



Criminal Code Amendment (Animal Protection) Bill 2015

Submission to the Senate Committee on Rural and
Regional Affairs and Transport

12 March 2015

The Animal Law Institute is a not for profit that is dedicated to protecting animals and advocating for their interests through the Australian legal system.

The Animal Law Institute Inc. (**ALI**) opposes the *Criminal Code Amendment (Animal Protection) Bill 2015* (Cth) (**Bill**).

THE VEILED PURPOSE OF THE BILL

1. ALI submits that the Explanatory Memorandum (**EM**) misleadingly characterises the purpose of the Bill. The EM states that its purpose is to minimise unnecessary delays in the reporting of cruelty to animals. However, ALI, with respect, submits this is not the case and strongly considers the purpose of the Bill is to deter whistle-blowers, investigators, animal advocates, media and employees from exposing to the public evidence of animal cruelty and to ensure the profitability of these industries is safeguarded. The evidence to support this conclusion is set out below.

Only applies to recorded cruelty

2. The Bill only applies to persons who make a visual record of animal cruelty and then fail to report that cruelty and provide the record to the relevant authorities within a certain timeframe. It does not apply to situations where eyewitness accounts are available without the recording. This provision does nothing to encourage persons who have witnessed animal cruelty to report those acts.
3. As such, employees and other persons involved in these industries, such as owners who witness but do not record malicious animal cruelty and fail to report it, would not be in breach. Employees would, in most cases, be the first people to witness acts of cruelty and they should be encouraged to report this, regardless of whether it has been recorded.

Economic loss – not animal cruelty

4. ALI submits that the true intention of the Bill, being to protect the profitability of animal industries, is evidenced by the inclusion of section 385.20, which increases an offence to an aggravated offence where there has been economic damage to an animal enterprise. This section alone demonstrates that the Bill is not solely concerned with animal cruelty and is instead, intended to prevent any economic loss incurred as a consequence of animal cruelty being exposed.

Unreasonable time limits

5. The one day and five day time limits prescribed in the Bill are unreasonable and counter-productive to the prevention of malicious cruelty to animals in the following ways:
 - 5.1. In order to avoid facing criminal charges, a person who is unable to report malicious animal cruelty within the one day timeframe, will most likely choose not report the cruelty at all.
 - 5.2. The Bill states that the time requirements start from the time the record is made. There would be a number of situations where an individual conducting a covert investigation would leave a camera recording for a number of days in a row before returning to collect the camera. Following this, that individual would need to watch the many hours of footage, and in some situations seek expert opinions from vets and lawyers, to determine if it contained any cruelty. In this situation, even if that person reported the cruelty as soon as he or she became aware of any cruelty captured, that person would already have breached the Bill.
 - 5.3. The requirement to report all recorded incidents of malicious animal cruelty within one day prevents ongoing investigations into animal industries, uncovering long term and systemic animal cruelty which has been responsible for increasing animal protection and the introduction of more humane business practices across many animal industries. This will be discussed further below.
 - 5.4. It is evident that the predominate purpose of the Bill is not to protect animal welfare and to ensure cruelty is reported without delay. It is instead intended to make it more difficult for individuals to expose animal cruelty, and consequently to ensure the profitability of animal enterprise industries is safeguarded.

OPPOSITION TO THE BILL

ALI opposes the Bill on the following grounds.

Unnecessary duplication of existing laws

6. The Bill creates unnecessary duplication of existing laws and hence may lead to double punishment.

7. Laws are currently in effect in all States and Territories to capture the proposed offences contained in Division 385, including damage to property, threats, vandalism, criminal trespass, harassment or intimidation. These new offences are wholly unnecessary, as they would duplicate crimes contained in state and territory legislation. ALI fails to see grounds to create additional offences to the state/territory laws simply because those offences are committed on the property of an animal enterprise, belonging to a person who carries on an animal enterprise, or belonging to a person who is otherwise connected with, or related to, an animal enterprise. These duplicated offences do not minimise delays in the reporting of malicious animal cruelty, or improve processes relating to animal protection, being the stated objectives of the Bill. Instead, they blatantly prioritise the economic productivity of one industry over all others – animal enterprises.
8. Further, unlike the offences proposed in the Bill, some of the current state/territory based laws governing these areas notably provide exemptions in circumstances where it is in the public interest to do so. For example, section 11(2)(b) *Surveillance Devices Act 1999* (Vic) allows a person to knowingly communicate or publish a record or report of a private conversation or private activity that has been made as a direct or indirect result of the unlawful use of a listening device, an optical surveillance device or a tracking device, where it is in the public interest.

