in 2005, the Australian government had MOUs with governments of both countries which stated that they would obey the World Organisation for Animal Health (OIE) standards in their importation, sale and slaughter of Australian animals. These MOUs meant that trade with the countries was reinstated.

The MOU between Egypt and Australia in 2006 was breached, resulting in the order to ban live exports of sheep to Egypt permanently, and restrict cattle exports considerably.

Visit the following website and comment on:

- **a)** What are the limitations to the effectiveness of international law in relation to animal welfare issues? (as shown by the ineffectiveness of the MOU with Egypt) Animals Australia Media Release 2007
- **b)** Who do you think MOUs achieve justice for? LiveCorp: Industry welcomes move to reopen live export trade with Egypt

Which mechanism (Australian Parliament or International Law) do you think is the most effective in achieving justice for all those affected by this issue? Why?
NOTE: You have investigated Memorandums of Understanding, Orders (bans) and legislation relating to export of livestock. All of these are being proposed as measures to deal with the issues surrounding live export to Indonesia.

Your paragraph should be 2-3 paragraphs and should use the knowledge you have gained from your webquest to support your arguments as to which legal mechanisms would be most effective for achieving justice for those concerned about animal welfare and farmers and the livestock industry in relation to live cattle exports to Indonesia.

Here are some tips on structuring your paragraphs:

Paragraph 1:
Introductory sentence (or two): What is your argument (which agency will be most effective in achieving justice?)
Explanation: Why will this agency be most effective? Provide EVIDENCE from your webquest, including media articles and legislation (and cases if you have found any).
Suggestions: You might like to suggest how this agency should be used in relation to the issue of live cattle exports to Indonesia.

Paragraph 2:
Introductory sentence (or two): Argument - which mechanism has been the most effective in achieving justice?
Explanation: Provide EVIDENCE from your webquest including legislation, international law, media articles.
Suggestions: Suggest how this mechanism should be used in relation to the issue of live cattle exports to Indonesia.

Paragraph 3:
How will the mechanism and agency you have chosen reform the law to match the conditions giving rise to law reform you examined last lesson?
Conclusion: Restate your arguments.

TIP: In legal writing, try to keep a formal tone. Even though this is an emotional issue, your arguments will be more persuasive if they are supported by evidence.

This webquest is a useful way to examine the legal responses between 2003-2008 to the live export issue. This knowledge can then be applied by students in getting them to make their own recommendations to government ministers, making the task an authentic one.

The law investigated is Australian legislation, but the webquest can be adapted if you are interested in investigating legislation from around the world.

The webquest was designed with the syllabus requirements of Preliminary Legal Studies in NSW in mind, specifically targeting 'Law in Action'. Thus the target group is Year 11 students completing the legal studies course. However it may be adapted to civics and citizenship subjects.

Standards

Credits

Other