

Animal advocates mount landmark High Court challenge to Australia's ag-gag laws

Animal protection organisation Farm Transparency Project has served the Attorney-General of New South Wales with documents filed in the High Court of Australia, challenging the state government's use of surveillance privacy laws to limit public awareness of animal cruelty in farms and slaughterhouses.

Section 11 of the *Surveillance Devices Act 2007* (NSW) prohibits the publication or communication of footage or photographs of 'private activities', with penalties of up to 5 years in prison. While not originally intended to cover intensive farming and slaughtering operations, NSW Police have increasingly sought to apply it in such a way, beginning with charges against Farm Transparency Project's director, Chris Delforce, in 2015, following the publication of footage depicting lawful cruelty in numerous piggeries and the country's largest pig slaughterhouse.

The High Court challenge is based on the implied freedom of political communication in the Australian Constitution, which Farm Transparency Project argues is at odds with "ag-gag laws" which seek to hinder the exposure of systemic, commercialised animal cruelty, in turn limiting the ability of the Australian public to know what they're paying for when they purchase meat, dairy and eggs or attend horse or greyhound racing.

Farm Transparency Project has [launched a crowdfunding campaign](#) to raise the funds needed for the case.

Executive Director of Farm Transparency Project, Chris Delforce: "We keep running up against this law - media outlets won't touch animal cruelty footage from NSW, for fear of being charged under this Act. Our damning exposés of the NSW horse racing industry last year revealed the ongoing slaughter of ex-racehorses in breach of the industry's own rules, with even billionaire Gerry Harvey implicated, but ag-gag severely hampered the media's willingness to report on it. We then hit the same issue when a secret audio recording suggested that RSPCA NSW may have been bribed to drop cruelty charges against a notorious piggery operator."

"Similar laws in other states have clear exemptions when the published material is in the public interest, but the NSW Government refuses to make such a simple but meaningful change. We've had enough - these industries need more transparency, not less. The animals suffering in our nation's farms, slaughterhouses and knackeries deserve to have their stories told, and the Australian public deserves the opportunity to hear them."

"Twenty years on from ABC's win in the groundbreaking High Court case against Lenah Game Meats, animal-use industries continue to push for ag-gag laws, and politicians continue to listen. Challenging the constitutional validity of one such law is the only way to stop them once and for all. If successful, the NSW Government will be forced to scrap or amend section 11, and passing such laws in the future anywhere in Australia will be just about impossible. And while not the focus of this case, this will be the first time that the inherent and undeniable cruelty of Australia's intensive farming and slaughtering systems will be seen by the country's most powerful court."

Read more: <https://www.farmtransparency.org/campaigns/high-court-ag-gag>

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