



PARLIAMENT OF NEW SOUTH WALES

# Joint Select Committee on Companion Animal Breeding Practices in New South Wales

REPORT 1/56 – AUGUST 2015

INQUIRY INTO COMPANION ANIMAL BREEDING PRACTICES  
IN NEW SOUTH WALES





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New South Wales Parliamentary Library cataloguing-in-publication data:

New South Wales. Parliament. Joint Select Committee on Companion Animal Breeding Practices in New South Wales.

Inquiry into companion animal breeding practices in New South Wales / Joint Select Committee on Companion Animal Breeding Practices in New South Wales. [Sydney, N.S.W.]: the Committee, 2015. – 174 pages; 30 cm. (Report; no. 1).

Chair: Mr Adam Marshall MP

“August 2015”

ISBN 9781921012150

1. Pets—Law and legislation—New South Wales.
2. Animal breeding—Moral and ethical aspects.
3. Animal welfare—New South Wales.
  - I. Title
  - II. Marshall, Adam.
  - III. Series: New South Wales. Parliament. Joint Select Committee on Companion Animal Breeding Practices in New South Wales. Report; no. 1/56.

636.0887 (DDC22)

The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

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# Membership

<b>CHAIR</b>	Mr Adam Marshall MP
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# Terms of Reference

A joint select committee be appointed to inquire into and report on companion animal breeding practices in New South Wales, and in particular:

- a) The current situation in New South Wales in comparison with other jurisdictions
- b) Proposals to limit the number of animals allowed to be kept by breeders
- c) Calls to implement a breeders' licensing system
- d) The implications of banning the sale of dogs and cats in pet stores
- e) Any legislative changes that may be required
- f) Any other related matter

# Chair's Foreword

It has been a privilege to chair the Joint Select Committee on Companion Animal Breeding Practices in NSW.

The Committee was appointed at a time of ongoing media reports of exploitative for-profit puppy factory operations, some notorious prosecutions of poor breeding practices and escalating community concern about the welfare of companion animals.

We approached our task with a strong desire to deliver a comprehensive report with robust, yet practical recommendations to expose and remove the rogue and unscrupulous puppy factory operators, while not overburdening the majority of good breeders across the state.

The Committee also had the benefit of the work of the NSW Companion Animals Taskforce which reported to the NSW Government in 2012. I commend the work of the Taskforce and its members. The Taskforce's recommendations are a firm basis for improving companion animal management in this state, and we were fortunate to be able to build upon its recommendations in our report.

The Committee has made 4 findings and 34 recommendations. Important among these are:

- The introduction of a breeders' licencing scheme for all commercial dog and cat breeding in NSW and the requirement that when advertising the sale of dogs and cats, via any medium, that the breeder identification and animal microchip numbers be displayed
- that pet shop sales not be banned because a ban would lead to less scrutiny of animal sales without improving welfare
- that the NSW Government implement the recommendations of the Companion Animals Taskforce as a priority
- a finding that the number of animals kept by a breeder is not in itself a factor which determines the welfare of breeding animals
- a need for a common database and better co-ordination between the enforcement agencies, including local government, in NSW to remove inefficiencies, duplication and achieve better animal welfare outcomes.

As expected, this inquiry generated a huge level of interest in the community and the media, receiving 344 submissions, a petition containing 3,000 signatures, and over 2,200 emails and other correspondence. We took evidence from 42 witnesses at the three public hearings held in Armidale and Sydney during July.

The Committee is grateful to all those people and organisations who participated in this inquiry by signing a petition, writing to or emailing the Committee, making a submission, or appearing as a witness.

While many of the submissions understandably took a strong line regarding the rights and obligations of stakeholders and the wider community, there was a high degree of unanimity on many issues. Notably, many people expressed an appreciation of the needs of other stakeholders in spite of their being superficially at opposite ends of the spectrum. The willingness of so many people to acknowledge other points of view is a good omen for achieving better animal welfare outcomes. Almost all submissions received acknowledged the strong need for reform to existing systems.

The Committee understands the high level of feeling which any discussion of animal welfare generates, and shares the revulsion expressed by many at continuing examples of cruelty. The Committee hopes that our recommendations lead to early and effective improvements in animal welfare, a drastic decline in instances of unacceptable breeding practices, and a renewed culture of respect for the wellbeing of our dogs and cats.

I wish to thank Primary Industries Minister Niall Blair for requesting that the Committee be appointed. We were given important work to do and I am grateful for his foresight on this issue.

I also wish to thank my fellow Committee members for their dedication and collegiality. On the face of it, a nine member joint committee comprising government, opposition, independent and Animal Justice Party MPs might appear to be an unwieldy proposition, but it has been my pleasure to chair our meetings, to hear your contributions, and to work with you to complete this report.

Finally, I wish to thank the Legislative Assembly Committee staff for the expertise and professionalism they applied to assisting the Committee and me in our work.



Adam Marshall MP  
Chair

# Executive Summary

The Joint Select Committee on Companion Animal Breeding Practices in New South Wales was formed on 13 May 2015, at the request of the Minister for Primary Industries, The Hon Niall Blair MLC for a parliamentary inquiry into companion animal breeding practices across the state to crack down on so-called “puppy farms”.

The objectives of the inquiry were to review the current situation in New South Wales compared to other jurisdictions; investigate the correlation between the number of animals kept by breeders and animal welfare; examine the necessity of implementing a breeders’ licencing system; examine the implications of banning sales of dogs and cats in pet stores; address any required legislative changes; and address any other related matters.

Chapter One describes the background to the inquiry and the environment in which it was established. It defines some of the key terms used by the Committee and discusses the Companion Animals Taskforce and its report to the NSW Government in 2012.

Chapter Two discusses the current legislative and regulatory framework in New South Wales, examining the codes and standards for animal welfare and cruelty prevention; enforcement provisions; and microchipping and registration processes. This chapter also examines the legislative framework in other jurisdictions and the impact of jurisdictional differences.

Chapter Three discusses the impact of limiting the number of animals kept by breeders, and whether a limit impacts on breeding standards, and impounding and euthanasia rates. This chapter also presents alternatives to limitations on animal numbers which might better improve animal welfare outcomes.

Chapter Four assesses the arguments for and against licensing breeders. It reviews the current system of achieving compliance by applying the NSW the Breeding Code, and examines breeder organisations which enforce their own standards on members.

Chapter Five discusses the implications of banning sales of dogs and cats in pet stores. It examines the current regulation of pet stores in New South Wales; and the standards achieved by the pet industry under the current regulations. The chapter assesses the arguments for and against a total ban on retailing, and the impacts of a ban on online sales and trading.

Chapter Six discusses any legislative changes that may be required in implementing the recommendations of the Committee, including an expanded role for Local Government in regulating animal welfare, and proposals for changing the way penalties and prosecutions are set and applied.

Chapter Seven discusses other relevant matters that have been raised during this inquiry, including funding for enforcement agencies; the importance of communication and information sharing; community education; and proposals for independent regulation and auditing.

The Committee found that the Companion Animals Taskforce Report is a sound basis for improving companion animal management in New South Wales, recommends that the NSW Government implement the Taskforce Report's recommendations, as a priority.

Other recommendations of the Committee include the introduction of a breeders' licensing system, an expanded role for local government in animal welfare, a single entry point website for all companion animal matters, and the creation of a shared database for enforcement agencies.

# List of Findings and Recommendations

FINDING 1	10
The Committee finds that the NSW Companion Animal Taskforce Report continues to be a sound basis for reforming companion animal management in New South Wales, but that progress in implementing some recommendations has been slow or has not met expectations.	
RECOMMENDATION 1	10
The Committee recommends that the NSW Government implements the recommendations of the NSW Companion Animal Taskforce Report, as a priority.	
RECOMMENDATION 2	19
The Committee recommends that the NSW Government monitors on an ongoing basis jurisdiction shopping to see if different state compliance regimes result in breeder and breeding dog relocation between states and if so, identifies appropriate responses.	
RECOMMENDATION 3	20
The Committee recommends that the NSW Government re-examines the recommendation of the NSW Companion Animal Taskforce that dogs and cats be registered on an annual basis.	
RECOMMENDATION 4	20
The Committee recommends that the NSW Government works with all other jurisdictions to ensure national chip readability across all registers is introduced as a priority.	
FINDING 2	33
The Committee finds no evidence that the number of animals kept by breeders is in itself a factor which determines welfare outcomes of breeding animals.	
RECOMMENDATION 5	33
The Committee recommends that the NSW Government undertakes a comprehensive study of euthanasia rates to determine: the breed and source of animals entering pounds and those being euthanased; whether current litter restrictions impact on abandonment and euthanasia rates; what information should be recorded to allow euthanasia rates and trends to be better understood; and the impact of rehoming and low kill policies on euthanasia rates.	
RECOMMENDATION 6	34
The Committee recommends that the NSW Government, through the Animal Welfare Advisory Council, reviews <i>The Animal Welfare Code of Practice – Breeding dogs and cats</i> to determine whether current lifetime and periodic litter restrictions, regulating animal numbers per enclosure, and introducing mandatory desexing of animals which have reached the end of their breeding lives, achieve acceptable animal welfare outcomes.	
RECOMMENDATION 7	34
The Committee recommends that the NSW Government, through the Animal Welfare Advisory Council, reviews <i>The Animal Welfare Code of Practice – Breeding dogs and cats</i> to determine whether introducing a staff to animal ratio for breeding facilities would improve animal welfare outcomes.	

**RECOMMENDATION 8** \_\_\_\_\_ 34

The Committee recommends that the NSW Government amends *The Animal Welfare Code of Practice – Breeding dogs and cats* to mandate an on-site residency requirement for staff at breeding establishments equivalent to the Victorian code of practice as a minimum standard.

**FINDING 3** \_\_\_\_\_ 56

The Committee finds that the timeframe for implementing the recommendations of the Companion Animals Taskforce has been much too long. The Committee further finds that progress towards digitising the Register of Companion Animals and ensuring all breeder information is captured in order for the register to function as a breeder registration system, has not met community expectations nor achieved the outcomes anticipated by the Companion Animals Taskforce report.

**RECOMMENDATION 9** \_\_\_\_\_ 56

The Committee recommends that the NSW Government completes and implements the digitisation and reform of the Register of Companion Animals by end July 2016.

**RECOMMENDATION 10** \_\_\_\_\_ 56

The Committee recommends that the NSW Government introduces a breeders’ licensing scheme with the following elements:

- a) A comprehensive database of breeders
- b) A system of periodic audits and spot inspections
- c) Sets the number of animals that each breeding establishment may keep
- d) A breeders’ licensing identification must be included in any advertisement in any medium where animals are advertised for sale
- e) Licenses every breeder and provides an auditable licence trail for every sale
- f) Records a breeder’s licence number when an animal is microchipped.

**RECOMMENDATION 11** \_\_\_\_\_ 57

The Committee recommends that the breeders’ licensing scheme should meet the following objectives:

- a) Breeder performance meets both Breeding Code baselines and continuous improvement goals
- b) Breeder-sourced dogs appear in pounds in declining rates
- c) Compliance levels meet improvement goals
- d) Non-compliant breeders are identified and made compliant or closed down
- e) Microchipping rates increase
- f) Lifetime registration is meeting objectives.

**RECOMMENDATION 12** \_\_\_\_\_ 57

The Committee recommends that the NSW Government reviews the current microchipping system to determine if the system is reliable or open to abuse, and if the system can be improved to better support digitised registration, and report by 1 September 2016.

**RECOMMENDATION 13** \_\_\_\_\_ **58**

The Committee recommends that the NSW Government digitises both microchipping and registration, and combines microchipping and first registration into a single step, and completes any additional digitisation requirements within the timeframe of its project to redesign the Companion Animal Register.

**RECOMMENDATION 14** \_\_\_\_\_ **58**

The Committee recommends that the NSW Government includes as a function of the digitised registration system, the capacity to generate automatic electronic annual reminders to all owners and breeders in order for details including change of address, change of owner, and death of animal to be updated in a regular and timely manner.

**RECOMMENDATION 15** \_\_\_\_\_ **58**

The Committee recommends that the Register of Companion Animals be made partially publicly accessible online to enable anyone to verify breeder details.

**RECOMMENDATION 16** \_\_\_\_\_ **59**

The Committee recommends that the NSW Government reviews the need for breeders to be trained and qualified, and report by 1 September 2016.

**FINDING 4** \_\_\_\_\_ **73**

The Committee finds that banning pet shop sales would result in less scrutiny of the pet industry without any reasonable expectation of improved animal welfare outcomes.

**RECOMMENDATION 17** \_\_\_\_\_ **73**

The Committee recommends that the NSW Government reviews the Animal Welfare Code of Practice – Animals in Pet Shops to determine what needs to be strengthened, with a particular focus on:

- Animal rehoming targets for rescue and shelter-sourced dogs and cats
- Limits on the hours when animals can be displayed in stores
- No detention of dogs, cats and other prescribed mammals in stores out of hours. Dogs, cats and other prescribed mammals must not remain in the pet shop after closing time. They must be taken to a place where there is appropriate housing and provided with the opportunity to exercise and socialise, whether on the same premises or elsewhere
- Appropriate objectives for socialisation, exercise, light and space
- An upper limit on the time any animal can spend for sale in a store before it must be rehomed through another process
- Whether the Pet Industry Association of Australia Code, the Pets For Us Code and the Pets Australia Code represent a suitable baseline for upgrading the NSW Government animal welfare codes.

**RECOMMENDATION 18** \_\_\_\_\_ **74**

The Committee recommends that the NSW Government reviews training requirements for pet store staff, and report by 1 September 2016.

RECOMMENDATION 19 \_\_\_\_\_ 74

The Committee recommends that the NSW Government examines whether there is value in accrediting any pet retail industry association/s in order to capture standalone retailers and bring them within the ambit and discipline of association rules, and report by 1 September 2016

RECOMMENDATION 20 \_\_\_\_\_ 74

The Committee recommends that the NSW Government examines the costs and benefits of a standalone pet shop licensing system to be applied to all pet shops, including ongoing monitoring, welfare performance and rehoming targets, and audit requirements, and report by 1 September 2016.

RECOMMENDATION 21 \_\_\_\_\_ 75

The Committee recommends that the NSW Government legislates that all animals advertised for sale via any medium must include an identifying number, which may be a microchip number, a Companion Animal Register number or a breeders' licence number, which identifies the animal and/or breeder, by end July 2016.

RECOMMENDATION 22 \_\_\_\_\_ 83

The Committee recommends that the NSW Government legislates that all council development control plans be amended to ensure that local council approvals are consistent with the *Prevention of Cruelty to Animals Act 1979* (NSW) Animal Welfare Codes of Practice as a minimum standard, by 1 September 2016.

RECOMMENDATION 23 \_\_\_\_\_ 83

The Committee recommends that the NSW Government introduces mandatory notification by councils to enforcement agencies of development consents for companion animal breeding establishments, by 1 March 2016.

RECOMMENDATION 24 \_\_\_\_\_ 83

The Committee recommends that the NSW Government removes the term 'for commercial purposes' from the local environment plan definition of 'animal boarding house or training establishment' by 1 March 2016.

RECOMMENDATION 25 \_\_\_\_\_ 83

The Committee recommends that appropriately trained local government rangers be given the prescribed powers under section 4(1) 'definition of officers' of the *Prevention of Cruelty to Animals Act 1979* (NSW).

RECOMMENDATION 26 \_\_\_\_\_ 84

The Committee recommends that the NSW Government reviews the adequacy of penalties, the method of mounting and funding prosecutions, current arrangements for the payment of moieties and cost recovery, and a requirement to ensure regulators will not be out-of-pocket in pursuing prosecutions, and report its findings by 1 March 2016.

RECOMMENDATION 27 \_\_\_\_\_ 84

The Committee recommends that the NSW Government legislates that animal welfare penalty and prosecution provisions be amended so that they can attach to businesses, addresses, and close associates of defendants, and not just to an individual, by 1 March 2016.

**RECOMMENDATION 28** \_\_\_\_\_ **84**

The Committee recommends that the NSW Government reviews all animal welfare and regulatory offences including microchipping, failure to register, selling and advertising, non-desexing, cruelty, litter control and code compliance, and report on recommended changes by 1 September 2016.

**RECOMMENDATION 29** \_\_\_\_\_ **85**

The Committee recommends that the NSW Government reviews the *Prevention of Cruelty to Animals Act 1979 (NSW)* and the *Companion Animals Act 1998 (NSW)* and identifies opportunities for the acts to be streamlined to ensure more seamless operation across the acts, agencies and regulators, including harmonisation of objectives, elimination of inconsistencies, and common definitions, and report by 1 September 2016.

**RECOMMENDATION 30** \_\_\_\_\_ **93**

The Committee recommends that the NSW Government reviews the adequacy of funding for the Royal Society for the Prevention of Cruelty to Animals NSW and the Animal Welfare League NSW, and reports by 1 March 2016.

**RECOMMENDATION 31** \_\_\_\_\_ **93**

The Committee recommends that the NSW Government identifies cost savings to be achieved by the redesign of the Companion Animal Register, and works with local councils to ensure that funds received from registration fees and distributed via the Companion Animal Fund are adequate for ensuring animal management targets and objectives are achieved.

**RECOMMENDATION 32** \_\_\_\_\_ **93**

The Committee recommends that the NSW Government creates a common database for enforcement agencies to ensure the locations of all breeding establishments, and all reports of animal cruelty, and details of site visits, outcomes and prosecutions are kept and maintained centrally, by 1 March 2016.

**RECOMMENDATION 33** \_\_\_\_\_ **93**

The Committee recommends that the NSW Government develop protocols to ensure efficiency of operation and removal of duplication between the enforcement agencies.

**RECOMMENDATION 34** \_\_\_\_\_ **94**

The Committee recommends that the NSW Government introduces a single information entry point for companion animal matters including for customers, breeders, sellers, regulators, cruelty reporters, rescuers, rehomers, and advocates, by 1 March 2016.

# Glossary

ANCATS	Australian National Cats Association
AVA	Australian Veterinary Association
AWL	Animal Welfare League
Breeding Code	Animal Welfare Code of Practice – Breeding dogs and cats
CA	Companion Animals Act 1998
DPI	Department of Primary Industries
MDBA	Master Dog Breeders and Associates
NSW CFA	NSW Cat Fanciers Association
OLG	Office of Local Government
Pet Shop Code	Animal Welfare Code of Practice – Animals in pet shops
PIAA	Pet Industry Association of Australia
POCTA	Prevention of Cruelty to Animals Act 1979
Reference Group	Responsible Pet Ownership Reference Group
Register	NSW Companion Animals Register
RSPCA	Royal Society for the Prevention of Cruelty to Animals
Taskforce	NSW Companion Animals Taskforce

# Chapter One – Background

- 1.1 This chapter describes how the Joint Select Committee was established and its membership. It provides background to the inquiry, defines some of the key terms used, and describes the work of the NSW Companion Animals Taskforce and the NSW Government’s response.

## ESTABLISHMENT OF THE INQUIRY

- 1.2 The Joint Select Committee on Companion Animal Breeding Practices in NSW (the Committee) was established by resolutions of both houses of the NSW Parliament, on Wednesday 13 May 2015.

- 1.3 The Committee was established with the following membership:

- Mr Adam Marshall MP, Chair and Member for Northern Tablelands
- The Hon Mick Veitch MLC, Deputy Chair
- Mr Adam Crouch MP, Member for Terrigal
- Ms Julia Finn MP, Member for Granville
- Mr Alister Henskens SC MP, Member for Ku-ring-gai
- Mr Scot MacDonald MLC
- The Hon Mark Pearson MLC
- Mr Greg Piper MP, Member for Lake Macquarie
- The Hon Bronnie Taylor MLC.

- 1.4 The Parliament resolved that the Committee be appointed to inquire into and report by 31 August 2015 on companion animal breeding practices in New South Wales, with particular reference to:

- (a) The current situation in New South Wales in comparison with other jurisdictions
- (b) Proposals to limit the number of animals allowed to be kept by breeders
- (c) Calls to implement a breeders’ licensing system
- (d) The implications of banning the sale of dogs and cats in pet stores
- (e) Any legislative changes that may be required
- (f) Any other related matter.

## BACKGROUND TO THE INQUIRY

- 1.5 The Committee was established against a background of:
- ongoing media reports of puppy farming, including some notable prosecutions, and community concerns about commercial dog and cat breeding practices
  - the ongoing implementation of the recommendations of the NSW Companion Animals Taskforce (the Taskforce) which had reported to the NSW Ministers for Local Government and Primary Industries in October 2012
  - legislative changes in other jurisdictions, notably the Australian Capital Territory, South Australia and Victoria.
- 1.6 In requesting that a parliamentary inquiry be conducted into companion animal breeding practices in New South Wales, the Hon Niall Blair MLC, Minister for Primary Industries and Minister for Lands and Water issued a press release which referred particularly to the issue of puppy farms. The Minister said:

The mistreatment of puppies for the sake of a few people making a few quick dollars cannot go on – it’s disgraceful and I want to see this type of behaviour eliminated. We need to find a solution that doesn’t jeopardise the industry and punish those breeders who are doing the right thing – that’s why I have asked for a parliamentary inquiry to provide recommendations, following extensive consultation with industry and stakeholders.<sup>1</sup>

## DEFINITIONS

### What is a companion animal?

- 1.7 Legislatively, the care and treatment of companion animals falls under the *Companion Animals Act 1998 (NSW)* (the CA Act) and the *Prevention of Cruelty to Animals Act 1979 (NSW)* (the POCTA Act).
- 1.8 This inquiry focuses on companion animal breeding practices. Companion animals are defined under the CA Act as dogs and cats.<sup>2</sup>
- 1.9 The NSW *Prevention of Cruelty to Animals Act 1979* (the POCTA Act) at section 4 includes a much broader definition of animal for the purposes of preventing cruelty to animals and regulating animal husbandry, trade and treatment.<sup>3</sup> Dogs and cats are the only animals considered by the Committee for the purpose of this report.

