



ANIMAL LAW AND POLICY REFORM

Tertiary tutorial program
Professionally developed by
legal academics

© November 2019

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ABOUT VOICELESS

Voiceless, the animal protection institute, is an independent non-profit think tank working to promote respect and compassion for animals.

By encouraging critical-thinking on animal protection issues and growing the field of animal law, Voiceless is equipping today's youth to become tomorrow's change-makers.

CONTACT

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This tutorial and assessment program was produced by Voiceless, in collaboration with the Bond University Centre for Professional Legal Education.

Accompanying resources can be accessed on the Voiceless website: www.voiceless.org.au/animal-law

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Voiceless Animal Law Education (ALE) Program



Produced in collaboration with the **Bond University Centre for Professional Legal Education**, our Animal Law Education (ALE) modules provide students and teachers with the information they need to understand and discuss animal law issues and concepts.

ALE Module: Animal Law and Policy Reform

In this module, students learn about the concepts and processes involved in animal law and policy reform in Australia, and explore the challenges of achieving reform in this context.

INTENDED LEARNING OUTCOMES

On completion of this unit, students will be able to:

1. Explain and evaluate the political contexts and practical processes of animal law and policy reform in Australia;
2. Apply their understanding to a specific animal law and policy reform topic;
3. Critically reflect on their personal views and perspectives on animal law and policy reform issues.

MODULE RESOURCES

Podcast

This engaging and informative 40-minute educational podcast is suitable for first year to advanced law students. Students can listen in to hear from some of Australia's foremost legal experts and animal advocates, discussing their experiences with trying to achieve animal law and policy reform in Australia.

Interviewees include:

- **Nichola Donovan**, President of Lawyers for Animals.
- **Ana Smietanka**, Co-Founder of the Animal Law Institute.
- **Georgie Purcell**, Vice-President of Oscar's Law.
- **Shatha Hamade**, Legal Counsel at Animals Australia.
- **Tara Ward**, Co-Founder of the Animal Defenders Office.
- **Nicky Neville-Jones**, Chair of the Law Institute of Victoria's Animal Welfare Committee.
- **Daniel Cung**, Chair of the NSW Young Lawyers Animal Law Committee.
- **Dr Jed Goodfellow**, Senior Policy Officer at RSPCA Australia.
- **The Hon. Mark Pearson**, Member of the Legislative Council of NSW (Animal Justice Party).
- **Laurie Levy**, Founder of the Coalition Against Duck Shooting

Presentation

This presentation provides an overview of the key concepts and processes of law reform in Australia, and explores the challenges and future opportunities for animal law reform. Prepared by animal law expert, Dr Alexandra McEwan (Central Queensland University), with the research assistance of Dr Jed Goodfellow (Macquarie University).

Useful Resources

Access some of the most relevant and up-to-date literature and commentary on the topic.

Tutorial & Assessment Program

Professionally developed tutorial and assessment program designed by legal academics for use in the tertiary learning environment.

All resources can be accessed for free at:

www.voiceless.org.au/animal-law

TUTORIAL 1

Class Debate: Should The State Of Victoria Ban Duck Hunting?

The learning sequence for these classes is designed to assist students to start thinking critically about topical animal law reform issues in Australia. After listening to the online presentation discussing the complexities of law reform in this context, students are invited to debate a current law reform proposal in Victoria. Divided into two groups, the class is asked to debate the question: 'Should the State of Victoria ban duck hunting?'

Learning Area	Animal Law, Law Reform
Year Level	Suitable for animal law elective units
Module	<p>Animal Law and Policy Reform</p> <p>In this module, students learn about the concepts and processes involved in animal law and policy reform in Australia, and explore the challenges of achieving reform in this context.</p>
Intended Learning Outcomes	<p>Upon completion of this Module, students will:</p> <ol style="list-style-type: none"> 1. Explain and evaluate the political contexts and practical processes of animal law and policy reform in Australia; 2. Apply their understanding to a specific animal law and policy reform topic; 3. Critically reflect on their personal views and perspectives on animal law and policy reform issues.

TIME ALLOCATION

Two 50 minute classes. One class for revision and preparation, and one class for debating and reflection.

KEY INQUIRY QUESTIONS

- Why are there such varying and often conflicting views and perspectives on animal law and policy reform issues in Australia?
- Who are the relevant stakeholders in Australian animal law and policy reform debates?

STUDENT PREPARATION

It is presumed that students have watched the online presentation prior to the first class.