Disproportionate penalty schedule

9. Each State and Territory has legislation for the protection and welfare of animals, under which, penalties for animal cruelty offences are listed. The table below sets out the maximum penalties for an animal cruelty offence under each piece of state legislation.

State	Max jail term	Maximum fine	Legislation
ACT	2 years	\$22,000 for natural person \$110,000 for corporation	<i>Animal Welfare Act 1992</i>
NSW	5 years (Available under s.530 of	\$22,000 for natural person	<i>Crimes Act 1900, Prevention of Cruelty</i>

	the <i>Crimes Act 1900</i>) or 2 year maximum under the <i>Prevention of Cruelty to Animals Act 1979</i> .	\$110,000 for corporation	<i>to Animals Act 1979</i>
NT	2 years	\$29,800 for natural person	<i>Animal Welfare Act</i>
QLD	7 years (available under the <i>Criminal Code Act 1899</i>) or 2 years (under the <i>Animal Care and Protection Act 2001</i>)	\$100,000 for natural person \$500,000 for corporation	<i>Criminal Code Act 1899, Animal Care and Protection Act 2001</i>
SA	4 years	\$50,000 for natural person	<i>Animal Welfare Act 1985</i>
TAS	1.5 years	\$26,000 for natural person \$130,000 for corporation	<i>Animal Welfare Act 1993</i>
VIC	2 years	\$29,313.60 for natural person \$146,568 for corporation	<i>Prevention of Cruelty to Animals Act 1986</i>
WA	5 years	\$50,000 for natural person \$250,000 for corporation	<i>Animal Welfare Act 2002</i>

Whilst the intention of this Bill is veiled in animal welfare matters, we note that the penalties in the Bill for any aggravated offence are significantly higher than maximum penalties for animal cruelty under the state based animal cruelty laws as outlined above. For example, under the Bill, the minimum imprisonment term of five years for an aggravated offence causing economic loss to an animal enterprise is much higher than most of the maximum imprisonment penalties in states and territories for acts of animal cruelty. The table below outlines the penalties proposed in the Bill.

<i>Criminal Code Amendment (Animal Protection) Bill 2015 s.385.20</i>	Penalty
Offence resulting in economic damage exceeding \$10,000	5 years imprisonment
Offence resulting in economic damage exceeding \$100,000	10 years imprisonment
Offence resulting in economic damage exceeding \$1,000,000	20 years imprisonment
Offence resulting in death to any individual	Life imprisonment

10. The disproportionate penalties between acts of animal cruelty and those who record it demonstrate that the Bill's direct intention is to deter individuals from recording cruelty in animal enterprises and to protect economic interests.

Exposing cruelty is in the public interest

11. ALI submits any individual should not be punished for reporting animal cruelty, particularly in circumstances where regulatory authorities continually fail to detect systemic abuse, as it is in the public interest for this cruelty to be reported. The justification for animal welfare being in the public interest has been long established,¹ with it being recognised that Australians value animals and their welfare,² and that harming animals indirectly harms the interests of humans.³ This is evidenced by the number of Australian households with pets, the number of animal advocacy groups across the country, and the widespread debate and outrage sparked by animal cruelty exposés. It is evident that the public take great interest in matters of animal cruelty.

12. Footage obtained in animal enterprises has directly led to a number of successful prosecutions for animal cruelty in Australia. The most recent covert investigation to expose systemic cruelty occurred when Animal Liberation Queensland and Animals

¹ Steven White, 'Legislating for animal welfare – making the interests of animals count', (2003) 28(6) *Alternative Law Journal* 277, 278.

² See Australian Animal Welfare Strategy Vision: <<http://www.agriculture.gov.au/animal-plant-health/welfare/aaws>>.

³ White, above n 23, 278.

Australia revealed that the barbaric and illegal practice of “live baiting” in the training of racing greyhounds was rife within the industry. Trainers and owners across the country were recorded in an undercover investigation using live baiting to train dogs. This is despite repeated claims from racing authorities that it did not occur, and that it constituted cheating under the laws of greyhound racing.⁴

13. This investigation resulted in public outrage, suspensions, criminal investigations and charges of serious animal cruelty, withdrawals of high value sponsors and the declaration of millions of dollars to fund a taskforce to combat live baiting and other allegations of cruelty.