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<sup>1</sup> NSW Department of Primary Industries, Media Release: Puppy breeding practices investigated, viewed 24 August 2015, [www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0003/561504/media\\_release\\_150512\\_puppy\\_breeding\\_practices\\_investigated.pdf](http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0003/561504/media_release_150512_puppy_breeding_practices_investigated.pdf)

<sup>2</sup> *Companion Animals Act 1998 (NSW)*, section 5

<sup>3</sup> *Prevention of Cruelty to Animals Act 1979 (NSW)*, section 4

## What is a puppy farm?

- 1.10 As already indicated, much of the debate which precipitated this inquiry focussed on identifying a regulatory response to puppy farms. While the term ‘puppy farm’ has no legal definition, it is defined by the Royal Society for the Prevention of Cruelty to Animals (RSPCA Australia) as ‘an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs’ behavioural, social and/or physiological needs’.<sup>4</sup>
- 1.11 The Committee has concluded that the term ‘puppy farm’, while in common usage, is not helpful in distinguishing between good and bad breeders and breeding practices. In this report, therefore, the Committee has chosen to consider breeders as being either compliant or non-compliant with laws, regulations, guidelines or other rules and practices which exist or may be established to ensure good breeding practices and animal welfare outcomes.
- 1.12 The Committee received no evidence of similar practices or definitions applying to cat breeding.

## Who is a breeder?

- 1.13 Anyone can be an animal breeder. Evidence presented to the Committee identified breeders as people with one breeding animal and with many tens and potentially hundreds of breeding animals. Some breeders operate large commercial establishments in which many animals are born every year. Other breeders may accept responsibility for the single litter of an animal which gives birth on their property, whether or not that person is the registered owner of the animal. Some submissions received by the Committee referred to ‘backyard breeders’ which implied breeding on a small scale. Regardless of the breeding arrangements, however, all breeders have certain responsibilities to ensure the wellbeing of the animal/s breeding under their care.
- 1.14 The NSW Animal Welfare Code of Practice – Breeding dogs and cats<sup>5</sup> (the Breeding Code) states that ‘this Code is designed for everyone involved in the activity of breeding dogs and cats’, and ‘sets the standards for the care and management of breeding dogs and cats’. The Breeding Code defines ‘breeding’ as ‘the business of breeding of litters of animals for sale’.
- 1.15 The *Companion Animal Regulation 2008* includes provisions which exempt or reduce registration fees for ‘recognised breeders’, being breeders who are members of listed or approved breeding organisations (currently only the Royal NSW Canine Council (Dogs NSW), NSW Cat Fanciers Association Inc and Australian National Cats Inc (Waratah State Cat Alliance)).<sup>6</sup>
- 1.16 The Committee heard a range of views regarding the importance of commerciality in companion animal breeding. The essential feature of identifying

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<sup>4</sup> RSPCA Australia, What is a puppy farm?, viewed 24 August 2015, [www.kb.rspca.org.au/what-is-a-puppy-farm\\_322.html](http://www.kb.rspca.org.au/what-is-a-puppy-farm_322.html)

<sup>5</sup> NSW Department of Primary Industries, *NSW Animal Welfare Code of Practice: Breeding dogs and cats*, viewed 24 August 2005, [www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/codes/breeding-dogs-and-cats](http://www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/codes/breeding-dogs-and-cats)

<sup>6</sup> *Companion Animals Regulation 2008 (NSW)*, section 17

a puppy farm is the intensity of breeding which implies seeking profit at the expense of welfare concerns. Evidence that cat breeding is frequently non-commercial and non-intensive suggested to the Committee that breeding need not be on a commercial scale to come within the Committee's remit.

1.17 The Committee also heard evidence that councils were impeded when applying their powers to animal breeding establishments because of the need to determine that an establishment was being operated for commercial purposes.

1.18 The Committee concludes that for the purposes of this report, commerciality is not an essential element of animal breeding although the intensity of breeding may determine levels of scrutiny and reporting, need for approvals and monitoring, how education and information campaigns are targeted, and how and whether fees are levied on breeders.

### Does the inquiry affect working dogs?

1.19 Working dogs are included in the definition of companion animals under the CA Act.<sup>7</sup> The definition includes working dogs on rural properties, guard dogs, police dogs and corrective services dogs.

1.20 The CA Act further defines a working dog as 'a dog used primarily for the purpose of droving, tending, working or protecting stock, and includes a dog being trained as a working dog'.<sup>8</sup>

1.21 The Committee did not hear sufficient evidence to make any recommendations affecting the specific situation of working dogs, although the Committee's recommendations may affect working dogs within the general class of companion animals. The Committee emphasises, however, that working dogs are not a central focus of its inquiry.

### NSW COMPANION ANIMAL TASKFORCE REPORT

1.22 The Taskforce was established by the NSW Ministers for Local Government and Primary Industries in 2011. It was to provide advice on dog and cat issues with a particular emphasis on identifying strategies to reduce the euthanasia rates of dogs and cats.<sup>9</sup> The Taskforce was chaired by Mr Andrew Cornwell MP, Member for Charlestown, and included representatives of major stakeholder groups including the Animal Welfare League NSW (AWL NSW); the Australian Veterinary Association (AVA); Dogs NSW; the Pet Industry Association of Australia (PIAA); and the Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA NSW).

1.23 Following a consultation process, the Taskforce released two reports: in October 2012 dealing with companion animal welfare issues; and in February 2013 dealing with the management of dangerous dogs. For the purposes of this report,

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<sup>7</sup> *Companion Animals Act 1998 (NSW)*, section 5

<sup>8</sup> *Companion Animals Act 1998 (NSW)*, section 5

<sup>9</sup> NSW Office of Local Government, *Companion Animals Taskforce*, viewed 24 August 2015, [www.olg.nsw.gov.au/public/dogs-and-cats/companion-animal-taskforce](http://www.olg.nsw.gov.au/public/dogs-and-cats/companion-animal-taskforce)

the Committee has only considered the recommendations of the Taskforce's first report.

1.24 The Taskforce's October 2012 report contained 22 recommendations that aimed to:

- Reduce the number of dogs and cats that are impounded and euthanased
- Improve the current regulatory framework around the breeding, sale and management of dogs and cats
- Promote socially responsible pet ownership to the whole community.

1.25 The full text of the Taskforce's 22 recommendations on the management of companion animals can be found at Appendix Four.

1.26 These recommendations can be grouped around the following issues:

- Regulation of breeders
- Advertising and sale of dogs and cats
- Microchipping, registration and desexing
- The role of education
- Impounded dogs and cats.

### *Regulation of breeders*

1.27 The establishment of a breeder licensing system under the POCTA Act was a key recommendation of the Taskforce. It was designed to address concerns that some unethical breeders contribute to the stock of unwanted dogs and cats. A breeder licensing system was intended to enable better identification of breeders; ensure all breeders comply with the Breeder Code; require breeders to microchip the cats and dogs that they sell; and bring NSW into line with other jurisdictions.

1.28 Ensuring that existing guidelines within the Breeding Code become enforceable standards was another key recommendation of the Taskforce. This was aimed at ensuring a higher standard of care for dogs and cats. It was considered that the Breeding Code, already established under the POCTA Act, would assist in providing the criteria for a breeder licensing system.

### *Advertising and sale of dogs and cats*

1.29 The Taskforce also recommended that owners of dogs and cats wishing to sell their animals should be required to display the microchip number of the animal in advertisements. Pet shops, markets and fairs should be required to display this information at point of sale. In the case of the sale of a litter of kittens and puppies, a breeder licence number would be sufficient. To address issues, it was suggested that an email or telephone register be established for members of the public to report non-compliance.

- 1.30 In addition, the Taskforce recommended that the existing exemption that allows recognised breeders to sell unmicrochipped dogs and cats to a pet shop if they are less than 12 weeks old should be removed.
- 1.31 The Taskforce also proposed that an information sheet on the advertising and sale of dogs and cats should be made available to all sellers of dogs and cats, including breeders, pet shops, pounds and shelters, newspapers and internet classified advertisement hosts. This was to assist in improving the knowledge of potential buyers about the dog or cat they are purchasing and assist in identifying what qualities make a good breeder.
- 1.32 In relation to socially responsible pet ownership, the Taskforce recommended that mandatory standardised information should be developed and provided at point of sale. Such information would include, but not be limited to: the costs of caring for an animal; the importance of registration and microchipping; appropriate housing, exercise and socialisation of the animal; and the importance of desexing. It was considered providing this information at point of sale may reduce the numbers of unsuitable purchases and ultimately unwanted dogs and cats.
- 1.33 The Taskforce also recommended that at least one staff member working in a pet shop, breeding establishment, pound or animal shelter hold a Certificate II – Animal Studies qualification.

*Microchipping, registration and desexing*

- 1.34 With regard to registration, the Taskforce recommended that the current lifetime registration requirements be replaced with an obligation to register a dog or cat with the local council annually. The registration fee should also be set at a level to provide an additional incentive for owners to desex their animals, with fees indexed to the Consumer Price Index.
- 1.35 Annual registration of dogs was mandatory in NSW until 1998. It was altered with the commencement of the CA Act as a means to encourage registration. The Taskforce highlighted some deficiencies with lifetime registration including:
- lifetime registration leads to inaccurate data
  - lifetime registration provides a limited incentive for owners to desex their dog or cat
  - a one-off payment for lifetime registration does not reinforce that owning a pet is an ongoing commitment
  - lifetime registration limits the funding available to councils and government for dog and cat management purposes.
- 1.36 The Taskforce also recommended the introduction of a discounted registration category for a desexed dog or cat purchased from a pound or shelter. The Taskforce commented that desexing was widely regarded as a key mechanism to control over-supply of dogs and cats and that measures to encourage desexing, or the purchase of a desexed, animal should be promoted.

- 1.37 The Taskforce commented that microchipping significantly increases the likelihood of a dog or cat being returned to its owner and that registered animals are significantly more likely to be desexed. The Taskforce recommended that adequate funding be available for councils and partner organisations to deliver targeted microchipping, registration and desexing programs.

### *The role of education*

- 1.38 The Taskforce also considered that comprehensive community education was essential to reduce the number of unwanted dogs and cats. The Taskforce recommended that a community-wide socially responsible pet ownership campaign should be developed and should be expanded to include preschool age group.
- 1.39 The Taskforce claimed that an education campaign would promote a reduction in the purchase of unsuitable dogs and cats; an increase in microchipping, registration and desexing; and a deeper awareness of the importance of pets to people and an increased respect for animals.
- 1.40 In addition, it was considered that there should be added education material developed documenting the importance of confining cats to their owner's property. The confinement of cats, especially at night, was considered central to responsible cat ownership, serving to reduce the number of unwanted litters and the impact of cats on wildlife.
- 1.41 The Taskforce also recommended that a proportion of the Companion Animal Fund (the fund comprises registration fees collected by councils and registration agents) be set aside annually for the purposes of funding a grant program for research on key dog and cat issues. The Taskforce commented that dog and cat issues are largely researched by interested people from the community or by students and academics, adding that there is scope for wider dog and cat issues to be identified and researched.

### *Impounded dogs and cats*

- 1.42 The Taskforce highlighted that under the CA Act, councils are obliged to seek alternatives to euthanasia for impounded dogs and cats. As councils are independent statutory bodies, however, it is a matter for each council to determine its approach to impounding. To support councils, the Taskforce recommended that practice guidelines be issued with a view to standardising impounding practices.
- 1.43 In order to further assist councils, the NSW Companion Animals Register (the Register) should be updated to provide a centralised impounded animal management tool for use by all relevant councils, NSW Government agencies and animal welfare organisations. The Taskforce recognised that the collection of detailed data on impounded dogs and cats is essential to understand the scope and reasons for unwanted dogs and cats. While the Register was seen as the best vehicle to support this data collection, legislation may need to be updated in order to provide access for non-council staff.

## Government response to the Taskforce report

- 1.44 On 3 February 2014 the NSW Government released its full response to the Taskforce reports,<sup>10</sup> supporting most of the 22 recommendations of the 2012 report in full or in part.
- 1.45 The full text of the NSW Government response to the Taskforce report can be found at Appendix Five, including the responses to the Taskforce's recommendations on both dangerous dogs and management of companion animals. Some recommendations have been implemented through the *Companion Animals (Amendment) Act (NSW) 2013*, notably those on dangerous dogs relating to registration. Other 'dangerous dogs' recommendations are being progressed by agencies or will be the subject of consideration by a new group to be established called the Responsible Pet Ownership Reference Group (the Reference Group).

### *Recommendations which the NSW Government supported*

- 1.46 The NSW Government supported recommendations relating to companion animals including:
- A breeders' licensing system – the Reference Group will consider redesigning the registration system to capture breeder details and target problem breeders, as well as mechanisms to address puppy farm enforcement
  - Enforceable standards for breeders – the Animal Welfare Advisory Council will consider this in its next review of the Code of Practice
  - Requirements on sellers to display microchip numbers or breeder licence numbers in advertisements and at point of sale – being progressed through redesign of the registration system
  - Sale of unmicrochipped animals – implemented through the *Companion Animals (Amendment) Act 2013*
  - Point of sale reforms – information at point of sale on advertising animals and socially responsible pet ownership is being progressed by the Reference Group
  - Indexation of registration fees
  - Measures to encourage the purchase of desexed animals
  - Grant funding for agencies to deliver microchipping programs
  - Community and school education programs on responsible pet ownership
  - Standardised council pound practices.

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<sup>10</sup> NSW Office of Local Government, *NSW Companion Animals Taskforce*, viewed 24 August 2014, [www.olg.nsw.gov.au/public/dogs-and-cats/companion-animal-taskforce](http://www.olg.nsw.gov.au/public/dogs-and-cats/companion-animal-taskforce)

- 1.47 Many of these reforms are reported as ongoing or under review. Several are being considered by the Reference Group and for future funding.

*Recommendations which the NSW Government did not support*

- 1.48 The NSW Government did not support:
- A requirement that welfare codes require at least one staff member in a shop, kennel, pound or shelter to hold specific qualifications on the grounds that this was a regulatory and cost burden on small businesses and volunteers
  - Annual registration of all cats and dogs on the grounds of cost burden to owners, but other action to encourage responsible ownership through fee setting will be considered.

**COMMITTEE COMMENT**

- 1.49 The Committee has given detailed consideration to the Taskforce report and the NSW Government's response, and the progress of the NSW Government agencies in implementing those recommendations which received NSW Government support.
- 1.50 The Committee notes the strong concurrence between the submissions of many individuals and organisations, and the recommendations of the Taskforce. In particular, the Committee noted the evidence of RSPCA NSW that one of its goals was 'simply to implement ... the recommendations that were developed through the Companion Animals Taskforce'.<sup>11</sup>
- 1.51 The Committee finds itself generally concurring with the recommendations of the Taskforce as representing a thorough, objective and practical way to deal with the issues which came before both the Taskforce and the Committee. Indeed, the Committee takes the approach that the Taskforce's report and recommendations are a baseline from which to examine companion animal breeding practices in NSW. In finding this, the Committee notes that the Taskforce's first report was presented to the Ministers for Local Government and Primary Industries nearly three years ago.
- 1.52 The Committee agrees with several witnesses, including the NSW Government witnesses, that the management of companion animal breeding practices in NSW is stringent and arguably the strongest regime in place nationally.
- 1.53 The Committee agrees that the NSW Government has made steady progress in implementing a number of the Taskforce's recommendations.
- 1.54 The Committee is concerned, however, that the progress of NSW Government agencies in implementing some of the recommendations has been slow or has not met expectations. The ongoing project to redesign the Register and capture breeder details is an example which illustrates this concern.

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<sup>11</sup> Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, Transcript of Evidence, 16 July 2015, p2

### **FINDING 1**

**The Committee finds that the NSW Companion Animal Taskforce Report continues to be a sound basis for reforming companion animal management in New South Wales, but that progress in implementing some recommendations has been slow or has not met expectations.**

### **RECOMMENDATION 1**

**The Committee recommends that the NSW Government implements the recommendations of the NSW Companion Animal Taskforce Report, as a priority.**

## Chapter Two – The current situation in NSW in comparison with other jurisdictions

2.1 This chapter addresses the inquiry's first term of reference by providing a broad overview of current legislation, regulation and practice relating to dog and cat management in New South Wales. It identifies the several agencies with responsibility for aspects of dog and cat management. The New South Wales framework is compared to the other state and territory jurisdictions with concluding comment on issues arising from the current situation.<sup>12</sup>

### THE CURRENT LEGISLATIVE AND REGULATORY FRAMEWORK IN NSW

2.2 Breeders of companion animals in New South Wales are regulated through a number of pieces of legislation, principally the *Prevention of Cruelty to Animals Act 1979 (NSW)* (POCTA Act) and its associated regulation and codes of practice. Key features of the POCTA Act include:

- Enforceable standards to ensure the welfare of companion animals in terms of housing, hygiene, health, food & drink, breeding & rearing and conditions of sale
- Enforcement by officers of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) NSW, the Animal Welfare League (AWL) NSW and the NSW Police Force
- Administration by the Department of Primary Industries (DPI).

2.3 Identification and registration of animals is regulated by the *Companion Animals Act 1988 (NSW)* (CA Act) and its regulation which:

- Set out the framework for the registering of dogs and cats by microchipping and lifetime registration
- Determine a registration fee for animals kept for breeding purposes, discounted for recognised breeders (recognised breeder bodies are Dogs NSW, NSW Cat Fanciers Association, Waratah State Cat Alliance)
- Enables enforcement by the 152 local councils in New South Wales
- Appoints the NSW Office of Local Government (OLG) to administer the Act.

2.4 The design of breeding facilities is also regulated by the planning codes of individual councils under their Local Environment Plans (LEPs).

2.5 In its submission, the NSW Government provided a table setting out the existing legislative framework in NSW and a list of departments and agencies with

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<sup>12</sup> This chapter is not intended to be a complete description or analysis of the current legislative and regulatory framework in any jurisdiction.

operational responsibility for regulating companion animal breeding practices and registration.<sup>13</sup> This information can be found at Appendix Six.

2.6 The NSW Government representatives who appeared to give evidence at the public hearing on Thursday 16 July 2015 provided the Committee with a useful one-page schematic. This documents the effects of both the animal welfare standards (POCTA Act) and the identification standards (CA Act) as they apply to companion animals at different life stages.

2.7 This schematic can be found at Appendix Seven.

### **Animal welfare and cruelty prevention: codes and standards**

2.8 The POCTA Act provides for the prevention of animal cruelty and for animal welfare. Under the Act fines of up to \$110,000 or two years imprisonment apply for the mistreatment of animals. The Act allows for the adoption and specification of animal welfare standards, including enforceable standards that apply to companion animals under:

- The Animal Welfare Code of Practice – Breeding dogs and cats (the Breeding Code)
- The Animal Welfare Code of Practice – Animals in pet shops (the Pet Shop Code).

2.9 The codes include both mandated standards and best practice guidelines. A breach of a mandated standard invokes a statutory penalty.

2.10 The Breeding Code is discussed in more detail in Chapters Three and Four, and the Pet Shop Code is discussed in more detail in Chapter Five.

### **Enforcement provisions**

2.11 The POCTA Act is enforced by three agencies, namely RSPCA NSW, AWL NSW and the NSW Police Force.

2.12 RSPCA NSW is specifically identified as an approved charitable organisation under the POCTA Act for enforcing the Act. Officers of RSPCA NSW are also identified as official persons under the CA Act. RSPCA NSW has 32 inspectors across NSW – 17 in the Sydney metropolitan area and 15 located in regional areas.

2.13 The NSW Government provides RSPCA NSW with annual funding of \$424,000, with another \$2 million over four years for an education centre, totalling \$3.7 million over 4 years. Additional funding of \$7.5 million in 2012/13 was provided for redevelopment of RSPCA NSW's Sydney animal shelter.

2.14 AWL NSW is an approved charitable organisation under the POCTA Act for enforcing the Act. Officers of AWL NSW are also identified as official persons under the CA Act. AWL NSW has a team of two full time POCTA Act inspectors.

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<sup>13</sup> Submission 321, NSW Government, Attachment A

## THE CURRENT SITUATION IN NSW IN COMPARISON WITH OTHER JURISDICTIONS

- 2.15 The NSW Government provides AWL NSW with \$75,000 annually to assist with the operation of three animal welfare shelters and a veterinary hospital.
- 2.16 Whereas officers of the NSW Police Force are authorised officers under the POCTA Act, local council officers are not authorised officers under the Act.
- 2.17 The enforcement arrangements for the POCTA Act are inherently reactive in nature, as recognised in evidence by RSPCA NSW.<sup>14</sup> Many submissions and witnesses called for a more proactive approach to companion animal management as a way to prevent poor animal welfare outcomes rather than to respond to them when they occurred and were notified to or discovered by enforcement agencies. The consensus amongst submitters and witnesses was that a breeders' licensing system would be the most effective way to make the current management regime more proactive. This is discussed in more detail in Chapter Four.

**Microchipping and registration**

- 2.18 The CA Act provides for the identification and registration of dogs and cats. Animals must be microchipped and registered in specified circumstances, and the details entered onto a centralised database, the NSW Register of Companion Animals (the Register). There are maximum penalties set for non-compliance with the microchipping and registration provisions.
- 2.19 Microchipping and registration are discussed in more detail in Chapter Four.
- 2.20 Dog and cat owners are responsible for complying with the requirements of the CA Act and local councils can issue penalty notices to owners who fail to comply.

**Development control and approval**

- 2.21 Constructing and operating an animal breeding establishment may require development approval from a local council under the *Environmental Planning and Assessment Act 1979 (NSW)*.
- 2.22 The role of local councils in regulating animal breeding establishments is discussed in more detail in Chapters Four and Six.

**Trading and consumer rights**

- 2.23 A person selling companion animals must comply with the provisions of the *Fair Trading Act 1987 (NSW)* and its regulation which provide for general consumer guarantees.