They should also be encouraged to read around the debate topic, by consulting the following resources (as well as conducting independent research):

- *ABC News, 'Bob Carr urges Victorian Premier Daniel Andrews to ban duck hunting' (18 August 2019)* <<https://www.abc.net.au/news/2019-08-18/bob-carr-urges--premier-daniel-andrews-to-ban-duck-hunting/11424242>>
- *Animal Liberation Victoria, 'Help End Duck Shooting Forever'* <<https://www.alv.org.au/ducks/>>
- *Coalition Against Duck Shooting* <<http://www.duck.org.au/>>
- *Field and Game Australia, 'Duck debate' (29 August 2019)* <<https://www.fieldandgame.com.au/@news/2019/08/29/1376337/duck-debate>>
- *Game Management Authority, 'FAQs – Duck Hunting'* <<https://www.gma.vic.gov.au/faqs#duck>>
- *Pegasus Economics, 'Assessment of the GMA's compliance and enforcement function' (2017)* <https://www.gma.vic.gov.au/__data/assets/pdf_file/0005/435551/2017-Assessment-of-the-GMA-compliance-and-enforcement-function.pdf>
- *RSPCA Australia, 'What is the RSPCA's view on duck hunting?' (2019)* <<https://kb.rspca.org.au/knowledge-base/what-is-the-rspcas-view-on-duck-hunting/>>
- *Second Reading Speech for the Wildlife Amendment (Protection of Birds) Bill 2019* <https://www.parliament.vic.gov.au/images/stories/daily-hansard/Council_2019/Legislative_Council_2019-09-11.pdf>
- *Voiceless, 'In Conversation with Laurie Levy, Founder of the Coalition Against Duck Shooting' (14 August 2019)* <<https://www.voiceless.org.au/content/conversation-laurie-levy-founder-coalition-against-duck-shooting>>

CLASS ONE (REVISION AND PREPARATION)

REVISION (10 mins)

Ask the class to discuss their thoughts on the online presentation.

PREPARATION (40 mins)

Explain that in the next class, you will be running a debate. Explain that the debate is not assessed – it is purely a learning activity. The topic of the class debate is:

'Should the State of Victoria ban duck hunting?'

BACKGROUND ON THE TOPIC

The Coalition Against Duck Shooting (CADS) has been campaigning for over thirty years to achieve a permanent ban on recreational shooting of native waterbirds in Australia, particularly in Victoria. Although duck shooting is now banned in Western Australia, NSW and Queensland, four jurisdictions continue to allow the practice despite decreasing public support and evidence of regulatory non-compliance. Earlier this year (2019), Animal Justice Party MP Andy Meddick introduced the Wildlife Amendment (Protection of Birds) Bill 2019 into the Victorian Parliament, which seeks to ban duck hunting in the state. At the time of writing, this Bill is still under consideration by the parliament.

CLASS STRUCTURE

Divide the class into two groups – Group A and Group B.

Group A: Assign Group A to the affirmative position – i.e. 'Victoria should ban duck hunting'.

Group B: Assign Group B to the negative position – i.e. 'Victoria should not ban duck hunting'.

- Ask each group to brainstorm the key arguments supporting their position (20 minutes). These arguments should be written in dot points on a large piece of paper by a nominated scribe.
- The paper should be divided into a table, with one column dedicated to 'FOR' arguments and one column for 'AGAINST' arguments.
- After 20 minutes, ask the groups to stop brainstorming. The groups should then swap papers so that they can read the arguments outlined by the opposition.
- In the empty column, they should write responses for each dot point (20 minutes).

- Explain to the class that the rationale for this activity is that their arguments will be strengthened if they actively consider and respond to counter arguments advanced by the opposition. This is a crucial element of 'critical thinking'.
- At the conclusion of class, type up both sheets of paper and post the document to the unit's online learning environment.
- Students should be encouraged to reflect on the arguments in preparation for the debate in the next class.

CLASS TWO (DEBATE AND REFLECTION)

PREPARATION (10 mins)

Prior to class, arrange the classroom seating so that half of the chairs are facing the other half.

At the beginning of class, distribute paper handouts of the preparation activity from the previous class, so that every student has a copy of the for/against arguments.

Divide the students into the same groups (Group A/Group B).

Explain to the students how the class will be structured, and how the debate will run:

- They will have 5 minutes to assign one point to each member of the group.
- The debate will then commence, with students from Group A facing students from Group B. Explain that you as the tutor will act as the adjudicator, meaning that you will be guiding the debate but not actively participating yourself.
- Group A (affirmative) will be invited to speak first. They will be asked to lead as many points as they have members (1 point per member). Explain that as a member of the opposition they can not interrupt during this time. Instead, they should write down any points they wish to raise in response to the arguments put forward so that they can raise them during rebuttal.
- Group B (negative) will then be invited to respond by leading as many points as they have members (1 point per member).
- The floor will then be open to rebuttal from both sides. Explain that they must receive your permission as adjudicator before engaging in rebuttal by raising their hand to speak (this prevents students from talking over each other). Explain that although there is no limitation on the extent of participation, time is limited and all team members should have the opportunity to participate as equally as possible.