14. Other investigations in separate industries have also led to charges being laid, forced closure of facilities and prosecutions by the ACCC, including the following:

14.1. In 2011, horrifying footage of the mistreatment of pigs going to slaughter in the L.E. Giles abattoir at Trafalgar led to charges laid by the Victorian industry regulator PrimeSafe and the eventual forced closure of the facility.⁵

14.2. In 2012, an investigation by Animal Liberation inspired government review resulting in the mandatory employment of animal welfare officers in abattoirs and mandatory welfare training for employees who conduct slaughter after surveillance footage from Wally’s Piggery in Yass was aired on ABC’s Lateline.⁶

14.3. In 2013, one of Australia’s largest producers of duck meat, Pepe’s Ducks, was successfully prosecuted by the ACCC after covert footage was screened on the ABC’s 7:30 Report.⁷

15. It is indisputable that these exposés of cruelty and the subsequent successful prosecutions would not have been possible if the Bill was in place today. Instead, the Bill would operate to prevent the reporting and publishing of these investigations where the one day reporting requirement was not possible, resulting in cruelty potentially continuing. His Honour, the then Justice Kirby summed up the importance of these investigations in his decision in *Australian Broadcasting Corporation v Lenah Game Meats* (2001) 208 CLR 199 at 217:

⁴ Caro Meldrum-Hanna, “Greyhound Racing: Piglets, Possums and Rabbits used as live bait in secret training sessions Four Corners reveals”, 17 February 2015.

⁵ ABC News, “Abattoir owner angry after charges dropped” ABC News, 16 April 2013.

⁶ ABC News, “NSW Piggery Owners Face Animal Cruelty Charges”, ABC News 8 October 2013.

⁷ Bronwyn Herbert, “Disturbing Footage Prompts Calls for Duck Farming Changes”, transcript, ABC News, 19 June 2012.

The concerns of a governmental and political character must not be narrowly confined. To do so would be to restrict, or inhibit, the operation of the representative democracy that is envisaged by the Constitution. Within that democracy, concerns about animal welfare are clearly legitimate matters of public debate across the nation. So are concerns about the export of animals and animal products. Many advances in animal welfare have occurred only because of public debate and political pressure from special interest groups. The activities of such groups have sometimes pricked the conscience of human beings.

The current framework is failing

16. ALI recognises that in an appropriately regulated industry with efficient and effective regulatory frameworks, the Bill may be seen as reasonable. However, the current regulatory framework in place to protect animals and their welfare is failing spectacularly. This is highlighted by the fact that covert investigations are responsible for a large number of prosecutions for acts of animal cruelty and gross breaches of regulations.

The current framework

17. As it stands, the current framework is grossly ineffective in ensuring that animal cruelty is detected and enforced.
18. The first issue is that, in order for enforcement to occur, breaches must be detected and reported, which is difficult within the current framework.
19. Animal welfare inspectorate and enforcement responsibilities rest with the relevant State or Territory departments of primary industries (or its equivalent) or are delegated to the Royal Society for the Prevention of Cruelty to Animals (**RSPCA**) in each state and territory through a memorandum of understanding.
20. It is generally the case that the RSPCA is responsible for inspectorate and enforcement responsibilities for companion animals and hobby farms and the regulatory departments retain farm animal responsibilities and wildlife.

21. In addition to this, certain industries like the greyhound racing industry, essentially self-regulate on animal welfare matters and conduct their own inspections and investigations.

Issues with the current framework

22. Firstly, whilst on face value this framework may appear to adequately regulate animal enterprises, the fact is that routine inspections for animal welfare compliance are rarely carried out, with investigations usually being instigated by tip-offs from third parties.⁸ For example, in both Queensland and Victoria, the responsible departments,⁹ retain responsibility for the inspection and enforcement of farm animal welfare, however neither conducts routine inspections of intensive piggeries.¹⁰ Instead, investigations only occur if allegations of cruelty are made.¹¹

23. Secondly, where inspections do occur, the legislation usually requires notice be provided to the owner in advance, reducing the possibility of detecting breaches.¹² Whilst in some instances, the responsible regulators can obtain a warrant and conduct a raid on facilities without notice, these still do not provide the authorities with the necessary powers to conduct the type of investigations required to uncover entrenched and systemic cruelty. For example, under the current regime the responsible authorities cannot be given permission to install surveillance devices necessary to detect the type of cruelty exposed in the recent greyhound industry live baiting investigation.