**THE LEGISLATIVE FRAMEWORK IN OTHER JURISDICTIONS**

- 2.24 Animal welfare and the protection of animals from cruelty in Australia are state responsibilities. All jurisdictions with the exception of the Northern Territory have legislation which governs the care and control of companion animals. In its submission the NSW Government provided a table which summarised the

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<sup>14</sup> Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, Transcript of Evidence, 16 July 2015, p4

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legislation across the state jurisdictions.<sup>15</sup> This table can be found at Appendix Eight.

- 2.25 In its submission, RSPCA NSW also provided a table which outlined the relevant state and territory legislation, subdivided into three areas of interest to the Committee, namely traceability, breeder standards, and court orders.<sup>16</sup>
- 2.26 RSPCA NSW assessed the traceability of companion animals in each jurisdiction according to four criteria: is breeder registration required; is microchipping compulsory; must animal identification numbers be disclosed in advertising; and is registration compulsory. It also assessed which states imposed compulsory breeder standards, and the scope of court orders available in each jurisdiction.
- 2.27 The RSPCA NSW table was published by the Taskforce as part of its 2012 report. The table provided by RSPCA NSW to the Committee, as part of its submission, was updated to 28 May 2015.
- 2.28 The RSPCA NSW assessment is summarised in the table below. The full assessment can be found at Appendix Nine.

	NSW	ACT	NT	QLD	SA	TAS	VIC	WA
Breeder registration	No	Yes	No	No	No	No	Yes	Cats only
Microchipping compulsory	Yes	Yes	No	Yes	No	Dogs only	Yes	Yes
Disclosure of identification numbers	No	No	No	No	No	No	Yes	No
Registration compulsory	Yes	Dogs only	No	Yes	Dogs only	Dogs only	Yes	Yes
Breeder standards compulsory	Yes	No	No	No	No	No	Yes	No
Court orders	Limited	No	No	Limited	Limited	Limited	Limited	Limited

## Recent developments in other jurisdictions

### Victoria

- 2.29 In order to tighten the regulation of commercial breeding, the Victorian Government introduced several changes to codes and regulations operative from 1 July 2015.
- 2.30 The Victorian Code of Practice for the Operation of Breeding and Rearing Businesses has been amended to require that breeders obtain a veterinary health check for all female dogs prior to each breeding cycle.<sup>17</sup>

<sup>15</sup> Submission 321, NSW Government, Attachment D

<sup>16</sup> Submission 251, RSPCA NSW, Table 1

<sup>17</sup> Victoria Department of Economic Development, Jobs, Transport and Resources, *Code of Practices for the Operation of Breeding and Rearing Businesses*, viewed 24 August 2015, [www.agriculture.vic.gov.au/pets/domestic-](http://www.agriculture.vic.gov.au/pets/domestic-)

- 2.31 The Victorian Government also introduced new record keeping requirements for pet shops from 1 July 2015.<sup>18</sup> These requirements were introduced in response to community concern about the sources of animals being sold and to assist regulators identify illegal breeders. The Victorian Government acknowledged that the information was already being collected by reputable businesses, but aimed for the information to be collected by all businesses in a reliable and obtainable manner. The information on the source of animals for sale was not made available to consumers or the public.
- 2.32 Further, the Victorian Government has legislated to make it an offence to advertise a dog or cat unless the microchip identification number of the animal is included in the advertisement. A registered domestic animal business may use its council business registration number as an alternative. This provision applies to anyone advertising an animal for sale, including rescue organisations, and not only to commercial sellers or breeders. It also applies to advertisements in interstate newspapers or national online sites if the advertiser is based in Victoria and the advertisement will be viewed by prospective purchasers in Victoria.<sup>19</sup>
- 2.33 Further changes have been foreshadowed by the Victorian Government, including the introduction by 2020 of a limit for any breeder of ten breeding female animals, and a restriction on pet shops to allow only the sale of rehomed animals sourced from registered animal shelters.<sup>20</sup>

### *Australian Capital Territory*

- 2.34 The Australian Capital Territory (ACT) Government has enacted the *Domestic Animals (Breeding) Legislation Amendment Act 2015 (ACT)* to set welfare standards for the breeding and sale of dogs and cats. One of the aims of the new law is to prevent the relocation of intensive dog and cat breeding establishments to the ACT. The Act is yet to commence and the breeding standards are yet to be developed.<sup>21</sup>

### *South Australia*

- 2.35 The South Australian Government proposes amendments to the *Dog and Cat Management Act 1995 (SA)* and the introduction of a new code of practice for breeders, to be called the *Code of Practice for the Welfare of Dogs and Cats in Breeding Facilities*. There is currently no code of practice in place for breeders of dogs and cats in South Australia, and the areas the new Code is likely to cover are consistent with the existing NSW Breeding Code. Any new standards will be implemented over a 12 month period after legislation is passed.<sup>22</sup>

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[animal-businesses/breeding-and-rearing-businesses/code-of-practice-for-the-operation-of-breeding-and-rearing-businesses-revision-1](#)

<sup>18</sup> Victoria Department of Economic Development, Jobs, Transport and Resources, viewed 24 August 2015, [www.agriculture.vic.gov.au/pets/domestic-animal-businesses/pet-shops](http://www.agriculture.vic.gov.au/pets/domestic-animal-businesses/pet-shops)

<sup>19</sup> Victoria Department of Economic Development, Jobs, Transport and Resources, viewed 24 August 2015, [www.agriculture.vic.gov.au/pets/domestic-animal-businesses/breeding-and-rearing-businesses/microchip-numbers-needed-in-pet-sale-advertisements](http://www.agriculture.vic.gov.au/pets/domestic-animal-businesses/breeding-and-rearing-businesses/microchip-numbers-needed-in-pet-sale-advertisements)

<sup>20</sup> Submission 321, NSW Government, p6

<sup>21</sup> Submission 321, NSW Government, p7

<sup>22</sup> South Australia Dog and Cat Management Board, viewed 24 August 2015, [www.dogandcatboard.com.au](http://www.dogandcatboard.com.au)

## SUMMARY OF MAJOR DIFFERENCES BETWEEN NSW AND OTHER JURISDICTIONS

### Registration

- 2.36 New South Wales is the only state which operates a state-wide companion animal register. The NSW Register is a significant tool for identifying animals and linking them with owners and locations. In the other states, companion animals are registered with individual local councils. Interstate owners wishing to take advantage of the benefits of state-wide or national registers must register their animal's microchip with a private registry at their expense, in addition to registering their animal with their local council.
- 2.37 The NSW Register and the privately-owned microchip databases are not linked, and microchips may not be readable between state jurisdictions.
- 2.38 New South Wales also offers lifetime registration of companion animals whereas most states only offer annual registration. Lifetime registration was introduced to encourage higher registration rates with notable success. As argued in the Taskforce report, however, lifetime registration reduces opportunities for owners to update the Register and over time, the information held on the Register becomes less accurate.
- 2.39 RSPCA NSW suggested that annual registration is a significant cause of animals being euthanased unnecessarily. This is because registration details are not updated when animals change hands, preventing animals which find their way into shelters being reunited with owners.<sup>23</sup>
- 2.40 Annual registration also produces an annual funding stream to councils and regulators which can be directed to animal management purposes.<sup>24</sup>

### Role of local government

- 2.41 Local government in NSW enforces the CA Act and councils receive funds from animal registration fees via the Companion Animals Fund for animal management purposes. NSW councils have development control responsibilities if required to approve the construction of animal breeding establishments, but have a limited role in ongoing development control and no prescribed role in managing animal cruelty matters. NSW councils operate animal shelters, where abandoned animals are received and cared for pending being reunited with their owners, rehomed or euthanased.
- 2.42 In some other states, in addition to owning and maintaining the animal registration databases, local councils have breeder registration responsibilities. In Victoria, for instance, local councils should audit registered breeding businesses to ensure compliance with applicable codes and can prosecute for code breaches.

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<sup>23</sup> Mr Steven Coleman, Evidence, 16 July 2015, p5

<sup>24</sup> NSW Companion Animals Taskforce, Report to the Minister for Local Government and Minister for Primary Industries, October 2012, p17

- 2.43 The Committee heard much evidence supporting a widened role for local government in all aspects of companion animal management, particularly in the area of an increased role for local government rangers who were seen by many witnesses as additional resources on the ground across the state.<sup>25</sup>

### Breeder licensing

- 2.44 NSW does not require breeder licensing. Subject to conditions, a breeder in Victoria must register with their local council as a domestic animal breeding business. Registration invokes requirements which must be met for staff qualifications and ratios, health and care conditions, and record keeping.
- 2.45 As discussed, the NSW Government gave support-in-principle to the introduction of breeder licensing, and is implementing changes to the Register to capture breeder details when microchipping and registering animals. The elements of a breeder licensing system and the capacity of the redesigned Register to perform this function, in combination with other dog and cat management tools, is discussed in more detail in Chapter Four.

## IMPACTS OF JURISDICTIONAL DIFFERENCES

### Jurisdiction shopping

- 2.46 The Committee heard *in camera* evidence of jurisdiction shopping at its hearing in Sydney on Wednesday 15 July 2015. The witnesses told the Committee that as a result of recent and planned changes to Victorian legislation, especially regarding limits on the number of breeding animals which any breeder could keep, some Victorian breeders are planning to relocate, or may have already relocated, to New South Wales or South Australia.
- 2.47 The potential for jurisdiction shopping may arise across all state or territory borders, although the Committee was not presented with any evidence of jurisdiction shopping across the NSW-Queensland border, for example, when it heard evidence in Armidale on Tuesday 14 July 2015.

### Microchip readability across jurisdictions

- 2.48 The Committee also received evidence that microchips may not be readable between jurisdictions and between public and private registers. A witness appearing in Armidale suggested that a microchip inserted in an animal in one jurisdiction may read as a blank or dead microchip in another.<sup>26</sup>
- 2.49 The Committee has been unable to verify this information.

### Harmonisation across state jurisdictions

- 2.50 It is claimed that harmonisation of companion animal management regimes across Australia would be a positive step. In answering a question on notice, AWL NSW raised several areas where national harmonisation would benefit animal welfare outcomes including consistent national criminal provisions for animal

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<sup>25</sup> Mr Steven Coleman, Evidence, 16 July 2015, p4

<sup>26</sup> Ms Pat Carmody, Private Citizen, Transcript of Evidence, 14 July 2015, p17

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cruelty prosecutions and banning orders, and improved cross border sharing of information by agencies.<sup>27</sup>

- 2.51 NSW Government agency representatives acknowledged that the states are responding to companion animal management issues in different ways, and that broader coordination on certain issues is not happening.<sup>28</sup>

## COMMITTEE COMMENT

- 2.52 The Committee heard evidence that the NSW companion animal management regime is the most comprehensive and rigorous in Australia.
- 2.53 The Committee accepts that there are many elements of the NSW system which are class leading, notably the state-wide Register, the value of which will only be improved by being digitised.
- 2.54 The Committee also agrees that the NSW animal welfare codes address animal welfare concerns thoroughly and effectively, and understands that they are very likely to be emulated by the South Australian and ACT jurisdictions when their codes are formulated.
- 2.55 The Committee is concerned, however, that the two leading states, NSW and Victoria, are moving in different directions, especially with regard to the licensing of breeders. While a breeder licensing system is discussed in more detail in Chapter Four, the Committee is concerned about the relative lack of progress NSW has made in reforming the Register merely to capture breeder details. This may give rise to the situation where Victorian breeders look to relocate across borders to avoid the stringency of their home jurisdiction. While the Committee was presented with only general evidence about jurisdiction shopping, the spectre of this occurring causes the Committee concern.
- 2.56 Similarly, the alleged lack of microchip readability across jurisdictions contradicts the logic of microchipping. One of the more notorious animal welfare cases which received media coverage during this inquiry involved a dog bred in Northern NSW which was sold in a Perth pet shop. State borders are as impervious to being traversed by companion animals as they are to wild and feral animals. The Committee believes that national microchip readability should be a priority.
- 2.57 A further area of concern to the Committee is the evidence concerning lifetime versus annual registration. The Committee accepts that lifetime registration has resulted in an increase in the percentage of companion animals being registered, and notes that the government did not support the Taskforce's recommendation for annual registration. The support for annual registration by RSPCA NSW was strong, and the Committee notes that annual registration has generally been retained in the other states.
- 2.58 The Committee agrees that digitisation of the NSW Register will allow dog and cat owners to update their ownership details more easily. It has recommended in

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<sup>27</sup> Animal Welfare League NSW, Answer to question taken on notice 16 July 2015, viewed 24 August 2015, [www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/B5EFDA562C6B79BCA257E9D001944FC](http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/B5EFDA562C6B79BCA257E9D001944FC)

<sup>28</sup> Mr Steve Orr, Deputy Chief Executive, Office of Local Government, Transcript of Evidence, 16 July 2015, p34

## THE CURRENT SITUATION IN NSW IN COMPARISON WITH OTHER JURISDICTIONS

Chapter Four that the digitisation project include a provision for electronic annual reminders to be sent to all registered owners. In light of the strong arguments in support of annual registration, the Committee recommends that it be re-examined.

- 2.59 The Committee also concludes that the NSW enforcement arrangements are mostly reactive in character. The three enforcement agencies – RSPCA NSW, AWL NSW and the NSW Police Force – are not resourced or empowered to perform any proactive audits or inspections of breeding establishments.
- 2.60 Breeders’ and retailers’ associations also expect their members to maintain certain standards which may be subject to audit. This issue is discussed in Chapters Four and Five.
- 2.61 Local councils have the capacity to issue development consents for breeding establishments which set standards designed to achieve animal welfare objectives, but council codes need not reflect the animal welfare codes. Council officers were identified by many witnesses as being an unused or under-utilised resource for identifying animal welfare breaches, which again illustrates a reactive element to regulation. The role of council officers is discussed in more detail in Chapter Six.
- 2.62 On balance, the Committee concludes that a breeders’ licensing system is the most effective way to ensure a proactive approach to regulating companion animal breeding practices. This is discussed in detail in Chapter Four.
- 2.63 Finally, the division of regulatory responsibilities principally across two government agencies, with three more entities involved in enforcing welfare and 152 councils responsible for animal identification makes for a complex and fragmented system. The system may well be effective in spite of this complexity, but it does not make it easy for the ordinary person to understand it.
- 2.64 The Committee heard evidence of duplication between enforcement agencies whose resources are already spread thinly. The Committee also heard about the work of local councils to promote responsible pet ownership using many different community engagement strategies, again using scarce resources.
- 2.65 The Committee concludes that community education and engagement is a vital component of improving animal welfare outcomes, but that it might achieve better and more cost effective results through better coordination, shared resources, and a single point of access to companion animal information. The Committee has made several recommendations in this regard elsewhere in this report.

## RECOMMENDATION 2

**The Committee recommends that the NSW Government monitors on an ongoing basis jurisdiction shopping to see if different state compliance regimes result in breeder and breeding dog relocation between states and if so, identifies appropriate responses.**

### RECOMMENDATION 3

**The Committee recommends that the NSW Government re-examines the recommendation of the NSW Companion Animal Taskforce that dogs and cats be registered on an annual basis.**

### RECOMMENDATION 4

**The Committee recommends that the NSW Government works with all other jurisdictions to ensure national chip readability across all registers is introduced as a priority.**

## Chapter Three – Proposals to limit the number of animals kept by breeders

- 3.1 This chapter considers the impact of limiting the number of animals allowed to be kept by breeders. The Committee was interested to know whether imposing a limit on breeding establishments would address animal welfare issues associated with large scale breeding operations, or have an impact on current impounding and euthanasia rates.

### CURRENT RESTRICTIONS ON ANIMAL NUMBERS

#### *New South Wales*

- 3.2 In New South Wales, all breeders, irrespective of the size of their breeding operation, are governed by *The Animal Welfare Code of Practice – Breeding dogs and cats* (the Breeding Code). The Code applies to anyone breeding dogs or cats for sale; the standards for the care and management of breeding dogs and cats apply whether a person owns one breeding animal or many hundreds of breeding animals. The Code does not impose a limit on the number of animals that may be kept by breeders or on the number of litters per lifetime of the breeding female.

#### *Other states and territories*

- 3.3 No states or territories in Australia limit the number of animals allowed to be kept by breeders. The Victorian government, however, is considering limiting the number of breeding females kept by a breeder to ten, by 2020. A regulatory impact analysis in relation to this proposal is underway.

#### *Peak breed bodies*

- 3.4 In New South Wales there are a number of peak bodies, who regulate and register dog and cat breeders, including the Australian Association of Pet Dog Breeders, Master Dog Breeders and Associates, Dogs NSW, Australian National Cats Inc and the NSW Cat Fanciers Association. None of the peak bodies impose limits on the number of dogs or cats allowed to be kept by their member breeders.

### THE CASE FOR A LIMIT

- 3.5 The Committee heard differing views on what limit on the number of animals allowed to be kept by breeders should be introduced – ranging from proposals to introduce a total ban on breeding companion animals for profit,<sup>29</sup> to capping the number of breeding animals per establishment at ten – in line with the current Victorian Government proposal.

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<sup>29</sup> See for example; Submission 120, PETA; Submission 121, The Humane Society; Submission 287, Animal Liberation

- 3.6 The submission of RSPCA NSW stated that ‘placing a limitation on the quantity of animals permitted to be kept and bred is an important strategy to address puppy farming.’<sup>30</sup>
- 3.7 The Committee heard no evidence which outlined how to calculate the number to which breeders should be limited.

### THE CASE AGAINST A LIMIT

- 3.8 The Committee heard from a number of stakeholders that health and welfare issues for breeding animals were not confined to breeders, or to breeding establishments with large numbers of animals.
- 3.9 The submission of the Cat Protection Society of NSW argued that health and welfare issues for cats were different to those of dogs, and were centred on ‘semi-owned’ and unowned cats.<sup>31</sup>
- 3.10 Mr Phillip Evans, manager of the New England Region Animal Shelter, told the Committee that in his experience smaller scale dog breeders often overbred their animals and did not have an adequate understanding of animal husbandry matters:
- We have quite a number in the Armidale and Uralla areas who would produce two or three litters in a year who do not consider themselves to be breeders. They are backyard people who, again through poor husbandry, not understanding the husbandry of the animal, will produce a litter two or three times a year from their pets.<sup>32</sup>
- 3.11 The Australian Veterinary Association (AVA) submitted that the scale of a breeding operation was not indicative of welfare issues and large scale breeders could be reputable and caring, citing Guide Dogs NSW as an example of a large scale breeding operation that ensures excellent breeding and welfare standards for the animals in their care. The submission further observed that AVA vets had reported many instances of individual dogs which were overbred and received inadequate health care, leading to a shortened and reduced quality of life.<sup>33</sup>
- 3.12 The Chief Inspector of the Animal Welfare League (AWL) NSW, Mr Ian Hughes, commented that in his experience, the welfare of breeding animals owned by smaller breeders was frequently a cause for concern:

As far as the welfare side goes, from my experience, by far the biggest area where we have problems is the small backyard breeder, people who have one, two, three dogs. They advertise online, you meet them in a car park. These animals are not vaccinated or microchipped and there is no comeback. We get lots of complaints from people like that and we have no contact point for them.<sup>34</sup>

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<sup>30</sup> Submission 251, RSPCA NSW, p 3

<sup>31</sup> Submission 141, Cat Protection Society of NSW, p 1

<sup>32</sup> Mr Phillip Evans, Private Citizen, Transcript of Evidence, 14 July 2015, p 30

<sup>33</sup> Submission 139, Australian Veterinary Association, pp 4-5

<sup>34</sup> Mr Ian Hughes, Senior Inspector, AWL NSW, Transcript of Evidence, 16 July 2015, p 9

## Concerns raised by breeders

- 3.13 Breeders expressed a number of concerns in relation to limiting the number of animals that they could keep. Concerns included loss of genetic diversity, an increase in overbreeding, a greater shift to unregulated 'underground' breeding, and issues for particular breeds.