After explaining the structure, give the students 5 minutes to assign one dot point to each student.

DEBATE (30 mins)

Run the debate. If certain speakers are dominating the rebuttal discussion, actively invite participation from quieter members of the team. Although the time split will differ according to class size, it should generally run as follows:

- Group A leads points (5 mins);
- Group B leads points (5 mins);
- Rebuttal (20 mins).

REFLECTION (10 mins)

Invite students to reflect on the activity. Explain that as this activity is not assessed, there are no 'winners'. The purpose of the activity was to encourage them to engage in critical discussion on a topical law reform issue, and to reflect on their own personal views and perspectives on the issues raised. Potential prompts for reflection:

- Did this activity challenge your perspective on the topic?
- What arguments did you find the most persuasive and why?

TUTORIAL 2

Group Analysis: Analysing Law Reform Submissions

This tutorial is designed to assist students to plan a logical, well-researched and persuasive law reform submission by learning from submissions written by experienced reform advocates. Students are encouraged to reflect on the various stages of the submission planning process; researching the topic, adopting a position, and planning out a logical and effective submission structure.

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TIME ALLOCATION

One 50-minute class.

KEY INQUIRY QUESTIONS

- How are law reform submissions written?
- How do different stakeholders in this context pursue their law reform goals?

STUDENT PREPARATION

Prior to this class, students should be assigned into up to 10 groups, depending on class size.

Students should read their assigned submission below in preparation for the tutorial activity.

The submissions listed were submitted to the Senate Standing Committee on Rural and Regional Affairs and Transport in 2015 during the inquiry into the Voice for Animals (Independent Office of Animal Welfare) Bill 2015.

Group 1: Humane Research Australia submission.

Group 2: PETA Australia submission.

Group 3: RSPCA Australia submission.

Group 4: Animal Liberation submission.

Group 5: Sentient: The Veterinary Institute for Animal Ethics submission.

Group 6: Lawyers for Animals submission.

Group 7: Animals Australia submission.

Group 8: Voiceless, the animal protection institute submission.

Group 9: Department of Agriculture submission.

Group 10: World Animal Protection submission.

All submissions can be accessed from here: www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/Voice_for_Animals_Bill_15/Submissions

CLASS STRUCTURE (ANALYSING SUBMISSIONS)

1. ANALYSING A SUBMISSION (15 mins)

Students were asked to read assigned submissions prior to class.

In their assigned groups, ask the students to discuss the following questions:

1. What is this stakeholder seeking?
2. What are their law reform goals?
3. What are their key arguments?
4. How persuasive are these arguments?
5. What are their strongest reasons for advocating for the reform?
6. What are the weaknesses of their arguments?
7. Do you think their recommendations would be likely to be adopted? Why/why not?

2. CLASS DISCUSSION (35 MINS)

Come together as a class to share the group discussions. On the whiteboard, draw the table below (to be filled in as students discuss):

Reflect as a class on how this activity has helped to address the two key inquiry questions for this tutorial:

- How are law reform submissions written?
- How do different stakeholders in this context pursue their law reform goals?

	Law Reform Goals	Strengths	Weaknesses
Group 1			
Group 2			
Group 3			
Group 4			
Group 5			
Group 6			
Group 7			
Group 8			
Group 9			
Group 10			

TUTORIAL 3

Mock Parliamentary Inquiry: Understanding Law Reform Processes

This tutorial is designed to assist students to understand the political contexts and practical processes of animal law reform in Australia by engaging in a mock parliamentary inquiry activity. Students are guided through the process from the introduction of draft legislation to consideration by parliamentary bodies, community and stakeholder consultation, and responses from government.

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TIME ALLOCATION

One 50-minute class.

KEY INQUIRY QUESTIONS

- How do parliamentary law reform processes operate?
- What are the challenges animal advocates face during these processes?

STUDENT PREPARATION

Students are required to read the following:

1. *Commonwealth of Australia, The Senate Rural and Regional Affairs and Transport Legislation Committee, Voice for Animals (Independent Office of Animal Welfare) Bill 2015 Report (15 October 2015) <www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/Voice_for_Animals_Bill_15/Report>*
2. *Australian Government response to the Senate Rural and Regional Affairs and Transport Legislation Committee report: Voice for animals (Independent Office of Animal Welfare) Bill 2015 (February 2016) <https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/Voice_for_Animals_Bill_15/Government_Response>*

CLASS STRUCTURE

1. MOCK INQUIRY (35 mins)

Explain to the students that in today's tutorial, you will be running a mock inquiry, based on the inquiry they were asked to read about in preparation for the tutorial.

You may wish to show your students some of the video footage from the real inquiry held on 14th September 2015, available from ParView online.

