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Director, Law Enforcement and Crime Team  
Policy, Reform and Legislation Branch  
Department of Communities and Justice  
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Dear Director,

On behalf of Animal-Free Science Advocacy (AFSA), a non-profit organisation dedicated to advocating for the replacement of animals in research and education, I am writing to urge the NSW Government to incorporate robust public interest exceptions into the Surveillance Devices Act 2007. This review presents a vital opportunity to protect vulnerable animals, defend human rights, and uphold fundamental societal values.

Documenting and sharing evidence of alleged animal cruelty or other forms of wrongdoing in the public interest is crucial for driving significant reforms and enhancing animal welfare outcomes. However, the current Act criminalises the communication, publication, or possession of information or recordings obtained through the unlawful use of surveillance devices. This creates a significant barrier for animal protection advocacy organisations like AFSA, which may come into possession of such materials.


The public's concern over the use of animals in research is evident from the substantial number of submissions to the [2022 NSW Inquiry into medical research using primates and other animals](#), as well as a [Senate motion for increased transparency in animal research](#) passed in February 2020. Despite the NSW Inquiry's recommendations for greater transparency, there remains a lack of practical transparency. A [2022 community survey](#) revealed that a large majority of participants care about the use of animals but feel uninformed. Specifically, 64% of participants expressed interest in learning more about research into alternatives to animal use, and 70% wanted more information on efforts to improve the welfare of animals used in research. It is therefore critical that efforts to reveal the realities of animal industries, which are often publicly funded, are not obstructed.

To ensure that public interest exceptions are effective and not undermined by other legislation, such as the Biosecurity Act 2015, I recommend the following considerations:

1. **Broad Interpretation of 'Public Interest':** The definition of 'public interest' should be interpreted broadly to include various significant societal issues, such as documenting

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human rights abuses, exposing government corruption, addressing environmental degradation, and preventing animal cruelty. These matters are of significant public concern.

2. **Interaction with the Biosecurity Act 2015:** The Biosecurity Act contains broad powers that could enable authorities to seize materials exposing alleged animal cruelty. The review of the Surveillance Devices Act must carefully consider this interaction and ensure that any public interest exceptions override the Biosecurity Act's seizure powers when there is a conflict. Robust safeguards are necessary to prevent the misuse of biosecurity laws to suppress evidence of wrongdoing.
3. **Whistleblower Protections:** Individuals who present evidence of alleged wrongdoing should be afforded comprehensive and meaningful whistleblower protections. This would shield them from prosecution or retaliation, including under the Biosecurity Act, for acting in the public interest. Empowering a wider range of advocates and citizens aligns the law with principles of transparency, accountability, and the public's right to know.
4. **Fundamental Right to Truth:** The public has a fundamental right to know the truth about the systemic abuse of sentient creatures. Exposing these realities is of immense public interest as it enables informed choices, drives reforms, and upholds basic standards of compassion. Denying whistleblowers and the media this ability is tantamount to complicity in perpetuating cruelty.

I strongly urge the NSW Government to amend the Surveillance Devices Act to enshrine robust public interest exceptions with these carefully considered safeguards.

Yours sincerely,

Rachel Smith  
Chief Executive Officer Animal-Free Science Advocacy

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