### *Genetic diversity*

- 3.14 Limiting the numbers of animals allowed to be kept by breeders could impact on legitimate breeding programs, particularly for rarer breeds, leading to loss of bloodlines and an increase in health problems associated with smaller gene pools.<sup>35</sup>

- 3.15 Ms Judith Costello, a breeder of both working and companion dogs from the Northern Tablelands Region, outlined how limiting the number of animals allowed to be kept by breeders was counter to the good genetic breeding practices that she employed for her pedigree breeding program:

I have a rarer breed with limited bloodlines in this country, so restricting the numbers means that I am reliant on others for my genetics, which does not always suit my program. To keep my pedigrees how I want them I need to run several families concurrently, and I do not want to make my pedigrees a mishmash by being forced to use outside bloodlines that do not suit me. As I am trying to breed from my best bitches, it is sometimes advantageous to run more than one on from a litter to see how they develop. I am proud to breed very good quality and healthy dogs. Every litter is planned genetically as well as for characteristics.<sup>36</sup>

- 3.16 Limiting the number cats allowed to be kept by breeders would not significantly impact on the number of kittens produced each year. The Committee received evidence from Pets Australia that up to 70 per cent of kitten sales do not actually come from breeders, but from semi-owned cats with litters.<sup>37</sup> The Cat Protection Society also commented that unowned or semi-owned cats was a serious issue:

We have a huge population of unowned or semi-cared for cats and they breed non-stop. They are still feeding kittens and getting pregnant again. It is a sad, big problem.<sup>38</sup>

- 3.17 The Committee heard, however, that limiting the number of cats allowed to be kept by breeders could undo years of careful breeding practices aimed at eliminating certain genetic problems:

... if breeds have any particular genetic problems, that will obviously make it more likely that they will again become more prominent with a lot of breeders with those gene pools. For instance, we have had experimental breeding programs where at times cats have been outcrossed to other breeds or even suitable domestics to get

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<sup>35</sup> Submission 301, NSW Cat Fanciers Association Inc, p 5

<sup>36</sup> Ms Judith Costello, Private Citizen, Transcript of Evidence, 14 July 2015, p 2

<sup>37</sup> Dr Joanne Sillince, Managing Director, Pets Australia, Transcript of Evidence, 15 July 2015, p 17

<sup>38</sup> Ms Kristina Vesik, Chief Executive, Cat Protection Society of NSW, Transcript of Evidence, 15 July 2015, p 23

away from those sorts of genetic problems. If you start limiting them again, all of that work and good health will be gone.<sup>39</sup>

### *Overbreeding*

- 3.18 The Breeder Code specifies that breeding dogs must not have more than two litters in any two year period, unless with written approval of a veterinary practitioner (standard 10.1.1.9) and that breeding cats must not have more than three litters in any two year period, unless with written approval of a veterinary practitioner (standard 10.1.1.10).
- 3.19 The Committee received evidence that an estimated 125,000 puppies are required each year in New South Wales to meet demand.<sup>40</sup> A number of inquiry participants expressed concern that limiting the number of animals allowed to be kept by breeders would lead to overbreeding by some breeders to meet the demand for new puppies. Ms Costello informed the Committee that restricting numbers would lead to more frequent breeding and at a younger age:

Restricting numbers would mean breeders would need to breed each bitch more frequently and at a younger age to achieve their needs. This in itself is not something that I would want to do for various reasons. Allowing breeders to have more bitches and dogs means that they are not bred every year. It would also mean not mating them before they reach maturity and that older bitches can stay.<sup>41</sup>

- 3.20 Cat breeders informed the Committee that overbreeding would follow any restriction on the number of animals allowed to be kept by breeders:

There is no way that any breed can have a breeding program with two cats. That would undoubtedly result in overbreeding. However, once you start restricting the gene pool, particularly one that is already limited, it will have issues.<sup>42</sup>

### *Underground breeding*

- 3.21 Dr Katharine Schoeffel, a veterinarian and breeder of crossbred dogs, submitted that limiting the number of animals allowed to be kept by breeders did not address animal welfare, but that 'arbitrarily' limiting dog numbers would lead to the price of dogs rising and provide financial incentives for an increase in 'underground' breeding practices.<sup>43</sup>
- 3.22 Referring to the proposed Victorian scheme, Banksia Park Puppies submitted that limiting breeding numbers would encourage black market breeding:

These proposed laws to restrict the number of breeding mums will dramatically increase the price of puppies. It will encourage inexperienced home breeding, as

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<sup>39</sup> Ms Maureen Norberry, Vice-President, NSW Cat Fanciers Association Inc, Transcript of Evidence, 16 July 2015, pp 21 - 22

<sup>40</sup> Submission 237, Dogs NSW, p 3

<sup>41</sup> Ms Judith Costello, Evidence, 14 July 2015, p 2

<sup>42</sup> Ms Maureen Norberry, Evidence, 16 July 2015, p 21

<sup>43</sup> Submission 99, Dr Katharine Schoeffel, p 4

well as backyard and black market breeding sending the dog breeding market underground, making it harder to police.<sup>44</sup>

### *Issues for particular breeds*

3.23 The Committee heard that imposing a limit on breeders would disproportionately impact breeders of slower maturing cats, who do not breed as often:

... some of the bigger breeds that are slow in maturing and do not necessarily cycle as often. The fact that you may have a larger number of those cats, and often you do to get that gene pool, does not mean they are bred every year. They can go for longer, generally speaking, without any sort of health or breeding problems. You may have six queens and they may have a litter only once every two years.<sup>45</sup>

3.24 In terms of the impact on particular dog breeds, the Master Dog Breeders Association provided the Committee with a scenario showing the differing impacts on breeders of small and large dogs that a limit of ten breeding dogs would bring:<sup>46</sup>

Commercially there is a major difference regarding potential profits between someone [for example] who owns 10 Great Danes and 10 Chihuahuas. The Great Dane Breeder can legally potentially produce up to 120 puppies per year, with current average price per puppy, this enables this breeder to legally turnover approx. \$300,000 per year in puppy sales whilst the Chihuahua breeder can legally potentially produce 30 puppies per year, with current average price per puppy this breeder can only legally turn over approx. \$40,000 per year. There are three serious problems with this:

- Limiting numbers will give a commercial advantage to some breeders based solely on breed type or litter sizes a breed can produce.
- The toy breed breeder who can produce fewer puppies has less choice of puppies to include in their breeding program. Number limits do not take into account these types of breed specific variables.
- Limiting numbers will see breeding decisions made on breeding dogs for litter sizes and market value rather than dogs most suited to families in order to be able make a viable profit on less breeding dogs.

## **THE IMPACT OF A LIMIT ON IMPOUNDING AND EUTHANASIA RATES**

3.25 Across New South Wales each year, tens of thousands of dogs and cats are received by council-managed shelters and pounds, RSPCA NSW, AWL NSW and a plethora of privately owned rescue organisations and shelters. In the most recently available reporting period, 2011-12, approximately 47,000 dogs and 25,000 cats were received by council-managed shelters and pounds.<sup>47</sup> While not all animal shelters collect or publish statistics on the animals they receive, larger

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<sup>44</sup> Submission 257, Banksia Park Puppies, p 2

<sup>45</sup> Ms Maureen Norberry, Evidence, 16 July 2015, p 22

<sup>46</sup> Submission 214, Master Dog Breeders and Associates, p 8

<sup>47</sup> Office of Local Government, *Analysis of Council Data Collection for Seizures of Cats and Dogs 2011/2012*, June 2013

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organisations such as RSPCA NSW do. In the 2011-12 reporting period, RSPCA NSW received more than 12,000 dogs and 16,000 cats.<sup>48</sup>

- 3.26 Local councils spend considerable sums each year managing animals that have been surrendered to their pounds. The Committee heard that councils support measures that will reduce the number of abandoned and unwanted animals in their local areas.<sup>49</sup>
- 3.27 Under the *Companion Animals Act (NSW) 1998 (CA Act)*, councils must attempt to rehome animals that come into their pounds.<sup>50</sup> Where rehoming efforts fail, or the animals are deemed to have severe behavioural issues, the animals will be euthanased. In the 2011-12 reporting period, approximately 12,000 dogs and 16,000 cats were euthanased by council pounds. In the same period RSPCA NSW euthanased approximately 5,000 dogs and 10,000 cats.
- 3.28 Councils report annually on their activities relating to animal pounds. They must identify the number of cats and dogs that are seized, dumped at or surrendered to pounds each month and the number of cats and dogs that are returned to their owners, released to a rehoming organisation, sold or euthanased each month. However, councils do not report on the breed type or the breeder. Similarly RSPCA NSW do not publish information on the breeds of dogs or cats that they receive.
- 3.29 Council impounding and euthanasia rates are published by region. The table on the next page shows council impounding and euthanasia statistics by region for 2011/12 – the most recently available published reporting period.
- 3.30 The Committee notes that there are significant regional variations both in the number of animals impounded and the proportion euthanased. The Committee heard that in recent years, euthanasia rates have declined for dogs across the state, but not for cats:

The issue of euthanasia is quite complex. On the whole, dog euthanasia rates are declining across the State because there is a marketplace for dogs. Cat euthanasia rates are much more complex. I believe you spoke to the Cat Protection Society yesterday. It is a much more complex issue. What tends to happen is that community feedback to the council manages that. So there have been issues with some councils. High euthanasia rates become an issue for the council and the council then takes action. That has been our view of intervention.

As you go further west in the State, the issue of euthanasia rates becomes more complex. Often there is not a marketplace or a shelter group to pick up the animals. It may be a four, six or eight hour drive to pick up the animal from the pound, and there is no-one else to purchase the animal. All that needs to be considered when looking at the euthanasia rates. Generally euthanasia rates are declining, especially for dogs. The policy issues around cats are still significant. I am sure the Cat

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<sup>48</sup> RSPCA, *Published statistics*, viewed 29 July 2015, [www.rspca.org.au/sites/default/files/website/The-facts/Statistics/RSPCA%20Australia%20National%20Statistics%202011-2012.pdf](http://www.rspca.org.au/sites/default/files/website/The-facts/Statistics/RSPCA%20Australia%20National%20Statistics%202011-2012.pdf)

<sup>49</sup> Mr Brendan Govers, Manager, Environmental Health, Holroyd City Council, Transcript of Evidence, 16 July 2015, p 15

<sup>50</sup> *Companion Animals Act 1998 (NSW)*, part 4

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Protection Society yesterday explained in some detail why it is such a challenging issue.<sup>51</sup>

**Council impounding and euthanasia data by region, 2011/12<sup>52</sup>**

Region	Dogs		Cats	
	received	euthanased	received	euthanased
Central Coast	2,195	159	379	104
Hunter	4,678	1,077	1,158	655
Illawarra	3,159	540	1,991	1,004
Mid North Coast	2,460	823	822	554
Murray	1,427	372	517	280
Murrumbidgee	3,074	808	1,549	1,146
Northern	2,913	1,356	873	697
North Western	3,350	1,584	1,252	1,052
Richmond Tweed	1,351	261	454	208
South Eastern	2,595	733	696	494
Western	4,525	1,945	836	717
Sydney North	889	25	412	258
Sydney South	2,003	158	3,893	2,402
Sydney Inner	405	32	242	154
Sydney West	11,462	2,072	9,803	6,420
<b>Total</b>	<b>46,486</b>	<b>11,945</b>	<b>24,877</b>	<b>16,145</b>

- 3.31 The Committee was interested to know which breeds were most commonly seen by pounds and shelters, whether the pounds and shelters knew if the animals were from small scale or large scale breeders, and if limiting the number of animals allowed to be kept by breeders would contribute to a reduction in impounding and euthanasia rates.
- 3.32 Published statistics were unavailable on the most common breeds seen in pounds or shelters, and on whether small or large scale breeders were responsible for a significant proportion of the animals in pounds or shelters. The Committee did, however, receive anecdotal evidence from councils, shelter operators and AWL NSW in relation to the breeds most commonly seen in pounds and the source of these animals.

<sup>51</sup> Mr Keith Baxter, Manager of Policy, Office of Local Government, Transcript of Evidence, 16 July 2015, p 30

<sup>52</sup> Office of Local Government, *Analysis of Council Data Collection for Seizures of Cats and Dogs 2011/2012*, June 2013

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- 3.33 The submission from Banksia Park Puppies commented that most dogs are euthanased for 'severe behavioural issues including aggression' or 'medical reasons':

The RSPCA euthanises dogs primarily due to either 'severe behavioural issues including aggression' or 'medical reasons', with only 4.2% euthanised for 'other reasons'. Restricting the breeding females of professional, educated, and experienced breeders will not stop or reduce this issue as these breeders breed their dogs for temperament.<sup>53</sup>

- 3.34 Ms Pat Carmody who runs a large animal refuge in the Northern Tablelands Region gave evidence that the sorts of animals seen in her refuge come predominantly from small scale breeders:

Personally, as far as the refuge and these puppy factories or puppy farms as you like to call them, we have no problem with them. We do not get their dogs. They do not palm off their dogs. Our problem is back yard breeders.<sup>54</sup>

- 3.35 Wingecarribee Shire Council commented that in their experience a high number of the animals received by animal shelters in their area were not from large scale breeders, but the result of accidental or incidental litters:

Council believes that the incidental breeding of companion animals throughout the community also contributes to the high numbers of animals entering the shelter and, ultimately, those that are also subject to euthanasia albeit the council also has a minimal euthanasia policy.<sup>55</sup>

- 3.36 Other councils pointed to their minimal euthanasia or 'low kill' policies as impacting on euthanasia rates, regardless of the source of pound animals.<sup>56</sup>

- 3.37 In terms of the types of dog breeds most commonly seen in pounds and shelters, the Chief Inspector of AWL NSW considered that the majority of dogs received by pounds were large, mixed-breed dogs:

Prior to being an inspector I managed the Hawkesbury pound, which is the second largest pound in New South Wales and impounds animals for three local councils. In my experience, the vast majority of animals coming into pounds are not small, fluffy cavoodles, labradoodles or the like; they are large, mixed-breed dogs.<sup>57</sup>

- 3.38 In the case of cat breeds most commonly seen in pounds and shelters, the Committee heard that the vast majority were not pedigree cats:

The welfare organisations, unfortunately, have to handle all of the other sorts of cats. It is pretty well proven that the number of pedigree cats that turn up in pounds is infinitesimal.<sup>58</sup>

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<sup>53</sup> Submission 257, Banksia Park Puppies, p 1

<sup>54</sup> Ms Pat Carmody, Evidence, 14 July 2015, p 13

<sup>55</sup> Mr Troy McGlynn, Senior Ranger, Wingecarribee Shire Council, Transcript of Evidence, 16 July 2015, p 15

<sup>56</sup> Submission 143, Holroyd City Council, p 1

<sup>57</sup> Mr Ian Hughes, Evidence, 16 July 2015, p 12

<sup>58</sup> Mr Brian Edwards, President, Australian National Cats Inc, Transcript of Evidence, 15 July 2015, p 21

- 3.39 The Committee heard that semi-owned or feral cats were the source of many kittens sold by pet stores:

Despite the fact that about 93 per cent of cats are desexed, the kitten problem is massive due to semi-feral or wild populations. Many stores will have kittens given to them or left at the front door in peak kitten season. The store then microchips and vaccinates them and makes them available. One of the problems with an outright ban on the sale of cats and dogs is that those cats would go to an animal shelter. The load on shelters would then become larger, not smaller.<sup>59</sup>

- 3.40 The Taskforce recommended that a centralised impounded animal management tool be developed for use by all councils, relevant NSW Government agencies and animal welfare organisations.<sup>60</sup>

- 3.41 The AVA suggested that the redesign of the Register could facilitate the collection of statistics on impounding and euthanasia rates, and that this would assist in regulating breeders:

I think there is great potential in the microchip database to be able to trace that animal from the breeder, the source of where it has been bred, all the way through to the final outcome for that animal. If that animal is going into the pound because it is getting surrendered, capturing the details of why that animal is being surrendered is potentially going to identify issues. If we get a cluster of animals that are surrendered because of behavioural issues we can link that back to a particular breeder or source of animals. It would potentially raise questions to encourage going back to the source and warrant maybe a secondary investigation into that. I think there is great potential in the database for capturing all of that type of information from the source of the animal that will then allow us to do a lot more investigation into why animals are getting surrendered and deal with some of the other issues around that.<sup>61</sup>

- 3.42 The Committee heard that not all people were interested in adopting older or rescued dogs, typical of the dogs available from shelters and pounds:

The community is very broad; some people feel they want to have a pup so a rescue dog may not be suitable for every family and every person. We need to provide an environment where people can still buy a puppy with confidence and know that it is being bred in an ethical area with good welfare standards.<sup>62</sup>

## ALTERNATIVES TO LIMITING ANIMAL NUMBERS

### Strengthening the Breeding Code

- 3.43 While the Committee found that the number of animals kept by breeders does not correlate with animal welfare outcomes, it received evidence that, irrespective of the size of a breeding operation, unhygienic conditions, cramped

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<sup>59</sup> Mr Jeremy Maitland, Retail Working Group, Pet Industry Association of Australia, Transcript of Evidence, 15 July 2015, p 7

<sup>60</sup> NSW Companion Animals Taskforce, *Report to Minister for Local Government and Minister for Primary Industries*, October 2012, recommendation 20

<sup>61</sup> Dr Steven Ferguson, Australian Veterinary Association, Transcript of Evidence, 15 July 2015, p 44

<sup>62</sup> Mr John Grima, Retail Director, Pet Industry Association of Australia, Transcript of Evidence, 16 July 2015, p 10

or over-crowded enclosures and exercise yards could impact on the health and behaviour of breeding animals and their offspring.

- 3.44 The Committee also received evidence from a number of inquiry participants that the number of animals kept at a breeding facility could impact on the ability of the facility operators to provide social contact, exercise and stimulus.
- 3.45 The Breeding Code sets standards and guidelines which provide for the welfare of breeding dogs and cats including standards for accommodation, environment, security, food and water, cleaning and disinfection, animal health and standards for breeding and rearing. The Committee received strong evidence from a wide range of inquiry participants that compliance with the Code provides breeding dogs and cats with a safe, healthy environment in which to live and rear their young.<sup>63</sup>
- 3.46 Parts six and seven of the Breeding Code provide standards for the design and construction of breeding facilities, minimum pen sizes for dogs and cats, sleeping areas and environmental conditions, the quality of food and water that dogs and cats should receive, and cleaning and disinfection standards for animal housing, exercise areas and food preparation areas.
- 3.47 On the other hand, the Committee received evidence that the Breeding Code does not define the maximum number of dogs allowed per space, which could lead to overcrowding.<sup>64</sup> The AVA advised that confined or overcrowded enclosures lead to health and behavioural issues for breeding animals.<sup>65</sup>
- 3.48 Part ten of the Breeding Code provides standards to ensure the welfare of animals when breeding and rearing. These include that animals must not be intentionally mated during their first oestrous cycle; that dogs must not have more than two litters in any two year period; that cats may not have more than three litters in any two year period; that lactating mothers be provided with additional food and water; and that kittens or puppies must not be separated from their mother until seven weeks of age.
- 3.49 A number of inquiry participants recommended strengthening the Breeder Code standards for breeding and rearing to include a minimum age to commence breeding, a maximum age to cease breeding, and a change to the number of litters allowed each year. The submission of AWL NSW, for example, supported the following changes to the Breeder Code:

AWL NSW supports the following:

- The Code of Practice for breeding be strengthened to include the maximum number of litters per female be no more 1 per year for both dogs and cats
- The Code of Practice should be strengthened to include a minimum age to breed and the maximum age for an animal to cease breeding, after which time the animal should be desexed

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<sup>63</sup> See for example; Submission 139, Australian Veterinary Association, p 1; Submission 99, Dr Katharine Schoeffel, p 1; Submission 303, Pet Industry Association of Australia, p 11

<sup>64</sup> Submission 15, Ms Pat Carmody, pp 4 - 5

<sup>65</sup> Submission 139, Australian Veterinary Association, p 1

- That a minimum level of accreditation and training in animal care and responsible pet ownership be identified for all breeders and sellers
- That all animals for rehoming are desexed prior to being rehomed unless going to a licensed breeder
- That an incentive system be identified and implemented to reward establishments where exercise, socialisation, handling and enrichment activities are both maintained and improved with good outcomes for animals bred there<sup>66</sup>

### Staff to animal ratios

- 3.50 The Breeding Code does not set standards for staff to animal ratios in breeding facilities. The Committee received a number of submissions supporting the introduction of such a standard.
- 3.51 Inverell Shire Council submitted that the number of animals kept at a breeding facility must have an impact on the ability of the operators of the facility to provide exercise, social contact and stimulus. Council's submission recommended the introduction of a staff to animal ratio to the breeding code of practice.<sup>67</sup>
- 3.52 The Pet Industry Association of Australia recommended the introduction of a mandated staff to animal ratio in breeding facilities. Their submission noted that it was possible to have large breeding establishments that met the environmental, social, physical and psychological needs of animals, and that unethical breeding and treatment of animals could occur with any number of animals kept.<sup>68</sup>
- 3.53 Other submission makers, including AWL NSW and NSW Young Lawyers suggested that the number of animals allowed to be kept by breeders should be determined by the size of the property and the breeders' ability to provide adequate care.<sup>69</sup>
- 3.54 RSPCA NSW supported the introduction of a minimum staff to animal ratio, in line with the current guidelines for animal shelters:
- A minimum staff to animal ratio should be implemented, with the ratio being decided taking into account concepts such as Capacity to Care consistent with the Association of Shelter Veterinarians Guidelines for Standards of Care in Animal Shelters 2010.<sup>70</sup>
- 3.55 The Committee notes that a mandatory minimum staff to animal ratio applies to Victorian breeders. A minimum of one full-time member of staff must be onsite at the business for every 25 fertile animals housed in the business during business hours, seven days per week.<sup>71</sup>

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<sup>66</sup> Submission 232, Animal Welfare League NSW, p 8

<sup>67</sup> Submission 306, Inverell Shire Council, p 2

<sup>68</sup> Submission 303, Pet Industry Association Australia, p 10

<sup>69</sup> Submission 232, Animal Welfare League NSW, p 8, Submission 338, New South Wales Young Lawyers, p 9

<sup>70</sup> Submission 251, RSPCA NSW, p 6

<sup>71</sup> Code of Practice for the Operation of Breeding and Rearing Businesses, Victoria 2014, 2(6)

### On-site residency requirements

- 3.56 The Committee received limited evidence that some breeding establishments are operated without full-time staff, or with staff on-site to care for animals for only a few hours each day.<sup>72</sup>

### Risk management via a redesigned Companion Animal Register

- 3.57 The NSW Government's proposed redesign of the Register would allow authorised officers to detect breeders whose operations produce large numbers of litters each year. Identifying such breeders would allow agencies to consider inspecting these breeders to ensure that their operations comply with the Breeder Code. Mr Steve Orr, Deputy Chief Executive of the NSW Office of Local Government, told the Committee:

The other issue we are considering as part of the register redesign process is registration of breeders and the ability to capture where they are and to get a sense of breeding practices and the number of puppies they are producing. The intention is to have a registration system that gives us additional information about where they are.<sup>73</sup>

- 3.58 Mr Scott Hansen, Director General of the NSW Department of Primary Industries, echoed Mr Orr's comments:

... one of the exciting things about the modernisation of the register and the availability of this data and moving from animal-centric to person-centric recordings is what it allows us to do in partnership with our enforcement agencies in developing a sort of risk register in identifying what the risk profile of breeding companion animals looks like in the State.<sup>74</sup>

### COMMITTEE COMMENT

- 3.59 The Committee received a number of submissions that supported a total ban on the breeding of companion animals for commercial purposes or limiting the number of animals allowed to be kept by breeders. While the Committee acknowledges these submissions, it considers that they were unable to articulate how limiting the number of animals might improve animal welfare outcomes. It was also not possible to determine why an arbitrary number of animals, such as ten, was considered the appropriate maximum number of breeding animals allowed, irrespective of the type of breed or whether the animal was a dog or cat.
- 3.60 The Committee received no strong evidence that the scale of breeding operations correlated with the welfare of the breeding animals. Indeed, the Committee received evidence from local councils, animal shelter operators, veterinarians and AWL NSW of inadequate welfare conditions in many small scale breeding operations consisting of only one or two breeding animals.
- 3.61 The Committee further notes that pounds, animal shelters and rescue organisations typically house large numbers of animals and the Committee did

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<sup>72</sup> Ms Pat Carmody, Evidence, 14 July 2015, p 13

<sup>73</sup> Mr Steven Orr, Deputy Chief Executive, Office of Local Government, Evidence, 16 July 2015, p 24

<sup>74</sup> Mr Scott Hansen, Evidence, 16 July 2015, p 27

not receive any evidence of mistreatment, animal cruelty or any other animal welfare issue in relation to the large numbers of animals residing in these facilities.