Split the students into the same groups from Tutorial 2.

Select 4-6 students out of these groups to sit on the 'Committee' (one student should be designated the 'Chair').

The remaining students will appear before the Committee as representatives of their assigned organisations, putting forward their submissions for/against the Bill according to the position adopted in their assigned submission.

The students will need to assign a representative to speak on their behalf in front of the Committee. However, all students in the group may respond to questions from the Committee.

Committee members will be assigned political parties by the lecturer, and should craft their questions with these political affiliations in mind.

The hearings will run as follows:

- The Committee enters.
- The Committee Chair opens the floor to the witnesses.
- The first witness presents their submissions (should be 1-2 minutes max).
- The Committee asks questions (1-2 minutes max).
- The witness is thanked.
- And so on, until all witnesses have been heard.

2. REFLECTION (15 mins)

The class reflects on both the mock inquiry, and the inquiry conducted in 2015 for the Voice for animals (Independent Office of Animal Welfare) Bill 2015.

Students should be encouraged to reflect on the two key inquiry questions:

- How do parliamentary law reform processes operate?
- What are the challenges animal advocates face during these processes?

TUTORIAL 4

Podcast Discussion: Voiceless Animal Law Talk Episode 2

The learning sequence for this tutorial is designed to assist students to reflect on the experiences of animal lawyers and animal protection advocates with animal law reform campaigns, and to critically discuss the challenges facing animal law reform in Australia. After listening to the podcast on the topic featuring key commentators in the field, students discuss the concepts and issues raised in the podcast with a view to forming their own views on the issue.

Learning Area	Animal Law, Law Reform
Year Level	Suitable for animal law elective units
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TIME ALLOCATION

One 50-minute class.

STUDENT PREPARATION

Prior to the class, students are required to listen to 'Voiceless Animal Law Talk Episode 2 – Animal Law and Policy Reform'.

KEY INQUIRY QUESTIONS

- What are some of the shared challenges faced by animal law reform campaigners?
- What are some of the lessons we can learn from the experiences of these reform campaigners?

1. WORK IN PAIRS (20 MINS)

Split the class into pairs and ask them to work through the following questions (taking notes as they discuss):

1. What was your overall response to the podcast?
2. From listening to the podcast, what is your understanding of the main issues facing animal law reform in Australia?
3. What are some of the shared challenges faced by the interviewed animal law reform campaigners?
4. What are some of the lessons we can learn from the experiences of these reform campaigners?

2. CLASS DISCUSSION (30 MINS)

Bring the class together. Ask them to share with the group their responses to each of the four questions.

If discussion is limited, play some selected passages from the podcast to the class and ask for their responses.

Suggested question prompts:

- Do you think that advocating for reform to the legal status of animals in the current political climate is a realistic reform goal? Regardless, do you think it is an important reform goal?
- What is 'incremental' law reform, and why is it sometimes criticised as being 'too welfarist'?
- Does Shatha Hamade's discussion of the reforms to the regulation of live export demonstrate the importance of pursuing and utilising incremental law reform goals?
- Tara Ward from the Animal Defenders Office discusses the various animal law reform successes in the Australian Capital Territory. She notes that sometimes the significance of these reforms is downplayed on the grounds that the ACT is a very small jurisdiction. How does she counter that argument? Do you agree?
- Why does Tara think that contributing submissions to law reform processes is important? Do you agree?
- Do you agree with Nichola Donovan's (President of Lawyers for Animals) comment that sometimes the inclusion of animal law organisations in reform processes can seem like 'Clayton's consultations'? What does she mean by this?
- Reflecting on all of the commentary, how important is 'getting a seat' at the policy-making table? Which groups seem to find this easier? Which find it harder? Why do you think this is the case? Is this state of affairs problematic?
- Dr Jed Goodfellow from RSPCA Australia discusses the influence of animal-use industries over the animal law reform process. What are some of the major challenges resulting from this influence? In particular, what is the 'iron triangle' of agricultural interests that he discusses?
- Why do you think so many animal protection advocates push for the establishment of independent offices of animal welfare?
- How has the election of Animal Justice Party politicians to state parliaments impacted on animal law reform in those jurisdictions, according to The Hon Mark Pearson MP?
- How have animal protection campaigners, Georgie Purcell and Laurie Levy, utilised the media for their law reform campaigns?

SUGGESTED ASSESSMENT TASKS AND MARKING RUBRICS

1. Written Debate Reflection
2. Law Reform Submission Plan
3. Law Reform Submission
4. Video Reflection on Mock Inquiry

For each suggested assessment task, we have created an associated marking rubric template.

As it is expected that the tasks and rubrics will be modified prior to use, these materials are provided in Word format.

Please contact Voiceless to access a copy:
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