

Codes of Practice work to entrench animal mistreatment by legalising actions that would be illegal if done to a companion animal.

Background

The Animal Justice Party (AJP) aims for a legal system that will protect the rights of both humans and other animals. We will create a justice system that respects the rights, interests and bodily security of all.

Currently, animal welfare laws are anthropocentric, meaning they are more preoccupied with human concerns and human gains than they are with the experiences of animals. The various existing state-based welfare laws are designed to only give animals *some* protection to the extent that humans may still exploit or consume them.

There are many problems with the current legal system so that what “appears at first glance to be a fairly robust framework of protections quickly fades away when the myriad of qualifying terms, defences and exemptions are taken into account.”¹ The result is that no animal is adequately protected by law.

From welfare to rights

There is a substantial difference in the protections given to wild animals, companion animals and farmed animals.

1. Wild animals (so long as they are not considered a “pest”) are protected by various laws concerning environmental conservation.
2. Companion animals and farmed animals are promised protection from “cruelty” and neglect by the “Five Freedoms” of welfare under state-based legislation. This includes freedom from hunger and thirst; from discomfort; from pain, injury or disease; from fear and distress; and to express normal behaviour. But the law only requires humans take “reasonable steps” to provide these freedoms. This means that acts done in the pursuit of some socially accepted goal (like business) are not likely to be considered cruelty.

¹Goodfellow, J. (2014). *Speciesism and the Law: How the legal system entrenches animal discrimination*. Presentation at Voiceless' Rethinking: Speciesism, The University of Queensland.

3. But farmed animals have their legal protections removed by Industry Codes of Practice which condone “standard” harms. If an animal is harmed in a way that is covered by one of these Codes, then that harm is legally neither neglect nor cruelty. Codes exist which permit acts that would be punishable under welfare legislation when done by farmers, slaughterhouses, breeders, racing clubs, and scientists.

These codes are written by the same people who profit from that animal exploitation. They are designed to place such industries beyond any real public or legal scrutiny.

The AJP will introduce new uniform legislation across Australia that guarantees the bodily security of nonhuman animals with protection from undue human interference. Animals should be seen as individuals, not property. The transition from exploited commodity to respected individual will require new laws and new thinking. We will work with other sovereign nations to work towards an international agreement and Universal Declaration of Animal Rights.

From weak enforcement to solid protection

Currently, in the vast majority of cases, breaches of animal welfare laws go unpunished.

Welfare laws for companion animals are enforced by the RSPCA and other agencies in the not-for-profit sector. These agencies are provided with minimal resources and little statutory power to do the role. In the vast majority of cases, animal neglect is dealt with by attempts at education instead of prosecution. Animal welfare agencies refrain from spending money on prosecution unless they know they will win. Even violence goes unpunished. As the animal victims cannot speak or provide testimony it is nearly impossible to prosecute animal abusers.



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Meanwhile, industries which exploit animals are typically regulated by government bodies that are also responsible for the economic success of those same industries. This arrangement creates pressure to keep enforcement at a bare minimum. Profit is prioritised, with enforcement agencies preferring education and gentle attempts at industry compliance. Prosecution is reserved only for notorious cases which are usually exposed to the media by community and animal rights groups.

Animals like cats, foxes, kangaroos, and birds, who are seen as vermin or competitors for resources are hunted, poisoned and treated with contempt regardless of whether they are native or introduced. Sadly, cruelty suffered by these animals is applauded, not punished.

The first step in the transition to a new, kinder Australia, is the introduction of a federal Animal Rights Commission (ARC). Relying on the Commonwealth's constitutional power to regulate corporations, ARC will be created to independently investigate and objectively report on the commercial exploitation of animals in Australia. ARC will provide Australians with reliable information about the lives of animals exploited for profit. At the same time, ARC will educate the public about links between animal rights violations and other societal harms, including environmental destruction and interpersonal violence. This will enable consumers to make informed and kind choices while putting increasing pressure on governments to facilitate a rapid transition away from animal exploitation. ARC will actively investigate and facilitate opportunities for commercial operations to switch to a cruelty-free business model. Into the future, ARC will be tasked with promoting respectful and mutually beneficial relationships between humans and other animals as equals.