## FINDING 2

**The Committee finds no evidence that the number of animals kept by breeders is in itself a factor which determines welfare outcomes of breeding animals.**

- 3.62 The Committee was concerned to find that despite the rehoming requirements placed on pounds and shelters, the widespread application of 'low kill' policies, and the downward trend in euthanasia rates for dogs, many thousands of dogs and cats continue to be euthanased every year in New South Wales. The evidence received by the Committee pointed to the suggestion that large scale breeding operations may not be responsible for the dogs and cats received by pounds.
- 3.63 Due to a lack of reporting around the breeds and sources of the animals being euthanased, however, the Committee is unable to determine whether limiting the number of animals allowed to be kept by breeders would have any impact on impounding or euthanasia rates.
- 3.64 The Committee considers that the reporting of breed type and source of dogs and cats received by council pounds would provide valuable information that could assist the Government identify non-compliant breeders and provide comprehensive evidence that would assist in determining the best approach to targeting and regulating non-compliant breeders in the future.

## RECOMMENDATION 5

**The Committee recommends that the NSW Government undertakes a comprehensive study of euthanasia rates to determine: the breed and source of animals entering pounds and those being euthanased; whether current litter restrictions impact on abandonment and euthanasia rates; what information should be recorded to allow euthanasia rates and trends to be better understood; and the impact of rehoming and low kill policies on euthanasia rates.**

- 3.65 The Committee considers that the Breeding Code provides a strong framework of standards and guidelines to ensure the safety and wellbeing of breeding dogs and cats irrespective of the number of animals residing in a breeding operation.
- 3.66 Many of the issues canvassed by inquiry participants in relation to both small scale and large scale breeding facilities relate to compliance with the Breeding Code. Creating an awareness of, and encouraging compliance with, the Code for all breeders of companion animals is one of the most valuable ways that the health and wellbeing of companion animals can be assured.
- 3.67 The Committee acknowledges the views of inquiry participants who consider that introducing amendments to the Breeding Code such as lifetime litter restrictions or inclusion of a staff to animal ratio may provide further protections to animals.

The amendments suggested by AWL NSW to strengthen the Breeding Code have merit.

- 3.68 The Committee also considers it reasonable to expect breeders to have staff available on-site at breeding establishments at all times to maintain quality care for breeding animals and to respond to welfare issues, especially in emergencies. This is generally consistent with the Victorian code of practice and in the Committee's view, consistent with community standards and expectations.
- 3.69 Finally, the Committee regards as essential the proposed redesign of the Register of Companion Animals to capture breeder information to enhance risk management.

#### RECOMMENDATION 6

**The Committee recommends that the NSW Government, through the Animal Welfare Advisory Council, reviews *The Animal Welfare Code of Practice – Breeding dogs and cats* to determine whether current lifetime and periodic litter restrictions, regulating animal numbers per enclosure, and introducing mandatory desexing of animals which have reached the end of their breeding lives, achieve acceptable animal welfare outcomes.**

#### RECOMMENDATION 7

**The Committee recommends that the NSW Government, through the Animal Welfare Advisory Council, reviews *The Animal Welfare Code of Practice – Breeding dogs and cats* to determine whether introducing a staff to animal ratio for breeding facilities would improve animal welfare outcomes.**

#### RECOMMENDATION 8

**The Committee recommends that the NSW Government amends *The Animal Welfare Code of Practice – Breeding dogs and cats* to mandate an on-site residency requirement for staff at breeding establishments equivalent to the Victorian code of practice as a minimum standard.**

## Chapter Four – Calls to implement a breeders' licencing system

- 4.1 This chapter examines arguments for and against breeders' licensing, considers what benefits a breeders' licensing system might bring to companion animal breeding practices, and assesses various models for breeders' licensing proposed by inquiry participants. The issues of how breeder details might be registered and accessed, and how microchipping and registration processes are recorded and accessed, are also discussed in this chapter.

### WHO IS A BREEDER?

- 4.2 As discussed in Chapter One, anyone can be a breeder. There are many definitions of breeder which need to be examined when considering the elements and objectives of a breeders' licensing system.
- 4.3 Under current regulatory arrangements in New South Wales, any person involved in the activity of breeding cats or dogs is subject to the *Prevention of Cruelty to Animals Act 1979* (the POCTA Act), the *Companion Animals Act 1998* (the CA Act) and the *Animal Welfare Code of Practice – Breeding Dogs and Cats* (the Breeding Code). In larger breeding establishments all people employed to care for animals, not only the owners of the establishment, must comply with the Breeding Code and the Prevention of Cruelty to Animals Act (the POCTA Act).
- 4.4 Participants in this inquiry used many definitions to define a breeder or type of breeder including good breeders; bad breeders; purebred breeders; crossbred breeders; puppy farm breeders; backyard breeders; commercial breeders; hobby breeders; accidental breeders; un-regulated breeders; and random breeders.
- 4.5 Under the Breeding Code any person involved in breeding of dogs and cats for sale is considered to be a breeder; the Breeding Code makes no distinction between types of breeders. The Committee will therefore refer to people involved in breeding dogs or cats who comply with the Breeding Code as 'compliant breeders' and those involved in breeding dogs or cats who do not comply with the Breeding Code as 'non-compliant breeders'.

### CURRENT LICENSING REQUIREMENTS

#### New South Wales

- 4.6 As noted earlier, any person wishing to breed dogs or cats for sale in NSW must comply with the Breeding Code. There are currently no mandatory breeders' licensing arrangements in place in New South Wales, however, and there is no centralised register of breeder information.
- 4.7 The Breeding Code sets enforceable standards and best practice guidelines for the care and management of breeding dogs and cats. Enforceable standards apply for:
- responsibilities and competency of staff

- quality management systems
- animal housing, including accommodation, environment and security
- animal management, including animal care, food and water, cleaning and disinfection, and transport
- animal health, including health checks, veterinary care and humane destruction
- transfer of ownership
- breeding and rearing.

4.8 Officers of RSPCA NSW, the Animal Welfare League (AWL) NSW and the NSW Police Force are authorised to enforce the Breeding Code and may enter properties, remove animals, and impose fines, costs and bonds which prohibit the owner from owning companion animals for breaches of the Breeding Code.

### Other jurisdictions

4.9 In Victoria, all domestic animal businesses must register annually with their local council and comply with the *Code of Practice for the Operation of Breeding and Rearing Establishments*. Domestic animal businesses include dog or cat breeders with three or more fertile females, council pounds, pet shops, animal training businesses, animal shelters and animal boarding businesses. Victoria is the only state or territory, other than New South Wales, that requires companion animal breeders to meet compulsory breeder standards, as set out in the *Code of Practice for the Operation of Breeding and Rearing Establishments*.

4.10 South Australia, Tasmania, Northern Territory and Queensland do not require that breeders of dogs and cats obtain a licence. In the Australian Capital Territory, all people who own an un-desexed cat over 3 months of age or un-desexed dog over 6 months of age must apply for a permit, regardless of whether they intend for the animal to breed. In Western Australia, people who breed cats must apply to their local government to become an approved cat breeder.

### Breed organisations

4.11 While there is no legal requirement for breeders to be licensed in New South Wales, those people wishing to breed, sell or show recognised breeds of dogs or cats (that is purebred or pedigree breeds) must register with a recognised breed organisation.

4.12 A number of breed organisations in New South Wales made submissions to this inquiry including the NSW Cat Fanciers Association Inc, Dogs NSW, Master Dog Breeders and Associates, Australian National Cats Inc, and the Australian Association of Pet Dog Breeders (who represent breeders of deliberately bred crossbred dogs). Breed organisations maintain registers of animals, and licence and monitor their members. Most breed organisations manage licensing arrangements by charging an annual registration fee and monitoring members' compliance with a code of ethics and regulations set by the breed organisation.

4.13 Codes of ethics and regulations may include: standards for ethical breeding practices, including limits on the number of litters; a requirement to register

every litter on the organisation's register of purebred animals; and a requirement that members provide their breeder licence number in all advertisements.

## NSW Companion Animals Taskforce Report

- 4.14 The issue of breeder licensing was considered by the NSW Companion Animals Taskforce (the Taskforce) in 2012, who recommended the establishment of a breeder licensing system under the *Prevention of Cruelty to Animals Act (NSW) 1979* (POCTA Act) and the update of the Register of Companion Animals to capture breeder licence information for each animal record. The Taskforce noted that s35(d) of POCTA Act already provided scope for the establishment of a licensing system for the 'control of animal trades'.<sup>75</sup>
- 4.15 The Taskforce proposed a breeder licensing system that would apply to all people who breed dogs and cats for sale, with no exceptions. Those owners of cats or dogs who have a one-off litter, including falling accidentally pregnant, would be required to obtain a temporary licence. To obtain a licence, breeders would need to comply with the *Animal Welfare Code of Practice – Breeding dogs and cats* (the Breeding Code). Inspections to determine compliance with the Breeding Code would be undertaken by dedicated RSPCA NSW and AWL NSW inspectors.
- 4.16 The breeder licensing system proposed by the Taskforce would be fully self-funded, with an annual licence fee to cover the cost of administration and inspections. The Taskforce proposed a sliding scale of fees to reflect the varying nature and scale of breeder operations.
- 4.17 The issue of breeder licensing, along with other key issues, was canvassed by the Taskforce in a discussion paper that received over 1,400 responses. Respondents were overwhelmingly supportive of a breeder licensing system, although members of Dogs NSW requested an exemption from breeder licensing requirements for members of registered breed bodies. The Taskforce, however, considered it essential that no exemptions be made to ensure that all breeders would operate under the same standards and make a reasonable financial contribution to the licensing system.
- 4.18 The Taskforce concluded that establishing a breeders' licensing system would enable better identification of breeders and ensure that all breeders complied with the standards of the Breeding Code.<sup>76</sup> The Committee notes that many participants in this inquiry expressed support for the Taskforce recommendation to establish a breeders' licensing system.

### *Government Response to the Companion Animals Taskforce report*

- 4.19 While giving in-principle support for a breeder licensing system, the Government made no commitment for its establishment under the POCTA Act. Rather, the Government noted that a proposed redesign of the Register of Companion Animals would ensure that breeder details would be captured and linked to animals at the point of microchipping, enabling better identification of breeders:

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<sup>75</sup> NSW Companion Animals Taskforce, *Report to Minister for Local Government and Minister for Primary Industries*, October 2012, pp 6-7

<sup>76</sup> NSW Companion Animals Taskforce, *Report to Minister for Local Government and Minister for Primary Industries*, October 2012, p 7

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The redesign of the Register and registration system, in consultation with key stakeholders via the Reference Group will ensure that breeder details are captured and linked to animals they breed at point of microchipping, whilst minimising regulatory burden on breeders and better targeting problem breeders. Further consideration will be given to mechanisms to provide additional resources to 'puppy farm' enforcement.<sup>77</sup>

- 4.20 The Committee examines the proposed redesign of the Register of Companion Animals (the Register) in greater detail at paragraph 4.94.

## THE CASE FOR OF A BREEDER LICENSING SYSTEM

- 4.21 There was much support from participants in this inquiry for the introduction of a licensing system in New South Wales. Participants argued that a licensing system could assist with improved traceability and regulation of breeders, protect the health and wellbeing of breeding cats and dogs, assure the public that they were purchasing their pet from a reputable breeder, and reduce the current perceived oversupply of pets.

### Traceability

- 4.22 The issue of traceability – the ability to track ownership of animals back to their breeder – was raised as a matter of concern by many inquiry participants. Participants noted that traceability promoted animal welfare, for example, by being able to trace the breeder of an animal who develops a disease, and assisted in locating breeders and ensuring their compliance with the Breeding Code.

- 4.23 Dr Katharine Schoeffel, a veterinarian and breeder of crossbred dogs, submitted that:

A licencing system would be a tool to assist regulators in the control of random dog breeders in rural communities and outer suburbs where these breeders usually live. Licences would also provide definitive information about where our pet dogs come from and where they end up.<sup>78</sup>

- 4.24 The Pet Industry Association of Australia (PIAA), a peak body representing pet shops, boarding kennels and grooming parlours, submitted that a breeder licensing system would assist in locating breeders and in enforcing the Breeding Code:

In NSW there is difficulty in inspecting and enforcing the Code of Practice for Breeding Cats and Dogs due to insufficient resources available to the enforcement agencies. Further difficulties are experienced by the lack of knowledge of the whereabouts of all breeders in NSW. A breeder licensing system will ensure that all breeders can be located by their licence number and make it illegal to sell offspring without a licence number.<sup>79</sup>

- 4.25 The Committee heard that requiring breeders to obtain a licence and quote their licence number in advertisements for the sale of animals would also improve

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<sup>77</sup> NSW Government, *Government Response to Companion Animal Taskforce Recommendations*, p 3

<sup>78</sup> Submission 99, Dr Katharine Schoeffel, p 3

<sup>79</sup> Submission 303, Pet Industry Association of Australia, p 11

traceability and regulation of breeders. For example, AWL NSW told the Committee that requiring breeders to quote a licence number in all advertisements would promote traceability, particularly in the growing area of online sales:

If there was a requirement for anybody who wanted to advertise online—if you look on Gumtree and Trading Post there are many hundreds of advertisements on there at any one time. I mean probably literally 2,000 advertisements on Gumtree and Trading Post today. None of those is regulated. Most of them we do not know about. Most of them are just a phone number as the contact point. If there was a requirement for a breeder licensing scheme to trace back, these people would either have to comply or they would not be able to advertise.<sup>80</sup>

### Consumer confidence

4.26 The Committee also heard that a breeder licensing system would bring transparency to the purchasing process and give consumers confidence that they were purchasing a puppy or kitten from a breeder compliant with the Breeding Code.

4.27 Willoughby City Council submitted that, combined with a public education campaign, the introduction of a breeders' licensing system would allow purchasers to discern whether they were buying a puppy from a compliant breeder:

The Committee strongly supports a breeders' licensing system for anyone selling animals as pets. Properly publicised, this would allow purchasers to discern which breeders have satisfied set criteria to obtain a breeding licence.<sup>81</sup>

4.28 Banksia Park Puppies, a large breeding operation in Victoria, submitted that a breeder licensing scheme would bring a number of benefits, including an improvement in breeder standards and increased transparency:

1. The public will be able to be reassured that the puppies that they are buying are from an ethical breeder. This is of ever higher importance to the public, and this will only increase.

2. The standards will increase across the board for breeders as the public becomes aware that the only place to buy a dog is through a 'PIAA approved' breeder that has been inspected and licensed. The issue with local government has always been that the public is unsure that they have been audited. Although we in Wellington [Victoria] shire are regularly audited and visited, we know that not all shires are this thorough.

3. We know that the demand for family dogs of even temperament will not decrease, this licencing system will ensure that this demand is met by legal, transparent breeders.<sup>82</sup>

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<sup>80</sup> Mr Ian Hughes, Senior Inspector, AWL NSW, Transcript of Evidence, 16 July 2015, p 9

<sup>81</sup> Submission 337, Willoughby City Council, p 2

<sup>82</sup> Submission 257, Banksia Park Puppies, pp 2 - 3

## Better enforcement of the Breeding Code

- 4.29 The Committee received numerous comments from inquiry participants that while the Breeding Code was rigorous and set enforceable standards for the welfare of breeding cats and dogs, there was inadequate proactive enforcement to ensure breeders' compliance with the code.
- 4.30 Dr Joanne Sillince of Pets Australia commented that while the current codes and laws were 'excellent', prosecution was an issue:
- In New South Wales the issue is and probably always has been enforcement of current codes and laws. The current codes that exist are extensive, wide ranging and excellent. Pet shops and larger breeders are well regulated, well inspected and anomalies are generally found and reported. Prosecution, however, has been an issue both in terms of quantity and speed.<sup>83</sup>
- 4.31 The Australian Veterinary Association considered the New South Wales Breeding Code to be the best in Australia, but that more resources and education were required to ensure compliance:
- Currently New South Wales has a very good code of practice—the Australian Veterinary Association considers it to be the best of all the States and Territories. Unfortunately, the problem really lies with detection, enforcement and the prosecution of those breeders who do not follow this code. More resources are needed for these activities, along with education of breeders who may need to bring their operations up to the required standard.<sup>84</sup>
- 4.32 RSPCA NSW told the Committee that at the present time enforcement was a difficult issue as RSPCA NSW did not know how many breeders there were, the scale of their breeding operations or where they were located. A breeders' licensing system would 'properly bring into the spotlight exactly who is out there'. RSPCA NSW conceded that any breeders' licensing system would not capture everyone, but would provide a clearer idea of the size of the problem and then consider what capacity there was to proactively deal with animal welfare issues arising from breeding operations.<sup>85</sup>
- 4.33 AWL NSW commented that enforcement was a difficulty as it provided limited deterrence:
- At the moment that is very difficult for our inspectors because where there is a problem it tends to be little more than a slap on the wrist. So there is not much deterrence and there needs to be greater enforceability as a deterrent to the problems out there.<sup>86</sup>
- 4.34 While enforcement of the Breeding Code was seen by many participants as a serious issue, a number of inquiry participants noted that the fees raised by a licensing system could provide funds to enforce the Code. For example, in evidence to the Committee, PIAA spoke positively about the Breeding Code and

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<sup>83</sup> Dr Joanne Sillince, Managing Director, Pets Australia, Transcript of Evidence, 15 July 2015, p 13

<sup>84</sup> Dr Steven Ferguson, Australian Veterinary Association, Transcript of Evidence, 15 July 2015, p 41

<sup>85</sup> Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, Transcript of Evidence, 16 July 2015, p 4

<sup>86</sup> Mr Andrew Mason, Chief Executive Officer, AWL NSW, Transcript of Evidence, 16 July 2015, p 2

noted that enforcement of the Code could be enhanced by funds gathered from a licensing system:

The code of practice is solid. This is why we are saying we need a good self-funded licensing system to enforce the code of practice.<sup>87</sup>

## THE CASE AGAINST A BREEDERS' LICENSING SYSTEM

4.35 Not all inquiry participants considered a licensing scheme would be beneficial. Some argued that a breeders' licensing system would not assist in locating or regulating breeders or improve the welfare of breeding companion animals. Others commented that a licensing system could place an unnecessary administrative and regulatory burden on breeders and be costly to administer.

4.36 Master Dog Breeders and Associates submitted that with adequate enforcement of the existing Breeding Code there would be no need for further regulation of breeders in the form of a breeders' licence:

Without enforcement, legislation is a token gesture used to pacify interest groups.

Arguably, if existing legislation was enforced, there would be no need for further legislation. Existing legislation covers all aspects of animal welfare, management and control with the penalties for non-compliance. Animal cruelty is already a crime it is a criminal activity, the keeping of dogs in substandard conditions a breach of codes, selling puppies that are ill or not fit for purpose a breach of consumer law, selling puppies which can't be identified is a breach of codes and not keeping appropriate records for breeding dogs and their offspring a breach of code. All of these breaches and criminal activities attract various penalties, however the policing of the laws and codes are not being adequately enforced.<sup>88</sup>

4.37 Ms Pat Carmody, manager of an animal shelter, told the Committee that the issue of compliance with the Breeding Code would not be solved with a breeders' licensing system. Ms Carmody said that, in her experience, those breeders who were currently non-compliant would not obtain a breeders' licence:

I did say in my submission about registering breeders. Since then I have had the occasion to talk with dozens of them who have been in just the last couple of months getting dogs microchipped. It is my belief that it will not work because they will not get a licence. I had three guys come on the weekend, drove in in their four-wheel drive to get their pups microchipped. They have not even got a drivers licence so what ... chance do you have of getting them to get a breeders licence?<sup>89</sup>

4.38 The submission from Pets Australia noted that a mandatory breeders' licensing system could be resource intensive to administer and overlap with the current microchip database, resulting in duplication of effort. However, Pets Australia did propose a 'semi-voluntary' audit/identification system.<sup>90</sup>

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<sup>87</sup> Mr Jeremy Maitland, Pet Industry Association Australia, Transcript of Evidence, 15 July 2015, p 6

<sup>88</sup> Submission 214, Master Dog Breeders and Associates, p 11

<sup>89</sup> Ms Pat Carmody, Private Citizen, Transcript of Evidence, 14 July 2015, p 14

<sup>90</sup> Submission 284, Pets Australia, p 4

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- 4.39 Armidale Dumaresq Council submitted that there could be significant costs for councils associated with increased administration and enforcement activities if a breeder licensing system was introduced. The submission went on to note that they did not consider a breeder licensing system would solve the issue of 'puppy farms'.