24. Thirdly, and perhaps most importantly, there is a blatant conflict of interest within some of the responsible authorities, which undoubtedly causes tension in inspection and enforcement. It can be said that the primary goal of these responsible authorities is the promotion of profitable and competitive businesses and industries.¹³ For example, the Commonwealth Department of Agriculture, Fisheries and Forestry's website states that its role is to 'develop and implement policies and programs that ensure Australia's agricultural, fisheries, food and forestry industries remain competitive, profitable and

⁸ Deborah Cao, *Animal Law in Australia and New Zealand* (Thomson Reuters, 2010), 216.

⁹ Department of Agriculture, Fisheries and Forestry in Queensland; and the Department of Primary Industries in Victoria.

¹⁰ Animals Australia, 'How agriculture industry audits are failing Australian animals', 14 August 2014 <<http://www.animalsaustralia.org/features/industry-audits-failing-animals.php>>.

¹¹ Ibid.

¹² See for example *Animal Welfare Act 1985* (SA), s 31 and *Animal Care and Protection Act 2001* (Qld), ss 122-124.

¹³ Arnja Dale, 'Animal Welfare Codes and Regulations - The Devil in Disguise?' in Celeste Black, Peter Sankoff and Steven White (eds), *Animal Law in Australasia* (Federation Press, 2nd ed, 2013) 174, 185.

sustainable.¹⁴ However, these responsible authorities also carry the responsibility for regulating farm animal welfare. For example, Biosecurity Queensland, a unit of the Queensland Department of Agriculture, Fisheries and Forestry, is the 'Government's lead agency for animal welfare activities in Queensland', responsible for developing, monitoring and enforcing animal welfare policy, legislation and standards.¹⁵ This conflict is also replicated in other animal industries such as the greyhound and horse racing industries.

25. At face value, these two responsibilities – supporting profitable industries and protecting animal welfare – may appear to be complementary. However, on closer examination, these two responsibilities conflict and have a negative relationship.¹⁶ Extensive studies into this relationship reveal that while welfare and productivity can be complementary at low levels of output, high levels of productivity and profitability does ultimately come at the expense of welfare.¹⁷
26. This conflict of interest creates a reluctance to investigate and prosecute animal cruelty, as it could be detrimental to the responsible authority's first priority of ensuring profitability. Consequently, we see the creation of a need for and reliance on footage obtained by individuals to expose and prosecute animal cruelty.
27. There have been a number of incidences across a range of animal industries that demonstrate this reluctance to investigate and prosecute animal cruelty. For example, in *Department of Local Government and Regional Development v Emanuel Exports Pty Ltd & Ors*,¹⁸ the Director-General of the Department of Local Government and Regional Development in Western Australia¹⁹ only investigated complaints of animal cruelty made by Animals Australia approximately two years after the complaints were made, following an order nisi for a writ of mandamus by the Western Australian Supreme Court, which led to the charges involved in the case.²⁰ More recently, there have been

¹⁴ Department of Agriculture, *About Us*, (1 August 2014) <<http://www.daff.gov.au/about>>.

¹⁵ Queensland Department of Agriculture, Fisheries and Forestry, *Animal welfare and ethics*, (1 August 2014) <<http://www.daff.qld.gov.au/animal-industries/welfare-and-ethics>>.

¹⁶ Jed Goodfellow, 'Animal Welfare Law Enforcement: To Punish or Persuade?' in Peter Sankoff, Steven White (eds), *Animal Law in Australasia* (Federation Press, ed 2, 2013) 183, 200.

¹⁷ Ibid.

¹⁸ *Department of Local Government and Regional Development v Emanuel Exports Pty Ltd & Ors* (Perth Magistrates Court, Crawford M; judgment given 8 February 2008).

¹⁹ The person responsible for instigating proceedings under the *Animal Welfare Act 2002* (WA).

²⁰ Graeme McEwen, *Animal Law: Principles and Frontiers*, (15 August 2014) Barristers Animal Welfare Panel, 246 <<http://bawp.org.au/wp-content/uploads/2013/07/eBook-FINAL.pdf>>.

reports that individuals who attempted to report complaints of live baiting to the responsible authority in the greyhound racing industry were intimidated, threatened or pushed out of racing circles,²¹ with their complaints being ignored by the responsible authority.²²