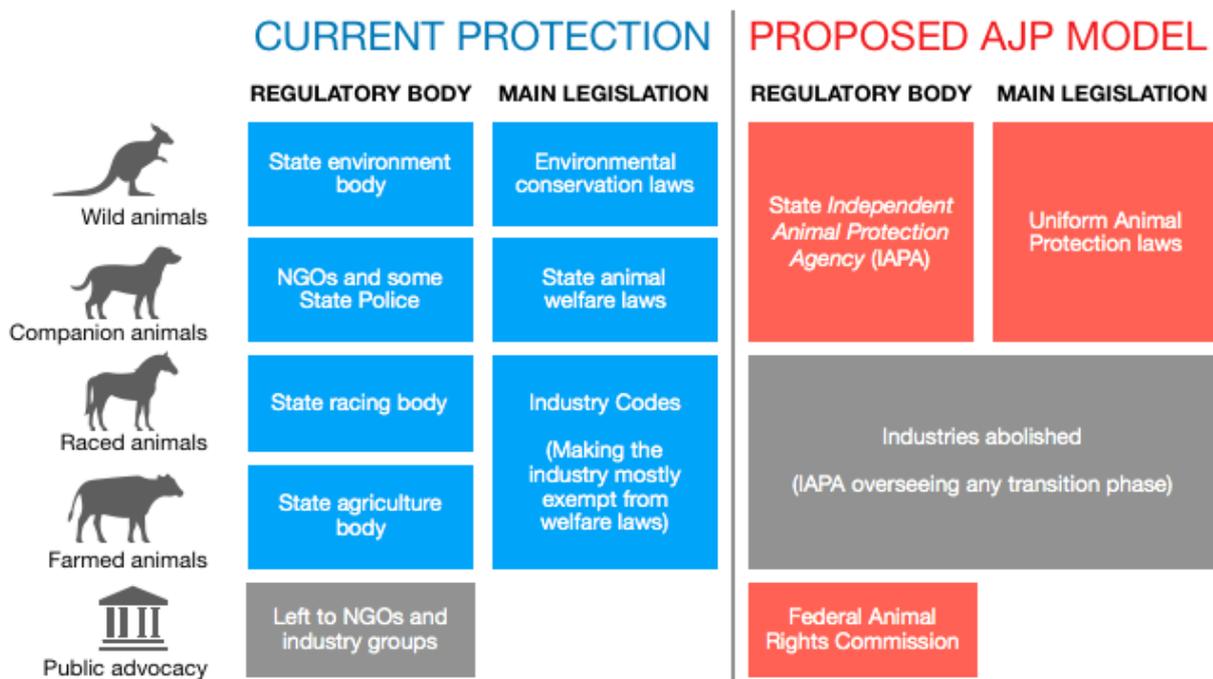
At the state level, the AJP will replace existing regulatory bodies with a single, publicly-funded Independent Animal Protection Agency (IAPA). These IAPAs will not have any conflicts of interest and will be empowered to protect animals through AJP's uniform animal rights legislation. In the transition phase, IAPAs will actively enforce outgoing welfare legislation. As the economy moves away from systemic animal exploitation, IAPAs will increasingly focus on the protection of individual animals.

Policy

We seek a new legal system for animals which protects their right to live free from human harm.

Key Objectives

1. To establish a federal Animal Rights Commission to investigate commercial animal exploitation and promote animal rights.
2. To abolish the property status of animals and introduce uniform legislation protecting animals from human interference or harm.
3. To introduce a publicly-funded Independent Animal Protection Agency (IAPA) in each state to enforce the new legislation.
4. To facilitate information sharing between law enforcement agencies to stamp out animal abuse and interpersonal violence.
5. To assert Australian sovereignty over all laws protecting animals, regardless of international trade treaties, until trading nations sign a Universal Convention of Non-Human Animal Rights.



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