The chequered history of licencing does not provide compelling evidence that licensing maximises benefits to consumers and taxpayers, and in the long run it is considered that it will not stop puppy farming in NSW.<sup>91</sup>

- 4.40 Breed organisation the NSW Cat Fanciers Association submitted that their existing licensing system was satisfactory and adding an additional licence would add further financial burden to an already responsible sector. They suggested that the resources required to implement and manage a licensing system would be better spent on community education:

As stated above, under current NSW CFA rules and procedures, we have a fee for service breeders licensing system already in place. To add an additional- external-licensing structure/layer, would simply add a further financial burden to the responsible sector of the cat breeding community, without addressing the real issue.

We believe that the primary objective - ie the welfare of companion cats - is best served by maintaining the visibility of breeders through membership of responsible regulatory/licensing bodies such as NSW CFA, CATS NSW and ANCATS rather than the implementation of measures that will foster an environment where responsible and committed breeders will be forced to give up their breeding due to the additional financial burden imposed (and the loss of lines built up through years of hard work and the input of significant financial resources) and where "backyard breeding" will flourish - such breeders being governed in effect by no-one.

We further strongly believe that the resources that would be required to properly implement and manage such a licensing/regulatory system, would be far more usefully and successfully spent on community education.<sup>92</sup>

- 4.41 The NSW Government submission expressed concern that a breeders' licensing system would place an unnecessary regulatory burden on responsible breeders, and considered that a more effective approach would be to include details of breeders in the update of the Register of Companion Animals:

While the CAT [NSW Companion Animal Taskforce] recommended the establishment of a breeder licensing system and an update of the Register of Companion Animals to capture breeder licence information for each animal record, the NSW Government was concerned about unnecessary regulatory burden placed on responsible commercial and small non-commercial breeders. The Government believes that the most effective approach to meeting the NSW Government response to the Joint Select Committee on Companion Animal Breeding Practices in NSW objectives is to significantly enhance the existing Register of Companion Animals in terms of its form, content, coverage and availability to enforcement agencies.<sup>93</sup>

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<sup>91</sup> Submission 309, Armidale Dumaresq Council, pp 2-3

<sup>92</sup> Submission 301, NSW Cat Fanciers Association, p 8

<sup>93</sup> Submission 321, NSW Government, pp 7 - 8

## PROPOSALS FOR LICENSING SYSTEMS

- 4.42 The wide range of submissions from inquiry participants in support of a breeders' licensing system shows that much of the industry itself is not opposed to licensing. The Committee examined various proposals for suitable licensing models, and the differing views expressed on who should be licensed, and who should administer a licensing system.

### Who should be licensed?

- 4.43 In terms of who might be considered a breeder for licensing purposes, under the current Breeding Code anyone who breeds dogs or cats for sale is a breeder. Some submissions argued that this should be broadened to include any person who owns an entire (that is, un-desexed) dog or cat, with a view to capturing owners of accidental litters and encouraging desexing.

- 4.44 Breeder and veterinarian, Dr Katharine Schoeffel, suggested that a licence number should be issued to the owners of all un-desexed dogs and that upon receipt of a licence number, the owner would receive a letter outlining their legal obligations and directing them to the Breeding Code:

Introduce a Breeder's Licence Number for any owner of an entire dog registered. It would be a simple matter to issue a breeders licence number to anyone registering an entire dog. This could be accompanied by a letter for any new breeder registration outlining the legal obligations of a breeder and directing them to the NSW (Code of Practice).<sup>94</sup>

- 4.45 A number of submissions argued that membership of a breed organisation is a form of breeder licensing, and therefore those members should be exempt from any other licensing system.<sup>95</sup> However other submissions argued that all breeders, irrespective of their membership of a breed organisation, should be required to obtain a licence.<sup>96</sup>

- 4.46 Mr Phillip Evans, manager of an animal shelter in the New England Region, considered that licensing should apply to all breeders and be targeted to those people who do not consider themselves breeders:

Licensing breeders who currently fall outside of the purebred dog registers that are already governed by registration within organisations like Dogs NSW is a must. People must be accountable for the animals that they produce. We need a registration system that can capture those, that can be targeted towards people who often do not consider themselves as breeders.<sup>97</sup>

- 4.47 Inverell Council submitted that licences should apply to the premises where breeding operations took place, and that the breeder obtain development consent from, and register with, the local council:

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<sup>94</sup> Submission 99, Dr Katharine Schoeffel, p 3

<sup>95</sup> See for example: Ms Judith Costello, Transcript of Evidence, 14 July 2015, p 3

<sup>96</sup> See for example: Submission 251, RSPCA NSW, p 3

<sup>97</sup> Mr Phillip Evans, Private Citizen, Transcript of Evidence, 14 July 2015, p 30

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That commercial breeders of cats and dogs be required to register the premises at which breeding operations take place,

b) That the current practice that requires the commercial breeders to obtain development consent from the relevant Local Government Authority be retained.

c) That the registration system requires:

i) Development approval from the relevant Local Authority prior to seeking registration,

ii) Registration be effected by making application to the relevant Local Government Authority and the facility proposed to be registered having been certified as meeting all conditions imposed by the development approval,

iii) That registration be notified on a public register maintained by the Department of Local Government (Note: a similar process to the dog registration register),

iv) An annual registration fee, set by the Department of Local Government, be payable by the owner of the breeding facility. That fee be distributed equally to the relevant Local Government Authority and the RSPCA to contribute to the cost of a regular inspection regime,

v) Annual inspections of the Registered Facilities be carried out by the Local Government Authority to ensure compliance with the provisions of the Companion Animals Act,

vi) Annual inspections of the Registered Facilities be carried out by the RSPCA to check animal welfare matters (Note: This dual inspection regime is required as Local Government staff are not trained to make an assessment of animal welfare issues).<sup>98</sup>

### Who should administer a licensing system?

4.48 The Committee received a range of suggestions on the most appropriate body to administer a licensing system. Breed organisation Dogs NSW proposed a licensing model for all dog breeders in New South Wales, to be administered by Dogs NSW. They argued that they had many decades of experience in licensing their own breeders and that their existing database could be extended to register all breeders.<sup>99</sup> However other inquiry participants argued that responsibility for administering and enforcing breeders' licensing should rest with a Government agency.

4.49 Willoughby City Council argued that the responsibility for administering a breeders' licensing system could rest with either the Government or RSPCA:

Dogs NSW has a directory of breeders and promote responsible breeding practices, but obviously they have a vested interest in the industry and are not regulated. Control of breeders should rest with the RSPCA/NSW government.<sup>100</sup>

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<sup>98</sup> Submission 306, Inverell Shire Council, p 2

<sup>99</sup> Mrs Elizabeth Gunter, President, Dogs NSW, Transcript of Evidence, 15 July 2015, p 30

<sup>100</sup> Submission 337, Willoughby City Council, p 2

- 4.50 Armidale Dumaresq Council argued that it would be difficult and costly for local councils to administer and enforce a breeders' licensing system, but there would be no burden on council if such a system were managed by some other agency.<sup>101</sup>

## Proposed models

### *Pet Industry Association of Australia*

- 4.51 The PIAA submitted a comprehensive model licensing system for all breeders of dogs that would be fully self-funded, enforced by Government and funded by industry.
- 4.52 Key features of the PIAA model are that:
- To obtain a licence a breeder would contact an enforcement agency to arrange for an inspection prior to a licence being issued
  - Breeders would be inspected periodically, with inspection frequency determined by the number of breeding animals kept. The greater the number of breeding animals the more frequent the inspections
  - A breeders' licence would be required to sell the dog and must be included in any advertisement for the sale of an animal
  - A breeders' registration portal would disclose information on the currency of a breeder's licence
  - Licensing fees would cover the cost of inspections.<sup>102</sup>

### *Animal Welfare League NSW*

- 4.53 AWL NSW advocated for a breeder licensing system based on enforceable standards identified and agreed by key stakeholders including breeders, animal welfare advocates and government. Revenue raised by licensing fees would support the licensing system and inspections. AWL NSW submitted that their proposed model should apply to the owners of all entire animals, to encourage desexing and avoid unwanted litters.
- 4.54 Key features of the AWL NSW model are that:
- All breeders would initially be inspected by authorised, independent inspectors to establish compliance with the standards before being issued with a licence
  - Breeders would be randomly selected for unannounced inspection on a regular basis, to encourage ongoing compliance, with more frequent inspections if there are any flags for concern
  - Licensing fee schedule would be dependent on the number of breeding animals kept
  - All animals to be sold with a breeder license number

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<sup>101</sup> Mr Greg Meyers, Director Planning and Environmental Resources, Armidale Dumaresq Council, Transcript of Evidence, 14 July 2015, p 37

<sup>102</sup> Submission 303, Pet Industry Association of Australia, p 11

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- Breeders to appear on an online public register – similar to ABN lookup.<sup>103</sup>

*Australian National Cats Inc.*

4.55 Australian National Cats Inc (ANCATS) is the national cat registering body responsible for licensing breeders, providing a registration service for cats and kittens and conducting national cat shows. ANCATS submitted that all breeders should be registered with an existing self-regulating breeding body such as themselves and kittens not kept for breeding purposes should be desexed.<sup>104</sup>

*Dogs NSW*

4.56 Dogs NSW is the main peak body for breeders of purebred dogs in New South Wales, with many thousands of members. It is a self-regulating, licensing and registration body that maintains the NSW register of purebred dogs, provides education and animal welfare programs for breeders and owners, supports breed rescue groups. Dogs NSW submitted that their existing database and licensing system could be extended to become the state licensing body for all dog breeders, including breeders of crossbred dogs.<sup>105</sup>

4.57 Key features of the Dogs NSW model are that:

- All breeders, including breeders of one-off litters would be required to be licenced with Dogs NSW
- Provision of a licence would be subject to an inspection of breeding premises
- An annual licence fee would apply on a sliding scale; the greater the number of litters produced the higher the licensing fee
- All breeders would be required to: abide by the Dogs NSW Code of Ethics, register all puppies with Dogs NSW, microchip and vaccinate all puppies prior to sale, display licence number in all advertisements
- Additional competency tests would apply for those breeders wishing to produce greater numbers of litters, such as basic animal husbandry courses.

4.58 The Committee heard that Dogs NSW currently employs one full time inspector to inspect the kennels of Dogs NSW members and that the inspector role could be expanded if all breeders were licensed through them. Dogs NSW proposed that random surprise kennel inspections would be a condition of granting licences to breeders.<sup>106</sup>

*RSPCA NSW*

4.59 RSPCA NSW submitted that a licensing system should include the establishment of a searchable breeder register that would allow prospective purchasers the

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<sup>103</sup> Submission 232, Animal Welfare League NSW, p 6

<sup>104</sup> Submission 236, Australian National Cats Inc, p 9

<sup>105</sup> Submission 237, Dogs NSW, p 7

<sup>106</sup> Mr Hugh Gent, Media & Government Legislation Committee, Dogs NSW, Transcript of Evidence, 15 July 2015, p40

opportunity to check that a breeder was registered and compliant with the Breeding Code.

The licensing system should include the establishment of a centralised Companion Animal Breeder Register. Disclosure of breeder licence number will enhance transparency and accountability, and facilitate traceability. Disclosure obligations must also be applied at the point of sale in pet stores and elsewhere. The Register should maintain an online database search function that is available for prospective companion animal purchasers to search in order to ensure the breeder registration number quoted in any advertisement is authentic. To allow cross-referencing, the Companion Animals Register should be adapted to incorporate fields in which the breeder's licence number and the microchip number of the animal's mother can be recorded.<sup>107</sup>

### *Pets Australia*

- 4.60 Rather than a licensing system, Pets Australia proposed a semi-voluntary audit/identification register for both breeders and pet shops with a star rating system based on breeders' compliance with the Breeding Code. Those breeders who were highly adherent to the Code would receive a rating of five stars and be subject to an audit every two years. Breeders who were generally compliant would receive three stars and an audit every year. Those breeders who were non-compliant would receive one star and be subject to audits every three months. The register would be publicly available and searchable, to assist consumers in making purchasing decisions.<sup>108</sup>

## Other proposals

### *An advertising licence*

- 4.61 As noted earlier in this chapter, Ms Pat Carmody did not consider that a breeders' licensing system would be effective at capturing or regulating non-compliant breeders. Rather, Ms Carmody proposed an 'advertising licence' system for the sale of all dogs and cats which would trace breeders and assist with enforcement:

Advertising is where you will control them because if they cannot advertise them without a licence they cannot sell them and they will not breed them. That is where it all comes down to. If you bring in a licence to advertise—I mean everywhere, and I have had it said to me about social media. It is the law that a licence number must be displayed for the sale of any animal or the advertisement of any animal. How long do you reckon it would take before you have these other groups, Oscar's Law and Dogs Without Borders, jumping on the bandwagon saying, "That ad hasn't got a licence number."? They would be on to it within five minutes. All you need to do is bring about a register of current licence numbers that is readily available to everybody, which the Department of Local Government should be able to do.<sup>109</sup>

### *Breeder education*

- 4.62 The Committee heard from the Australian Veterinary Association that an important component of any licensing system was education, and the importance of making breeders aware of the Code of Practice:

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<sup>107</sup> Submission 251, RSPCA NSW, p 4

<sup>108</sup> Dr Joanne Sillince, Evidence, 15 July 2015, p 14

<sup>109</sup> Ms Pat Carmody, Evidence 14 July 2015, p14

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In terms of the licensing, I think what is critically important and really lacking at the moment is education. The vast majority of breeders and the overwhelming majority of dog and cat owners would not be aware of the fact that we have this code of practice in place and would not be aware of the requirements they are supposed to be upholding.<sup>110</sup>

- 4.63 AWL NSW submitted that education of the public was an important part of breeder licensing, to know to ask for a breeder licence number when sourcing a new pet and to report breeders who cannot supply a licence number.<sup>111</sup>

*Breeder training*

- 4.64 The current Breeding Code guidelines recommend that breeders attain a *Certificate II - Animal Studies* qualification. These are not, however, mandatory standards. One of the recommendations of the NSW Companion Animals Taskforce was that the Breeding Code be updated to require that, at a minimum, at least one person working in a breeding establishment must hold a *Certificate II - Animal Studies* qualification.<sup>112</sup>
- 4.65 The Taskforce noted that the Breeding Code required that staff were knowledgeable and competent to manage the animals in their care and that the *Certificate II - Animal Studies* adequately met the education requirements set out in the Breeding Code. The Taskforce considered that a minimum education standard would lead to better welfare outcomes for cats and dogs in breeding establishments.
- 4.66 The Taskforce considered the issue of training in their discussion paper. While respondents to the discussion paper were overwhelmingly supportive of the introduction of mandatory training qualifications, the Government did not support the recommendation, commenting that it placed a 'regulatory and cost burden on small businesses and volunteer organisations and places their viable operation at risk.'<sup>113</sup>
- 4.67 The Committee notes that to obtain a breeders' licence from Dogs NSW, members are required to undertake an education program over a minimum period of six months in topics including anatomy, welfare, nutrition, ethics, breeding and genetics. At the completion of the program the member must sit a final exam.<sup>114</sup>
- 4.68 The Australian Veterinary Association told the Committee that training should be mandatory for all breeders:

... it was actually a recommendation that came out of the Companion Animal Task Force as well. A certificate II level qualification in most cases for most breeders

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<sup>110</sup> Dr Steven Ferguson, Committee Member, Australian Veterinary Association, Transcript of Evidence, 15 July 2015, p 42

<sup>111</sup> Submission 232, Animal Welfare League NSW, p 7

<sup>112</sup> NSW Companion Animals Taskforce, *Report to Minister for Local Government and Minister for Primary Industries*, October 2012, p 15

<sup>113</sup> <sup>113</sup> NSW Government, *Government Response to Companion Animal Taskforce Recommendations*, pp 3-4

<sup>114</sup> Dogs NSW, *Dogs NSW Members Education Prefix Program*, viewed 12 August 2015, [www.dogsnsw.org.au/breeding/prefix-program.html](http://www.dogsnsw.org.au/breeding/prefix-program.html)

would probably just be recognition of prior learning. I think putting a small barrier there in terms of education is a no-brainer really.<sup>115</sup>

## MICROCHIPPING AND REGISTRATION PROCESSES

4.69 Most dogs and cats must be microchipped and registered by six months of age in New South Wales. Microchipping and registration records are stored on the Register of Companion Animals, administered by the Office of Local Government. In this section the Committee considers existing processes for microchipping and registering companion animals and examines the Government proposal to expand the Register to include breeders' information.

### The Register of Companion Animals

4.70 The *Companion Animals Act 1998 (NSW)* establishes a Register of Companion Animals. Under the Act, companion animals must be permanently identified (that is microchipped) *and* registered in a two stage process. Both microchip and registration information is collected via paper based forms and the date is entered onto the Register of Companion Animals by councils or authorised identifiers.

4.71 The *Companion Animals Regulation 2008* sets out the information that is to be recorded on the Register of Companion Animals:

- a) the unique identification number allocated to the microchip implanted in the animal in connection with the identification of the animal,
- (b) in the case of a category 1 or category 2 companion animal, the name of the authorised identifier who carried out, or supervised, the implantation of the microchip and, if the authorised identifier is accredited, their authorised identifier number,
- (c) the date on which the animal was identified,
- (d) the full name and residential address of the owner of the animal together with any other available contact details for the owner,
- (e) the address of the place at which the animal is ordinarily kept,
- (f) the name of the council of the area in which the animal is ordinarily kept,
- (g) the type of animal (dog or cat), and the breed of the animal,
- (h) the animal's date of birth (known or approximate),
- (i) the animal's gender,
- (j) the animal's colour and details of any unusual or identifying marks on the animal.<sup>116</sup>

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<sup>115</sup> Dr Steven Ferguson, Evidence, 15 July 2015, p 44

<sup>116</sup> *Companion Animals Regulation 2008 (NSW)*, R 8

## Microchipping

- 4.72 Microchips are tiny 'subcutaneous full duplex electronic radio transponders', the size of a grain of rice, inserted under the skin of an animal between the shoulder blades. Microchips contain a unique identification number only, and do not contain any personal information about the animal or the owner of the animal. Microchips may be implanted by Authorised Identifiers – vets or persons who have completed appropriate training, including an animal welfare organisation employee, a vet nurse, a pet grooming business operator, an employee of a pet shop or a breeder.<sup>117</sup>
- 4.73 All dogs and cats must be microchipped by 12 weeks of age or before being sold or given away, whichever happens first. Following implantation of the microchip, a Permanent Identification Form (P1A form) is completed, the Authorised Identifier or local council enters identification information onto the Register of Companion Animals and the local council will issue the owner of the animal with a Certificate of Identification.<sup>118</sup>
- 4.74 Prior to 2013, recognised breeders were exempt from microchipping regulations and were able to sell unmicrochipped dogs and cats to pet shops. However in response to a recommendation of the Companion Animals Taskforce, the Government removed this exemption through the *Companion Animals (Amendment) Act 2013*. This means that the microchip records of all dogs and cats should now record breeder details.
- 4.75 Entering the microchipping information on to the Register of Companion Animals triggers the sending of a letter from council to the owner of the animal with information on how to register their animal. However, the first owner of a dog or cat is a breeder, and where the animal is sold shortly after microchipping, the registration letter from council may not be sent to the new owner, but rather to the breeder.
- 4.76 It is difficult to ascertain the current rates of microchipping in the community. The Committee received some anecdotal evidence that only fifty percent of animals entering shelters are microchipped.<sup>119</sup> However, Wingecarribee Shire Council informed the Committee that up to ninety five per cent of cats entering their animal shelter were unmicrochipped.<sup>120</sup>
- 4.77 In addition to the having their animal's microchip details stored on the centralised Register of Companion Animals, some owners elect to store their animal's microchip information on privately owned microchip registers. A number of private microchip registries exist in Australia, often storing microchip records for animals other than dogs and cats.

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<sup>117</sup> Office of Local Government, *Microchips*, viewed 5 August 2015, [www.olg.nsw.gov.au/content/microchips](http://www.olg.nsw.gov.au/content/microchips)

<sup>118</sup> The Committee thanks Ms Pat Carmody for the information she provided on microchipping and registration.

<sup>119</sup> Dr Joanne Sillince, Evidence, 15 July 2015, p 16

<sup>120</sup> Mr Troy McGlynn, Senior Ranger, Wingecarribee Shire Council, Transcript of Evidence, 16 July 2015, p 15

## Registration

- 4.78 Dogs and cats in New South Wales must be registered by six months of age. Registration covers the dog or cat for its lifetime, regardless of any change in ownership. Discounted registration fees apply for dogs and cats that are desexed, owned by recognised breeders (those breeders who are current members of a registered breed organisation), owned by pensioners, or are assistance animals.
- 4.79 Dog and cat owners register their animal by completing a Lifetime Registration (R2) form and taking the form to their local council, along with the registration fee, the Certificate of Identification or copy of the Permanent Identification Form (to verify the animal's microchip number), and proof of desexing (if the animal has been desexed). The local council will issue the owner with a Certificate of Registration once the registration information has been entered on the Register of Companion Animals.
- 4.80 Registration fees assist councils provide animal management and responsible pet ownership activities to the community.<sup>121</sup>

## Combining microchipping and registration into a single step

- 4.81 The Companion Animals Taskforce considered removing the existing two step microchipping and registration process, finding the current system to be resource intensive for local councils. The Taskforce noted that while registration rates had improved in recent decades, approximately one third of microchipped dogs and over half of microchipped cats were still not registered, denying councils and the Government funds for responsible pet ownership programs.<sup>122</sup> Respondents to the Taskforce discussion paper were evenly divided over the proposal, and in its final report the Taskforce did not make a recommendation to combine microchipping and registration processes into a single step.