28. Fourthly, regulators fail to provide appropriate resources for inspection and enforcement, which worsens enforcement issues. In some States and Territories, the responsible department delegates its inspection and enforcement responsibilities to the RSPCA, which is a charity organisation. Not only is it extremely rare for a public interest statute to be enforced by a charity, the RSPCA has reported that it only receives approximately 3% of its annual income from government funding, noting that its resources are routinely stretched, thus making enforcement difficult.²³
29. It is submitted that the RSPCA has a limited ability to routinely inspect and investigate animal cruelty. The 2013-14 RSPCA *Report on Animal Outcomes from Shelters, Care and Adoption Centres* revealed that a *national* team of only 98 inspectors is authorised by the various state/territory Governments to enforce animal welfare legislation.²⁴ In 2013-14 those 98 RSPCA Inspectors investigated 58,591 complaints of cruelty reported by members of the public, the majority of which were in relation to dog, cat, horse and livestock welfare - an increase of 17.5% from the previous year.²⁵ Of those 58,591 complaints the RSPCA laid 904 charges and finalised 236 prosecutions of which 230 were successful.²⁶
30. There can be no doubt that the current regulatory framework creates a system whereby animal cruelty is not being appropriately investigated and enforced. The extent to which responsible authorities investigate breaches and/or enforce legislation and standards is questionable, given that all major investigations and subsequent prosecutions covered by mainstream media in recent years have their genesis in the kind of covert surveillance operations the Bill seeks to criminalise.

²¹ See: Natalie O'Brien and Lisa Cox, Sydney Morning Herald, 'Greyhound industry whistleblowers intimidated, threatened and ignored', 18 February 2015 available at <http://www.smh.com.au/sport/greyhound-industry-whistleblowers-intimidated-threatened-and-ignored-20150217-13gw6n.html>.

²² Ibid.

²³ Elizabeth Ellis, 'Making Sausages and Law: The Failure of Animal Welfare Laws To Protect Both Animals and Fundamental Tenets of Australia's Legal System' (2010) 4 *Australian Animal Protection Law Journal* 6, 21.

²⁴ 2013-14 RSPCA Report on Animal Outcomes from Shelters, Care and Adoption Centres.

²⁵ Ibid.

²⁶ Ibid.

31. This situation makes it clear that under the current framework, footage obtained by individuals plays a crucial role in detecting animal cruelty and those who obtain this footage should not be unnecessarily penalised by the offences created by the Bill.

Freedom of choice and the rise of ethical consumerism

32. There is without a doubt a widespread view in the Australian community that animal welfare is important, and that consumer knowledge affects consumer behaviour.²⁷ This well documented connection between consumer knowledge and choice is the reason why a number of animal industries are cloaked in secrecy. It can be said that the main reason Australian consumers are aware of the routine cruelty inflicted on animals in factory farms is because covert investigators have documented it.
33. Despite industry claims that treatment of livestock animals should be regulated by industry standards, it is legal and standard to treat livestock animals in ways that, if the same were done to a dog or cat, would attract animal cruelty charges. Such treatment is all accepted under Australian agricultural Codes of Practice as well as the Standards and Guidelines.
34. In addition to perpetuating the infliction of cruelty on commercially farmed animals by obstructing the effective and thorough investigation of complaints of cruelty within privately owned companies, the practical effect of the Bill is to deny consumers the right to make informed choices with respect to the foods they consume.
35. The large scale public reactions inspired by exposés utilising covert evidence is a strong indicator of the attitude of the general public to ensuring that livestock are treated humanely at every stage of the production process. Australian consumers have a right to access information which will enable them to make informed choices when it comes to their consumption of animal products. The Bill flies squarely in the face of this right and aims to keep consumers in the dark regarding issues of animal welfare, whilst maximising profits by avoiding potential costs associated with ensuring compliance with acceptable standards.

²⁷ Grahame Coleman, "Public perceptions of animal welfare - an international perspective", Animal Welfare Science Centre School of Psychology, Psychiatry and Psychological Medicine Monash University 3800

INTERNATIONAL COMPARISON

36. This is not the first time that legislation of this kind has been proposed or introduced.

The Bill is based on similar laws that have been introduced or proposed in various states in the US. Such laws are colloquially known as ‘ag-gag’ legislation.

37. As in Australia, undercover footage in the US has been instrumental in exposing animal cruelty. One such exposés led to the largest beef recall in US history by the USDA.²⁸ In 2008, the Humane Society of the United States exposed horrific evidence of workers forcing sick and downed cows to stand using forklifts and kicking. The footage led to concerns about the hygiene of the meat being produced including the risk of diseases such as mad cow.

