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Regulation of New South Wales Abattoirs

NSW Young Lawyers

The NSW Young Lawyers (NSWYL) supports practitioners in their professional and career development in numerous ways, including by encouraging active participation in its 15 separate committees, each dedicated to particular areas of practice. Membership is automatic for all NSW lawyers under 36 years and/or in their first five years of practice, as well as law students.

The NSWYL Animal Law Committee (the Committee) comprises a group of lawyers and law students interested in animal welfare and laws regulating the treatment of animals. The Committee aims to raise awareness and provide education to the legal profession and wider community, while increasing understanding about the importance of protecting animals from abuse and neglect. A common theme amongst Committee members is a passion and desire to use our legal skills and the law to help improve the lives of animals.



Voiceless

As an innovator, capacity builder and ideas-generator, Voiceless plays a leading role in the development of a cutting edge social justice movement, animal protection.

With a highly professional and well-educated team, Voiceless brings together like-minded compassionate Australians from the legal, academic, non-profit and education sectors to form strong and effective networks.

Voiceless believes in the provision of quality information, analysis and resources to inspire debate and discussion and to empower individuals and organisations to generate positive social change.

Voiceless is a non-profit Australian organisation established in May 2004 by father and daughter team Brian and Ondine Sherman.

To build and fortify the animal protection movement, Voiceless:

- Creates and fosters networks of leading lawyers, politicians, business people and academics to influence law, policy, business and public opinion;
- Conducts high quality research and analysis of animal industries, exposing legalised cruelty and promoting informed debate;
- Creates a groundswell for social change by building and fortifying the Australian animal protection movement with select grants and prizes;
- Grows animal law as a mainstream practice area to advocate for change in the courts and in legislation; and



- Informs consumers and empowers them to make animal-friendly choices.

Pro Bono Animal Law Service

The Pro Bono Animal Law Service is a project of the Public Interest Law Clearing House (PILCH) NSW and PILCH Victoria. PALS@PILCH (PALS) is a national legal referral service that puts not for profit animal protection organisations in contact with lawyers able to provide pro bono legal advice and assistance. Our members include prominent Australian law firms, barristers and universities. In addition to our referral service, PALS@PILCH is also committed to addressing significant animal welfare issues.

The Committee, Voiceless and PALS are highly concerned about the allegations of animal cruelty arising out of recent film footage allegedly taken inside a New South Wales abattoir. The public and media reaction to the reports arising out of that incident have very decisively indicated that the Australian public will not tolerate cruelty to animals used for consumption. These are animals that are already subjected to high levels of distress and fear. This is a sentiment that has also been shared by some of those with interests within the livestock industry.

The Committee, Voiceless and PALS commend the actions of the NSW Food Authority in taking steps to immediately suspend the abattoir's licence and to encourage an ongoing 'zero tolerance' policy on animal mistreatment which must be reflected in the Authority's enforcement culture.

The dominant purpose of animal welfare laws must be to *prevent* animal cruelty, rather than to punish those who are caught committing it. Accordingly, the Committee, Voiceless and PALS are pleased to hear that there will be an increase in the number of random audits and inspections of abattoirs directed at ensuring that proper regulation is in place. Combined with the potential licence suspension for serious breaches of the *Prevention of Cruelty to Animals Act* (the Act) these measures have the opportunity to strengthen the enforcement of animal welfare measures and decrease the incidences of animal cruelty within the process of slaughtering for consumption.

The Committee, Voiceless and PALS, however, remain concerned that these measures alone are not sufficient. The Committee, Voiceless and PALS are strongly of the view that in addition to the above measures, the following should also be implemented:

- All breaches of the Act should be subject to investigation, not merely “serious” breaches. Determining “seriousness” is a highly subjective process.
- The installation of CCTV cameras into all Australian (particularly New South Wales) abattoirs. The introduction of such monitoring systems will significantly help increase the transparency of the animal slaughter process and improve welfare as a result. The Committee, Voiceless and PALS understand that various administrative and legal issues have been raised as a hindrance to the installation of CCTV monitoring. However, the Committee, Voiceless and PALS contend that such concerns are neither entirely new nor persuasive so as to prevent the installation of CCTV infrastructure inside abattoirs. Monitoring through technologies has proven to be one of the most effective and efficient behaviour-influencing mechanisms available to regulators. The Committee, Voiceless and PALS are of the view that CCTV will do more to prevent animal mistreatment than

any other regulatory mechanism available to the Authority. This technology is already being trialed in the United Kingdom.

- The establishment of an independent body, with sufficient funding and resources, to inspect and assess abattoirs in New South Wales to again increase the transparency and potential to independently report on breaches of welfare. This independent body may then be vested with the authority to prosecute such breaches or refer the matters to the existing bodies vested with such authority within New South Wales.

Unfortunately, the New South Wales incident was not just a 'one off'. In late 2011, only a few months prior, another Australian abattoir also lost its licence as a result of animal cruelty allegations. While this is not necessarily evidence of systematic cruelty in Australian abattoirs, it does most certainly strengthen the need for greater transparency and enforcement of the existing welfare provisions.

The Committee, Voiceless and PALS are available to discuss the animal welfare issues surrounding abattoirs and may be of assistance with the consideration of and drafting of any amended or new legislation and regulations.



We look forward to hearing from you within the next 28 days,

Yours faithfully



Heidi Fairhall | President

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