## Stakeholder views on microchipping and registration

- 4.82 Inquiry participants expressed a number of concerns with current microchipping and registration processes. These concerns are outlined in this section.
- 4.83 While microchipping is compulsory, microchipping rates are not as high as the community might expect. Animal Welfare League NSW submitted that a review of the enforcement capabilities of local councils could lead to improved microchipping rates:

Compulsory microchipping of dogs and cats – not currently well enforced, particularly with cats, needs to be tightened through legislation. A review of the enforcement capability of local councils to increase compliance may improve this.<sup>123</sup>

- 4.84 The Committee heard that councils are not able to use the existing Register of Companion Animals for effective enforcement of breeders. Wingecarribee Shire

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<sup>121</sup> Office of Local Government, *How do you register your dog or cat?*, viewed 5 August 2015, [www.olg.nsw.gov.au/content/how-do-you-register-your-dog-or-cat](http://www.olg.nsw.gov.au/content/how-do-you-register-your-dog-or-cat)

<sup>122</sup> NSW Companion Animals Taskforce, *Discussion Paper*, October 2012, p 21

<sup>123</sup> Submission 232, Animal Welfare League NSW, p 9

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Council informed the Committee that the existing Register of Companion Animals was only searchable on animals, not on owners or breeders:

From Wingecarribee's perspective it is about the currency of the information that is held on the Companion Animals Register as well as the second step of the two-step process not being undertaken. It is important to note that the Companion Animals Register is in fact a register of companion animals, so we can only search generally for the animal. It is not necessarily a register of owners or breeders. It is important to note that it is a register of animals. Whilst we can search for a property, it is primarily for the purpose of identifying an animal that is kept at that property.<sup>124</sup>

- 4.85 The Committee received evidence that the current system for implanting and registering microchip information may be open to abuse. Ms Judy Scrivener, who appeared before the Committee when it heard evidence at Armidale on 14 July 2015, described the discovery of a discrepancy in a microchip record which she feared was the result of a deliberately false entry:

We must tighten this up. We will probably have people with 10 dogs here, another 10 somewhere else or registered to cousins, aunts, brothers, sisters, uncles and so on. It needs to be tightly monitored. The microchip should have the mother's details and the number of litters she has had so the system will produce alerts, much the same as happens with probation and parole or wherever. It is not difficult; our computers have the capability to do that. In the end, it will save a lot of work for a lot of people.<sup>125</sup>

- 4.86 The information provided on microchip and registration forms is entered onto the Register of Companion Animals by local councils. Local councils who participated in this inquiry raised a number of issues in relation to this role, including the considerable time and resources spent maintaining the Register of Companion Animals.<sup>126</sup>

- 4.87 Councils also told the Committee of the difficulty of encouraging people to follow up microchipping their pet with registration. For example Holroyd City Council spoke to the Committee about their efforts to follow-up residents who had microchipped, but not registered their animals:

Probably the biggest issue we have with the microchipping is the follow-up registration that happens. That is often the delay. Each year before our PetFest we send out hundreds, sometimes thousands, of letters to people in our local area who have had animals that have had the microchip in the last several years that have not followed through with registrations, just to remind them we are offering the service at that PetFest and to come along or come to council to register the animal and keep that information up to date. That way we can return the animal if we collect it and do not have to put it into the pound system.<sup>127</sup>

- 4.88 Wingecarribee Shire Council commented that despite considerable efforts on their part, many owners still failed to follow through and register their dog or cat:

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<sup>124</sup> Mr Troy McGlynn, Senior Ranger Wingecarribee Shire Council, Transcript of Evidence, 16 July 2015, p 17

<sup>125</sup> Ms Judy Scrivener, Dogs Without Borders, Transcript of Evidence, 14 July 2015, pp 24-25

<sup>126</sup> Mr Steven Orr, Deputy Chief Executive, Office of Local Government, Transcript of Evidence, 16 July 2015, p 28

<sup>127</sup> Mr Brendan Govers, Manager, Environmental Health, Holroyd City Council, Transcript of Evidence, 16 July 2015, p17

We automatically issue—it is a requirement under the Act—a certificate of identification to the owner and that is printed and posted out. The Office of Local Government provides a bright little sticker to stick onto that certificate to remind people that they have to register their animal at six months of age. Again, we also issue a notice under section 10B of the Act at six months of age requiring people to register their animals. It was after the Companion Animals Taskforce that time period was reduced to two weeks. Even with all those mechanisms in place we still find though that owners fail to register and take up that second step of registering their animal.<sup>128</sup>

- 4.89 Campbelltown City Council considered that the existing two-step microchipping and registration process was a 'serious issue'. Campbelltown City Council also noted that the existing R2 registration form did not have any provision for owner's contact details:

I support the remarks regarding the two-step process. I think that is a significant issue that I urge the committee to look at. In our case, a lot of resources are put into following up owners that have microchipped and failed to register because of the two-step process. The only other issue I raise is with the lifetime registration form. It does not have provision for the owner's contact details in terms of phone number et cetera. If a microchip is not recorded correctly or the Companion Animals Register records are out of date, it is very difficult to track back or contact the owner that submitted the form. That is an issue that we have had to deal with in more recent times as well, which we bring to the committee's attention.<sup>129</sup>

- 4.90 RSPCA NSW commented that there was confusion in the community around registration, and more education was needed to inform owners of the need to register their animals once they had been microchipped:

Microchipping is 50 per cent of the issue. The other 50 per cent is people still not knowing that they then need to register their animal. One of the arguments that we put forward to the task force over and over that I do not know was particularly palatable at the time was that at some point we need to consider online annual registration for companion animals. It continues to be one of the reasons animals are euthanised unnecessarily. They cannot be rehomed because they have been passed from one owner to the next and no-one has bothered to update their registration details. It would be great to get the animals chipped, but the missing link is having that underpinned by awareness that the animal then needs to be registered. If people move, they need to update those details. We believe that the filtering point is annual registration. The people of New South Wales are required to register other things, why not their animals? It should also be done online.<sup>130</sup>

- 4.91 RSPCA NSW suggested to the Committee that the two step registration and microchipping process could be amended to make it a requirement for animals to be registered at point of sale.<sup>131</sup>

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<sup>128</sup> Mr Troy McGlynn, Evidence, 16 July 2015, pp 18-19

<sup>129</sup> Mr Paul Curley, Manager, Compliance Services, Campbelltown City Council, Transcript of Evidence, 16 July 2015, p 17

<sup>130</sup> Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, Transcript of Evidence, 16 July 2015, p 5

<sup>131</sup> Mr Steven Coleman, Evidence, 16 July 2015, p 6

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- 4.92 The submission of AWL NSW recommended including a breeders' registration number field on the microchipping form – P1 Permanent Identification.<sup>132</sup>
- 4.93 The Committee asked the Government for their views on microchipping and registration processes. Mr Grant Astill, representing the NSW Office of Local Government, advised that the update of the Register of Companion Animals could allow a move to a point where dogs and cats could be registered at the time of microchipping, and the registration, being digitised, could be easily transferred to any new owner.<sup>133</sup>

### The redesign of the Register of Companion Animals

4.94 As part of their response to recommendations made in the NSW Companion Animals Taskforce report, the NSW Government has commenced a redesign of the Register of Companion Animals. The Government has submitted that the Register could be expanded to provide for the recording of breeder details, thus creating a defacto Register of Breeders. The Government proposal would create a register of breeders but would not be a breeders' licensing system as such. The redesigned Register will:

- capture every owner of an animal throughout its life, including the breeder
- be web based, rather than the current paper based system, and create a simplified registration process
- allow for analysis of data and a more risk-based approach to compliance
- provide improved access to RSPCA and Animal Welfare League officers, for enforcement purposes under the POCTA Act.

4.95 The Committee heard that the redesign of the Register is due for completion in June-July 2016:

We are working hard at the moment to redevelop the register, to bring the register in line with more modern practice with respect to the registration process, and we intend to have a new registration system operational by June-July 2016.<sup>134</sup>

4.96 The Committee heard that the new registration system would shift from the current paper-based system to a digitised system that owners could access to update registration records:

The redesign of the register is about making a number of shifts in the way in which the registration process currently works at the moment. As Mr Hansen referred to, there is quite a paper-based system that exists which is both cumbersome and costly to administer. We want to move away from that system, simplify the registration process, take it online and ensure that the quality of data is improved.

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<sup>132</sup> Submission 232, Animal Welfare League NSW, p 9

<sup>133</sup> Mr Grant Astill, Acting Manager Program Delivery, Office of Local Government, Transcript of Evidence, 16 July 2015, p 33

<sup>134</sup> Mr Steven Orr, Evidence, 16 July 2015, p 24

4.97 The Committee further heard that the NSW Government considers that the redesigned Register will enable more proactive enforcement of breeders, through analysis of the data stored on the Register:

... one of the exciting things about the modernisation of the register and the availability of this data and moving from animal-centric to person-centric recordings is what it allows us to do in partnership with our enforcement agencies in developing a sort of risk register in identifying what the risk profile of breeding companion animals looks like in the State. Once we start to get that we move away from the trigger for us knowing something is wrong and it is already too late to be able to say, "Given these risks, how do we use the resources we currently have more effectively and how do we also look at deploying additional resources in that whole continuum from education all the way through to compliance?"<sup>135</sup>

### COMMITTEE COMMENT

4.98 There is currently no centralised register of dog or cat breeders in New South Wales and no mandatory breeders' licensing system. This has implications for the welfare of animals because without knowledge of how many breeders there are, where they are located and the scale of their operations, the Government and enforcement agencies have no clear picture of the scale of non-compliant breeders in New South Wales.

4.99 Without a clear picture of the location and scale of breeding operations in New South Wales, enforcement agencies with limited resources are unable to be strategic and proactive in their efforts to protect the welfare of breeding cats and dogs.

4.100 There was strong support from many participants in this inquiry for the introduction of a breeders' licensing system. Participants argued that breeders' licensing would assist in regulating breeders and thereby improve the welfare of breeding dogs and cats, improve traceability of breeders, provide funds to enforce the breeding code and promote purchases from those establishments who were compliant with the Breeding Code.

4.101 While inquiry participants from the retail, breeding and animal protection sectors supported the introduction of a breeders' licensing system, the Committee also heard evidence from participants who considered that licensing would have drawbacks. Arguments against breeders' licensing included that a licensing system would not of itself encourage non-compliant breeders to comply with the Breeding Code, that it would impose a further administrative and regulatory burden on already compliant breeders, and that it would be costly for councils or Government to administer.

4.102 The issue of breeder licensing was examined comprehensively by the Companion Animals Taskforce in 2012, which recommended that a breeders' licensing system be introduced to assist in regulation of breeders. The Government supported the Taskforce recommendation for a breeders' licensing system in principle.

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<sup>135</sup> Mr Scott Hansen, Director General, Department of Primary Industries, Transcript of Evidence, 16 July 2015, p 27

- 4.103 Rather than introduce a breeders' licensing system as it might be traditionally understood, however, the Government pursued a redesign of the Register of Companion Animals and digitisation of the microchipping and registration system. This was to ensure that breeder details are captured and linked to animals they breed at point of microchipping.
- 4.104 The Committee recognises that the Government proposal aims to respond to the Companion Animals Taskforce recommendation for the introduction of a breeders' licensing system. On balance, however, the Committee considers that the Government proposal falls short of the Taskforce recommendation and the community's and breeding industry's desire for a licensing scheme. Further, the Taskforce reported in 2012 and the Committee considers that the Government's response to the Taskforce recommendation for a breeders' licensing system has taken much too long to implement.

### FINDING 3

**The Committee finds that the timeframe for implementing the recommendations of the Companion Animals Taskforce has been much too long. The Committee further finds that progress towards digitising the Register of Companion Animals and ensuring all breeder information is captured in order for the register to function as a breeder registration system, has not met community expectations nor achieved the outcomes anticipated by the Companion Animals Taskforce report.**

### RECOMMENDATION 9

**The Committee recommends that the NSW Government completes and implements the digitisation and reform of the Register of Companion Animals by end July 2016.**

- 4.105 The Committee considers that, on balance, a licensing system would not create an unnecessary regulatory burden. Breeders are already required to comply with the Breeding Code. A licensing system which introduces audits and inspections would: foster greater understanding for breeders of their obligations under the Breeding Code; allow breeders to demonstrate their compliance with the Breeding Code; provide enforcement agencies with the opportunity to manage problems of compliance when issues are relatively small and easier to rectify; and provide the public with reassurance that the animal they were purchasing was bred in a breeding establishment that complied with the Breeding Code.
- 4.106 In terms of who should be recognised as a licensed breeder, the Committee notes that anyone who breeds cats or dogs for sale is considered to be a breeder for the purposes of compliance with the Breeding Code. The Committee considers that, for consistency, the same definition should apply, and all people who breed dogs or cats for sale should be required to be licensed.

### RECOMMENDATION 10

**The Committee recommends that the NSW Government introduces a breeders' licensing scheme with the following elements:**

- a) **A comprehensive database of breeders**

- b) **A system of periodic audits and spot inspections**
- c) **Sets the number of animals that each breeding establishment may keep**
- d) **A breeders' licensing identification must be included in any advertisement in any medium where animals are advertised for sale**
- e) **Licenses every breeder and provides an auditable licence trail for every sale**
- f) **Records a breeder's licence number when an animal is microchipped.**

## RECOMMENDATION 11

**The Committee recommends that the breeders' licensing scheme should meet the following objectives:**

- a) **Breeder performance meets both Breeding Code baselines and continuous improvement goals**
- b) **Breeder-sourced dogs appear in pounds in declining rates**
- c) **Compliance levels meet improvement goals**
- d) **Non-compliant breeders are identified and made compliant or closed down**
- e) **Microchipping rates increase**
- f) **Lifetime registration is meeting objectives.**

- 4.107 The Committee considers that the star rating system proposed by Pets Australia has merit and encourages its adoption by industry.
- 4.108 The Taskforce considered it crucial that any breeder licensing system be integrated with the Register of Companion Animals to ensure that breeder licence numbers are linked to the microchip numbers of cats and dogs. The Committee agrees that for improved traceability, it is vital that breeder licence numbers be linked to microchip numbers of cats and dogs.
- 4.109 Breeders are required to microchip their animals before they are sold or given away; as such, the breeder will be recorded on the Register of Companion Animals as the first owner of any dog or cat they breed. The creation of a breeder registration or licence number as a field on microchip forms would allow for better linkage between breeders and their animals, on the Register of Companion Animals.
- 4.110 The Committee was dismayed to receive evidence that the current microchipping scheme may be open to abuse. The Committee considers that as part of the digitisation project, it is vital that the Government seek to limit the ability of people to enter fraudulent information on microchip forms.

## RECOMMENDATION 12

**The Committee recommends that the NSW Government reviews the current microchipping system to determine if the system is reliable or open to abuse, and if the system can be improved to better support digitised registration, and report by 1 September 2016.**

- 4.111 The current system for microchipping and registering cats and dogs on the Register of Companion Animals is paper-based and resource intensive for councils. The Committee received clear evidence that despite the significant efforts of councils to encourage completion of both steps of the existing two-step microchip and registration process, many people failed to have their animal registered. The Committee found there was strong support for these processes to be combined in a single step. The proposed redesign and digitisation of the Register of Companion Animals provides the Government with an invaluable opportunity to digitise both microchipping and registration and combine microchipping and first registration into a single step.

### RECOMMENDATION 13

**The Committee recommends that the NSW Government digitises both microchipping and registration, and combines microchipping and first registration into a single step, and completes any additional digitisation requirements within the timeframe of its project to redesign the Companion Animal Register.**

- 4.112 Due to the paper-based nature of the current system, there is the high probability that many records contained on the Register of Companion Animals are out of date. The Committee considers that a digitised Register of Companion Animals should make provision for owners and breeders to update their details online. This would reduce the administrative burden on councils and ensure that the Register provides a most accurate and complete picture of the numbers of breeders and dogs and cats in New South Wales.

### RECOMMENDATION 14

**The Committee recommends that the NSW Government includes as a function of the digitised registration system, the capacity to generate automatic electronic annual reminders to all owners and breeders in order for details including change of address, change of owner, and death of animal to be updated in a regular and timely manner.**

- 4.113 An important part of a breeders' licensing system will be the ability of people to verify breeder details and assess their compliance with the Breeding Code. The Committee therefore recommends that breeder licence numbers and contact information be made publicly available.

### RECOMMENDATION 15

**The Committee recommends that the Register of Companion Animals be made partially publicly accessible online to enable anyone to verify breeder details.**

- 4.114 The Committee agrees with the recommendation of the Companion Animals Taskforce to require that breeders meet a minimum education standard. The Committee considers that the community agrees that minimum education standards for breeders lead to better welfare outcomes for cats and dogs and notes that many thousands of Dogs NSW breeders are already required to meet the education requirements of that organisation.

## RECOMMENDATION 16

**The Committee recommends that the NSW Government reviews the need for breeders to be trained and qualified, and report by 1 September 2016.**

## Chapter Five – Implications of banning the sale of dogs and cats in pet stores

- 5.1 This chapter discusses the implications of banning the sale of dogs and cats in pet stores in light of suggestions that a ban may assist to reduce the trade in animals sourced from non-compliant breeding facilities. It concludes that while a ban is not warranted, a review of the *Animal Welfare Code of Practice – Animals in Pet Shops* should be undertaken and measures be introduced to regulate the advertising of dogs and cats online.

### SALE OF DOGS AND CATS IN PET STORES

- 5.2 Comprehensive data on how many dogs and cats are sold in New South Wales and where they are sourced is limited. The NSW Companion Animals Taskforce (the Taskforce) estimated that pet shops account for less than 15 per cent of total sales, with the remaining 85 per cent occurring through word of mouth, newspapers, council pounds, animal welfare and rescue organisations, and over the internet.<sup>136</sup>

### CURRENT REGULATION OF PET STORES IN NSW

#### *Prevention of Cruelty to Animals Act 1979 (NSW)*

- 5.3 The regulations to the *Prevention of Cruelty to Animals Act 1979 (NSW)* (the POCTA Act) provide that a pet shop must comply with the provisions of each relevant code of practice.<sup>137</sup> Of relevance to this inquiry is the *Animal Welfare Code of Practice – Animals in Pet Shops* (the Pet Shop Code).<sup>138</sup> The Pet Shop Code was first published by the Department of Primary Industries in 2008 and was prepared in consultation with the Pet Industry Association of Australia (PIAA), the Royal Society for the Prevention of Cruelty to Animals (RSPCA) NSW, the Animal Welfare League NSW (AWL NSW) and other industry organisations.

#### *Animal Welfare Code of Practice – Animals in Pet Shops*

- 5.4 The Pet Shop Code outlines both standards and guidelines for the humane treatment of animals in pet shops. The animals it applies to include dogs, cats, rabbits, guinea pigs, rats, mice, birds, fish and other vertebrate species. Pet shops are defined as a shop or place where an animal is kept for the purposes of sale. It includes markets where animals may be kept for short periods in temporary fixtures and facilities.<sup>139</sup>
- 5.5 The Pet Shop Code comprises standards, which are enforceable provisions, and guidelines, which are recommended practice. Failure to meet a standard may result in the issuing of a penalty infringement notice, and in more serious cases, support a prosecution for an offence under the POCTA Act.

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<sup>136</sup> NSW Companion Animal Taskforce, Discussion Paper, May 2012, p 11

<sup>137</sup> *Prevention of Cruelty to Animals Regulation 2012 (NSW)*, Part 4 and Schedule 1

<sup>138</sup> Pet shops must also comply with the *Animal Welfare Code of Practice No 4 – Keeping and Trading of Birds*.

<sup>139</sup> *Animal Welfare Code of Practice – Animals in Pet Shops*, p 4

### *Companion Animals Act 1998 (NSW)*

- 5.6 The *Companion Animals Act 1998 (NSW)* (the CA Act) requires an animal to be microchipped before it is sold.<sup>140</sup>

### **Industry standards**

- 5.7 The Committee received evidence from three organisations representing the pet shop industry: PIAA, Pets Australia, and Just for Pets. The Committee also received submissions from 16 individual pet shops.

### *Pet Industry Association of Australia*

- 5.8 PIAA represents members across the companion animal industry including pet shops, boarding kennels, grooming parlours, aquariums and other pet services. PIAA indicates that its members represent 25 per cent of the pet shop industry.<sup>141</sup>
- 5.9 In addition to complying with the Pet Shop Code, PIAA members must also comply with the PIAA National Code of Practice; PIAA Standards & Guidelines for Best Practice and the PIAA Dogs Lifetime Guarantee Policy on Re-homing & Traceability Program
- 5.10 The PIAA Dogs Lifetime Guarantee Policy on Rehoming & Traceability Program provides a guarantee that:
- Dogs purchased from PIAA member retail stores are sourced from responsible breeders whose operations are subject to independent audit each year
  - Any dog purchased from a PIAA member that becomes unwanted or abandoned at any age is rehomed.<sup>142</sup>

### *Pets Australia*

- 5.11 Pets Australia represents all sectors of the companion animal industry including pet breeders, pet stores, pet boarding, pet grooming, pet supplies, pet services, and some veterinarians. Pets Australia submitted that NSW has one the 'most stringent regulation of dog and cat breeding and pet shops in Australia, in concert with Victoria.'<sup>143</sup> It added that inspections are rigorous and thorough and are repeated whenever necessary.<sup>144</sup>

### *Just For Pets*

- 5.12 Just For Pets is a group of independent pet retailers representing over 20 per cent of pet stores in Australia. In addition to the Pet Shop Code, member pet stores must comply with Just For Pets Animal Welfare Guidelines which cover sourcing, housing and caring for livestock in their care.<sup>145</sup>

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<sup>140</sup> *Companion Animals Act 1998 (NSW)*, s 8; *Companion Animals Regulation 2008*, cl 5

<sup>141</sup> Mr John Grima, Retail Director, Pet Industry Association of Australia, Transcript of Evidence, 15 July 2015, p 4

<sup>142</sup> Submission 303, Pet Industry Association of Australia, p 4

<sup>143</sup> Submission 284, Pets Australia, p 3

<sup>144</sup> Submission 284, Pets Australia, p 3

<sup>145</sup> Submission 264, Just For Pets, pp 3-8

## THE CASE FOR BANNING PET SHOP SALES

### A total ban

5.13 A large percentage of submissions to the inquiry supported a total ban on the sale of dogs and cats in pet shops. Where reasons were given for supporting a total ban, many authors suggested that such a ban would reduce welfare issues concerning pet shops and act to remove an avenue available for non-compliant breeders.<sup>146</sup>

5.14 RSPCA NSW advised:

... it is acknowledged that a number of significant animal welfare issues have been associated with individual pet stores. These can include sourcing from irresponsible breeders including puppy farmers, inadequate living conditions and care in store and irresponsible selling practices.