38. Again, as in Australia, ag-gag legislation has been stridently opposed by a chorus of organisations including civil liberty proponents, animal protection groups, consumer associations and authorities that enforce cruelty laws.²⁹ The strong opposition to these overbearing laws is also demonstrated by the legal challenges against them.³⁰

39. The public utility of these laws in the US is at best questionable. The public support of them appears non-existent. The first individual that was prosecuted under the modern ag-gag laws in the United States was Amy Meyer in Utah. From a public footpath, Amy allegedly filmed on her smartphone an event that horrified her outside of a slaughterhouse – a downed cow being moved with a tractor. The charges were dropped 24 hours afterwards following significant public backlash.³¹ The Bill that is currently being proposed in Australia could definitely lead to similar cases to that of Meyer’s.

²⁸ Andrew Martin, ‘Largest Recall of Ground Beef is Ordered’, *NY Times* (18 February 2008), available here: <http://www.nytimes.com/2008/02/18/business/18recall.html>.

²⁹ American Society for the Prevention of Cruelty to Animals, ‘Statement of opposition to proposed ‘ag-gag’ laws from broad spectrum of interest groups’ available here: <http://www.asPCA.org/fight-cruelty/advocacy-center/ag-gag-whistleblower-suppression-legislation/statement-opposition>

³⁰ Animal Legal Defense Fund, ‘Taking ag-gag to court’ available here: <http://aldf.org/cases-campaigns/features/taking-ag-gag-to-court/>

³¹ Will Potter, ‘First Ag-gag Prosecution’, *Green is the New Red* (29 April 2013) available here: <http://www.greenisthenewred.com/blog/first-ag-gag-arrest-utah-amy-meyer/6948/>.

ALTERNATIVE OPTIONS FOR REFORM

40. ALI submits that there are a number of more appropriate reform options available that would better resolve the current issues surround animal welfare and protection in Australia.
41. First, the Federal Government could introduce an Independent Office of Animal Welfare, which would oversee animal welfare and have full prosecutorial and enforcement power. Counterpart bodies would be introduced in each of the states and territories. This would allow animal welfare to be regulated by an independent regulator that does not have conflicts similar to the current regulatory authorities, thereby improving the inspection and prosecution rates and removing the reliance on individuals to document and report this cruelty in the first place.
42. Second, the current regulatory authorities must be provided with appropriate powers and resources to ensure animal cruelty is detected and the laws and regulations can be properly enforced.
43. Third, ALI believes that the need for individuals to record cruelty would be completely removed if CCTV was made compulsory in animal facilities. Senator Back acknowledged the benefits of CCTV when recently speaking about his Bill and said the following:
- What I am trying to do—as, indeed, is the role of CCTV in hot-spot areas in different locations around Australia—is to provide visual imagery so that responsible authorities actually have something with which to prosecute people.*³²
44. ALI agrees with Senator Back that CCTV would ensure visual imagery is captured and would ensure the authorities would have evidence to prosecute. CCTV would be relatively inexpensive to install and maintain. Further it could provide an additional safeguard for employers as they will be better able to identify breaches within their facilities and take timely and appropriate action to rectify the cruelty.
45. Along with CCTV, there should be mandatory reporting introduced for persons that are responsible for the care of animals in animal facilities, such as employees, owners and operators – and not for third parties who may record it. RSPCA Australia proposed this

³² Commonwealth of Australia, Senate Hansard, Tuesday 3 March 2015 at p 99.

type of arrangement in August 2014, by suggesting the introduction of a legal requirement for people responsible in animal facilities to report incidents of cruelty to the relevant authorities.³³ ALI submits this type of proposal, together with compulsory CCTV, would be a strong solution to the current problems with animal welfare legislation and would better achieve the purposes of the Bill than what the legislation currently being proposed.

CONCLUSION

46. ALI strongly opposes the Bill. It is a veiled attempt to deter whistle-blowers, investigators, animal advocates, media and employees from exposing to the public evidence of animal cruelty and to ensure the profitability of these industries is safeguarded. Further, as discussed above, there are a number of issues with how the Bill would operate in practice, with the end result most likely being less reporting of animal cruelty - the opposite to what Senator Back alleges the Bill is intended to do. There are a number of more effective solutions to ensure animal cruelty is detected, reported and prosecuted, and ALI would urge parliament to consider these should it wish to improve the current system.

³³ See RSPCA Australia, 'Don't gag – report animal cruelty', 22 August 2014. < <http://www.rspca.org.au/media-centre/press-releases/2014/dont-gag-report-animal-cruelty> >