

13 June 2014

Competition Policy Review Secretariat
The Treasury
Langton Crescent
PARKES ACT 2600

Submitted online: www.competitionpolicyreview.gov.au

Dear Sir/Madam

Re: Competition Policy Review Submission

Thank you for the opportunity to comment on the Competition Policy Review Issues Paper (April 2014).

RSPCA Australia is specifically addressing the question: *Do the provisions of the CCA on secondary boycotts operate effectively, and do they work to further the objectives of the CCA?*

RSPCA Australia recommends:

1. the maintenance of the current exemptions from secondary boycott provisions for environmental and consumer protection; and
2. the expansion of this exemption to include the protection of animal welfare.

Public concern for the welfare of animals used to produce food and fibre products has grown significantly over recent years. This is demonstrated by the fact that consumers are increasingly interested in how their food is produced and there is a growing group of consumers purchasing animal products derived from farms raising animals to standards that go beyond legal minimums.

The political nature of public concern for animal welfare has also been confirmed by the High Court in the case of *ABC v Lenah Game Meats Pty Ltd* (2001) 208 CLR 199 with Justice Kirby remarking the following at [217]:

Within [Australia's] 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.

Market-based campaigns involving retailers and consumers are a legitimate form of expression for political concerns relating to animal welfare. Consumers have a right to know how their food is produced, including how animals are treated in the process of production. Equally, retailers have a right to provide the assurances and products their customers demand.

Without expressed reference to the protection of animal welfare within the s.45D exemptions, the prohibition on secondary boycotts poses a threat to legitimate consumer awareness campaigns. We feel this is an intrusion upon our freedom of political communication and urged the Panel to give due consideration to our

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recommendation for the protection of animal welfare to be included as one of the expressed exemptions.

Yours sincerely

A handwritten signature in black ink that reads "Heather Neil". The signature is written in a cursive, flowing style.

Heather Neil
CEO
RSPCA Australia