

Live Animal Export (Slaughter) Prohibition Bill 2014

Sponsor: Senator Rhiannon

Introduced: Senate, 27 March 2014

Purpose

1.79 This bill seeks to amend the *Export Control Act 1982* to prohibit the export of live-stock for slaughter.

Committee view on compatibility

Right to work and rights at work

1.80 The right to work and rights in work are guaranteed in articles 6(1), 7 and 8(1)(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹

1.81 The UN Committee on Economic Social and Cultural Rights has stated that the right to work affirms the obligation of States parties to ICESCR to assure individuals their right to freely chosen or accepted work, including the right not to be deprived of work unfairly.

1.82 Under article 2(1) of ICESCR, countries must take steps, to the maximum of available resources, to progressively achieve the full realisation of the rights recognised in the covenant. A number of aspects of ICESCR rights, including the right to non-discrimination in the enjoyment of those rights, are subject to an obligation of immediate implementation.

1.83 The right to work and rights at work may be subject only to such limitations as are determined by law and compatible with the nature of the right, and solely for the purpose of promoting the general welfare in a democratic society.

Economic impact of measure

1.84 The statement of compatibility states:

This Bill does not engage any of the applicable rights or freedoms. Animals are sentient beings but as yet do not enjoy rights comparable to human rights. This Bill fulfils humanity's responsibility

1 Related provisions relating to such rights for specific groups are also contained in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), articles 11 and 14(2)(e) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), article 32 of the Convention on the Rights of the Child and article 27 of the Convention on the Rights of Persons with Disabilities (CRPD).

to protect and defend the rights of animals to live a life free of cruelty and suffering.²

1.85 However, the committee notes that the prohibition of exports of animals for slaughter overseas may have an adverse impact on the economic viability of Australian industries reliant on this trade, and consequently on the employment opportunities of those working in such industries. Such impacts may therefore represent a limitation on those employees' right to work and rights at work.³

1.86 The committee's usual expectation where a right may be limited is that the statement of compatibility set out the legitimate objective being pursued, the rational connection between the measure and that objective, and the proportionality of the measure.

1.87 The committee therefore requests Senator Rhiannon's advice as to the compatibility of the bill with the right to work and rights at work.

2 Explanatory memorandum, p. [2].

3 See, for example, Parliamentary Joint Committee on Human Rights, Live Animal Export Prohibition (Ending Cruelty) Bill 2014, *Third Report of the 44th Parliament*, 4 March 2014, p. 34.