By banning the sale of cats and dogs in pet stores many of the welfare issues in pet stores would disappear and an avenue for the sale of puppies and kittens from puppy and kitten farms would be removed.<sup>147</sup>

5.15 Guide Dogs NSW agreed with RSPCA NSW:

In addition to the required registration and transparent regulation and inspection of breeders and their facilities, we agree with the RSPCA's position that puppies should no longer be able to be purchased through pet stores.<sup>148</sup>

5.16 One submission commented that banning pet shop sales of dogs and cats will assist in reducing the financial incentive for non-compliant breeders. They added that a ban will aid in reducing the number of impulse purchases of puppies, consequently reducing the number of animals abandoned and euthanased:

The pet shops are often located in shopping malls and place puppies and kittens in front windows for people walking past to see. They rely on impulse buying due to the 'cute' factor of the young animals. This results in people buying animals for the wrong reason, often not because they have really considered a new pet but because they couldn't resist the cute animal they have just seen in the window. These sorts of purchases of animals are more likely to result in animals being rehomed, abandoned at the pound or RSPCA or euthanised when the pet becomes an adult.<sup>149</sup>

5.17 Friends of the Hound Inc also suggested that banning pet shop sales would reduce the number of impulse purchases:

The impulse buying of pets, particularly cute puppies and kittens, can be prevented by the banning of the sale of dogs and cats in pet stores.<sup>150</sup>

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<sup>146</sup> Submission 106, Hunter Animal Watch, p 3; Submission 149, name suppressed, p 1. Note: Submission 149 is a pro-forma submission representing the views of 24 submission makers.

<sup>147</sup> Submission 251, RSPCA NSW, p 5

<sup>148</sup> Submission 136, Guide Dogs NSW, p 2

<sup>149</sup> Submission 69, name suppressed, p 1

<sup>150</sup> Submission 222, Friends of the Hound Inc, p 2

- 5.18 Australian Working Dog Rescue wrote that a ban would target unethical backyard breeders and puppy farms:

No pet stores should be allowed to sell any companion animals. Period. No registered, ethical breeder would ever allow their animals to be put in a glass fronted window and treated as a sack of potatoes would be at a supermarket. The only implications would be that the bottom line of unethical backyard breeders and puppy farms would be affected, which is actually a highly desirable outcome of implementing such bans.<sup>151</sup>

- 5.19 Concerns about adequately identifying where pet shops obtain puppies was an issue addressed by Ms Judy Scrivener when she gave evidence before the Committee at Armidale on 14 July 2015. Ms Scrivener commented that while she knows some helpful and reputable pet shop owners, she stressed at times it is difficult to accurately identify where puppies have come from:

My argument as to why puppies should not be sold in pet shops is because you do not really know where they are coming from. Albeit pet shops are a minor part of the sale of puppies, the biggest sellers are Gumtree, Trading Post, Facebook sites. They are everywhere. Pet shops sell a minor number, but the reality is they contribute.<sup>152</sup>

- 5.20 Dr Robert Zammit and Mr Peter Hunt submitted:

It should be illegal for a pet shop to sell dogs. Many pet shops now follow this ethos and make a good living in the business. Pet shops should become 'brokers' with registered breeders.<sup>153</sup>

### **Restricting pet shop sales to dogs and cats sourced from rescue shelters**

- 5.21 A proposal supported by many participants was to restrict the sale of dogs and cats in pet shops to animals obtained from rescue shelters.<sup>154</sup> Voiceless, a non-profit organisation with a focus on animal protection issues, argued:

The availability of animals in pet shops encourages impulse buying, supports puppy farming and does not address the oversupply of companion animals. To address these issues, Voiceless strongly recommends the conversion of pet shops to advertise companion animals available for adoption from rescue shelters or pounds, and/or to sell such animals directly to the public.<sup>155</sup>

- 5.22 World Animal Protection expressed a similar view:

World Animal Protection is against the sale of live animals in pet shops due to welfare concerns, as well as the impulsive purchases this environment encourages. The exception to this should only be to rehome rescue pets, in which every care is

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<sup>151</sup> Submission 55, Australian Working Dog Rescue, p 2

<sup>152</sup> Ms Judy Scrivener, Private citizen, Transcript of evidence, 14 July 2015, p 27

<sup>153</sup> Submission 297, Dr Robert Zammit and Mr Peter Hunt, p3

<sup>154</sup> Submission 111, name suppressed p 1; Submission 241, name suppressed, p 1; Submission 256, Lawyers for Companion Animals, pp 1-2; Submission 257, Banksia Park Puppies, p 1. Note: Submission 111 is a pro – forma submission representing the views of 35 submission makers.

<sup>155</sup> Submission 161, Voiceless, p 7

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taken for the welfare of the animal and most facilities usually apply additional checks and balances to ensure the animals are placed appropriately.<sup>156</sup>

5.23 The Humane Society International submitted that a move to restrict pet shop sales to dogs and cats from rescue shelters will assist in removing the market for puppy farms and also provide pet shops with a role in educating the public about the industry.<sup>157</sup>

5.24 In arguing this point, the Humane Society acknowledged that this may not suit consumers searching for a particular breed. However, they highlighted it is still open to consumers to contact a registered breeder or a breed specific rescue group.<sup>158</sup>

5.25 Animal Liberation NSW argued that the adoption of shelter and pound animals should be promoted:

Pet shops should only be allowed to rehome rescued shelter animals and should be mandated to provide information on animal care to adopters. Steps should also be taken to avoid impulse adoptions of animals.<sup>159</sup>

5.26 The Animal Defenders Office ACT similarly supported restricting pet shop sales, citing numerous welfare issues associated with selling dogs and cats in pet stores. It supported pet shops holding 'adoption days' for local rescue animals:

However, a ban on selling animals in pet stores need not prevent pet stores from holding 'adoption days' during which they exhibit local rescue animals needing to be rehomed. These events would provide animals in store (to attract people) but also raise awareness about pet abandonment and other animal welfare issues.<sup>160</sup>

## THE CASE AGAINST BANNING PET SHOP SALES

### NSW Government

5.27 In its submission, the NSW Government reiterated the findings of the Companion Animals Taskforce in relation to banning pet shop sales:

The CAT discussion paper identified that around 15% of companion animal sales occur through pet shops, and determined that banning pet shops would have little real impact on improving the outcomes for companion animals. It identified improved community education as the key tool for improving understanding of animal welfare requirements and improving animal welfare outcomes for companion animals.<sup>161</sup>

### Industry associations

5.28 PIAA argued strongly against banning the sale of dogs and cats in pet shops. It considered that a ban would not improve animal welfare outcomes but have the

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<sup>156</sup> Submission 227, World Animal Protection, p 2

<sup>157</sup> Submission 121, The Humane Society International, p 2

<sup>158</sup> Submission 121, The Humane Society International, p 2

<sup>159</sup> Submission 287, Animal Liberation NSW, pp 2-3

<sup>160</sup> Submission 293, Animal Defenders Office ACT, pp 5-6

<sup>161</sup> Submission 321, NSW Government, p 8

opposite effect of making the market larger for unscrupulous breeders.<sup>162</sup> In its submission, PIAA highlighted a number of implications of banning the sale of dogs and cats in pet shops including:

- Banning pet shop sales will increase the number of online sales and take the sale of puppies out of the public gaze. This may result in increased welfare concerns for animals. Online sales lack transparency and do not provide the same documentation or audit trail back to the breeder. They often also do not have a return guarantee. Pet shops operate in retail hours and are open to public scrutiny
- Pet shops are already regulated by legislation and the Pet Shop Code. Under the Code pet shops have a number of obligations aimed at ensuring animal welfare and educating the public on responsible pet ownership
- Pet shops will no longer be the traditional first point of call for new pet owners to determine what pet is suited to them. This may lead to ill-informed choices by new pet owners
- Banning the sale of kittens from pet shops will place pressure on pounds and rescue groups during the cat breeding season
- Pet shops provide employment to a number of people wishing to work with animals and also provide opportunities to train students undertaking their Certificate III in animal studies.<sup>163</sup>

5.29 Pets Australia also expressed concerns about banning pet shop sales, including:

- Pet shops are the only regulated, inspected and enforced part of the dog and cat supply chain. Pets Australia advised that all breeders who supply to pet shops are traceable through the mandatory records of the pet shop
- Pet shops cannot hold animals for long periods and thus they select particular breeds of animals which future pet owners are looking for
- Pet shops provide animals which are wormed, microchipped, vaccinated and socialised. Under the Pet Shop Code they are also required to provide an option for the return of animals in exchange for part refund
- Pet shops are the only point of sale where a future pet owner can obtain a pet, receive advice and all the other provisions required for the comfort and health of the animal
- Removing the sale of dogs and cats from pet shops will make little or no difference to euthanasia rates. Pets Australia submit that an examination of animals in pounds shows that 80 per cent of animals present were not sold in pet shops.<sup>164</sup>

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<sup>162</sup> Submission 303, Pet Industry Association of Australia, p 2

<sup>163</sup> Submission 303, Pet Industry Association of Australia, pp 12-13

<sup>164</sup> Submission 284, Pets Australia, pp 4-7

5.30 Just for Pets similarly argued that pet shops play an important role in the Australian community. It acknowledged that the selling of animals requires ‘an ethical approach, knowledge of and concern for the welfare of animals, and an appreciation for the role of companion animals in the community.’<sup>165</sup>

5.31 Just for Pets submitted that their member stores have strict record keeping responsibilities and their stores must source puppies and kittens from breeders who maintain high welfare standards. Just for Pets held concerns that banning pet shop sales will only drive up online sales:

The current legislation allows for the sale of animals online without any documentation or audit trail back to the seller and does not include a return or health guarantee. Banning the sale of dogs and cats in pet stores will only increase and drive online sales.<sup>166</sup>

## Retailers

5.32 Sixteen individual pet shop retailers made a submission to the inquiry, strongly advocating against banning the sale of dogs and cats in pet shops. A main concern of retailers was whether a ban on pet shop sales would actually address the animal welfare issues raised by non-compliant breeding facilities. As one retailer submitted:

The aim of this inquiry is to stop the inhumane breeding of dogs, or to stop puppy farming. By taking pet stores out of the picture, the entire industry that once was partly visible and easily regulated, becomes fractured and moves entirely underground.<sup>167</sup>

5.33 Many of the retailer submissions presented similar arguments against a ban, including:<sup>168</sup>

- Pet shops are currently regulated by the Pet Shop Code and their own separate industry standards. These codes provide a number of guidelines as to the sourcing, keeping and sale of animals through pet shops. They require records to be kept of where every puppy and kitten has come from and these records must be made available to the RSPCA NSW and AWL NSW
- Pet shop retailers submitted that if you ban pet shop sales you are limiting the source of companion animals to breeders, both compliant and non-compliant. This group is difficult to regulate as they sell online, they are not as visible to the public and often live in remote areas
- Banning the sale of dogs and cats in pet shops will lead many good retailers to close down. Pet shops are a source of information to potential pet owners about choosing the right pet to suit their lifestyles and also providing ongoing care and advice

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<sup>165</sup> Submission 264, Just for Pets, p 2

<sup>166</sup> Submission 264, Just for Pets, p 2

<sup>167</sup> Submission 196, name suppressed, p 4

<sup>168</sup> See submissions 109, 114, 145, 216, 225, 233, 238, 241, 242, 245, 253, 268, 274, 324, 339 and 343, all of which are name suppressed.

- Pet stores are increasingly playing a large role in the re-homing of rescue pets. Many have re-homing policies and have arrangements with their local shelter or rescue group. Pet shop retailers also submitted that the animals currently in shelters are on the whole not those you find in pet shops.

5.34 The Shopping Centre Council of Australia also argued against banning pet shop sales. It questioned whether a ban would lead to more humane treatment of companion animals:

A ban would inevitably mean greater reliance on less regulated channels for the sale of dogs and cats, such as the internet, newspaper advertising and 'backyard breeders'. These alternative sale channels do not have the extensive regulatory control that applies in NSW to pet shops and pet shop sales.<sup>169</sup>

## PROPOSALS FOR BETTER REGULATION

### No ban, but increased regulation and research

5.35 Some inquiry participants proposed the continuation of pet shop sales, while arguing for increased regulation of the industry. Many suggested that pet shops should only source animals from licensed and responsible breeders. The Australian Veterinary Association said:

The AVA does not oppose sale of dogs (and cats) in pet shops provided the animals are sourced from responsible breeders.<sup>170</sup>

5.36 In evidence before the Committee, Dr Steven Ferguson from the AVA, said that an unwanted consequence of banning pet shop sales would be that it may drive the industry underground:

If it is done properly, I do not think it is of any serious detriment to the animal, and it is definitely better than driving it underground. It can be properly regulated. It can be properly enforced. We have the pet shop code of practice that, again, needs to be and should be properly enforced. But we are in a regulated system there. We can know what is going on. That should lead to better welfare outcomes than driving things underground.<sup>171</sup>

5.37 AWL NSW endorsed the role of pet shops as suppliers of pet equipment. Where pet shops also choose to sell animals, AWL NSW said shops should be restricted to dogs and cats sourced from licenced breeders who are required to comply with an enforceable set of standards.<sup>172</sup>

5.38 RSPCA NSW similarly submitted that 'where the sale of cats and dogs from pet stores is permitted to continue, regulations must be strengthened.' The RSPCA highlighted the following areas for greater regulation of pet shops:

- Sourcing from licensed breeders only

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<sup>169</sup> Submission 231, Shopping Centre Council of Australia, p 1

<sup>170</sup> Submission 139, Australian Veterinary Association, p 4

<sup>171</sup> Dr Steven Ferguson, Committee member, NSW Division, Australian Veterinary Association, Transcript of Evidence, 15 July 2015, p 46

<sup>172</sup> Submission 232, Animal Welfare League NSW, p 8

- The disclosure of the breeder registration number to the buyer of the animal by the store
- Breeder traceability via the cat or dog's microchip
- Improved enforceable standards for living conditions and care in pet stores including regular reviews of the NSW Animal Welfare Code of Practice – Animals in Pet Shops
- Improved transportation standards from breeders to stores
- Mandating that only de-sexed animals be sold
- Ensuring responsible selling practices. The training of key staff was encompassed in Taskforce Recommendation 7 – by having staff trained in Animal Studies Certificate II or equivalent, better welfare outcomes may be achieved for animals rehomed through pet stores and this is supported.<sup>173</sup>

5.39 Dr Harry Cooper submitted that there are pet shops which have high standards which should be used as industry examples:

It would be a pity to ban the practice in an 'ad hoc', manner as there are many high quality pet shops serving the public, whose puppies emanate from controlled environments where they have individual attention and all needs such as medical, physiological and mental are well attended. Furthermore these shops are the shining lights of the industry, and if their standards are taken up by the government and used as an example of the way in which the industry should be run then the outcome will once again eliminate those who fall below these standards, from the trade.<sup>174</sup>

5.40 The Master Dog Breeders Association (MDBA) acknowledged that their code of ethics prohibits their members from selling their puppies to pet shops. They consider that puppies bought directly from breeders reduce the number of dogs entering the shelter system. Despite their position, they suggested that before a ban is contemplated further research should be done:

Whilst we would prefer that no puppies were sold via pet shops, we believe there is not enough evidence to suggest that any dogs will be better off by removing this market for them and before any person's rights are removed there needs to be more unbiased research done.<sup>175</sup>

### A pet retail licensing system

5.41 In order to promote best practice in pet shops and ensure animal welfare and management is at the highest standard, the PIAA recommended that an annual licensing system for pet shops selling livestock be introduced. The licensing

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<sup>173</sup> Submission 251, RSPCA NSW, p 5

<sup>174</sup> Submission 302, Dr Harry Cooper, pp 1-2

<sup>175</sup> Submission 214, Master Dog Breeder's Association, pp 13-14

system would be self-funded and independently audited by enforcement agencies.<sup>176</sup>

- 5.42 While PIAA acknowledged that its membership represents only 25 per cent of pet shops, it considered that for a licensing system to operate effectively it would need to apply to all pet shops in NSW. In response to a question about the remaining 75 per cent of pet shops who are currently not members of PIAA, Mr John Grima, Retail Director of PIAA, told the Committee:

I believe if a self-funded licensing system was brought into play, they would have to comply, just like a lot of other industries, such as the restaurant industry. Can you imagine what it would be like if they did not have a licensing system? At the moment, the entry point into owning a pet store or to become a breeder is very low. Of course there is regulation but nobody is enforcing the regulation. Therefore, it is obviously not working. A licensing system would make it self-funding and they would have to comply. If they do not comply, they would just have to go out.<sup>177</sup>

- 5.43 PIAA suggested a number of benefits that a pet retail licensing system could provide. Mr Grima indicated that a licensing system would particularly aid in enforcing the Pet Shop Code and assist in maintaining high standards of animal welfare:

If licensing was to come into play – and I do not know how long it would take to organise that – it would assist us because it would also provide the enforcement. We are not law enforcement. All we can do is take out a member and terminate them. We cannot actually enforce them to do anything. We can terminate them as a member, but if there is a licensing system put into play that everybody has to abide by and be held accountable to, then surely it will be a better system.<sup>178</sup>

- 5.44 Mr Jeremy Maitland, Retail Working Group, PIAA, echoed the view that a licensing system will support the enforcement of the Pet Shop Code:

The code of practice is solid. This is why we are saying we need a good self-funded licensing system to enforce the code of practice.<sup>179</sup>

- 5.45 The PIAA licensing system was supported by many pet retailers. One retailer provided full support to a licensing system as it would safeguard the good pet shops in the industry and ensure that the good practices already in place by PIAA pet stores are adhered to.<sup>180</sup>

- 5.46 Another retailer also suggested the introduction of a licensing system as a more effective solution to combat puppy farms:

We believe there is a more reasonable solution to end puppy factories across Australia by introducing a self-funding licensing system for all breeders and pet

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<sup>176</sup> Submission 303, Pet Industry Association of Australia, p 16

<sup>177</sup> Mr John Grima, Retail Director, Pet Industry Association of Australia, Transcript of evidence, Wednesday 16 July 2015, p 4

<sup>178</sup> Mr John Grima, Evidence, Wednesday 16 July 2015, p 5

<sup>179</sup> Mr Jeremy Maitland, Retail Working Group, Pet Industry Association of Australia, Transcript of evidence, Wednesday 16 July 2015, p 6

<sup>180</sup> Submission 216, name suppressed, p 1

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shops. The fee charged will cover the cost of independent inspectors to visit breeders and pet shops to enforce compliance. This will ensure that animal welfare is the focus when either breeding or selling puppies and kittens.

This will also provide a more transparent and accountable system for everyone in the industry no matter what channel is being used to sell the animals – pet shop, online services or direct from registered breeder.<sup>181</sup>

- 5.47 In its submission, Just for Pets advocated for the introduction of a yearly licensing and inspection program. The program would be applicable to all pet stores that sold puppies, kittens, fish, small animals and birds. Just for Pets submitted:

The store would be audited yearly against the Animals Welfare Code of Practice 'Animals in Pet Shops' by enforcement officers. Stores would pay a yearly fee of not more than \$200 and be issued with a certificate of compliance which must be displayed in store.<sup>182</sup>

## SALE OF DOGS AND CATS ON THE INTERNET

- 5.48 A major area of concern in submissions was the sale of dogs and cats online. Many authors considered this method of purchasing a companion animal much harder to regulate and manage than pet shops.

### NSW Companion Animals Taskforce

- 5.49 As quoted earlier, the NSW Companion Animals Taskforce discussion paper estimated that pet shops account for 15 per cent of total sales, with the remaining 85 per cent 'occurring through word of mouth, newspapers, council pounds, animal welfare and rescue organisations and, increasingly, over the internet.'<sup>183</sup>
- 5.50 In order to enhance traceability and compliance with the animal welfare codes of practice, the Taskforce recommended that all sellers of dogs and cats must display the animal's microchip number (or the licence number of the breeder of an animal) in all advertisements.<sup>184</sup>
- 5.51 The NSW Government supported this recommendation:
- In the context of this inquiry an important CAT recommendation supported by the NSW Government was to implement a requirement for all sellers to display an animal's microchip number in paper or online advertisements or at any point of sale. Whilst this measure remains in the scoping phase, once implemented it will greatly improve tracing capabilities and provide an additional compliance tool for investigating officers.<sup>185</sup>
- 5.52 The Taskforce acknowledged this may be difficult to enforce in the case of dogs and cats being sold outside New South Wales. It suggested that an

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<sup>181</sup> Submission 245, name suppressed, p 2

<sup>182</sup> Submission 264, Just for Pets, p 3

<sup>183</sup> NSW Companion Animals Taskforce, *Discussion paper*, p 11. See also Submission 321, NSW Government, p 8

<sup>184</sup> NSW Companion Animal Taskforce, Report to Minister for Local Government and Minister for Primary Industries, October 2012, p 9

<sup>185</sup> Submission 321, NSW Government, p 5

email/telephone hotline be established for members of the public to report non-compliance.<sup>186</sup>

- 5.53 The Committee noted the Victorian provision making it an offence to advertise a dog or a cat without displaying the microchip number or the business registration number.<sup>187</sup>

### Stakeholder views on online traceability

- 5.54 Many inquiry participants supported measures to regulate and improve the traceability of dogs and cats sold online. Voiceless submitted:

To address the issue of internet sales, which have the potential to undermine a licensing system for registered breeders, laws should be implemented to regulate advertisements for the sale of animals. Registered breeders must display their licence number alongside any form of advertisement. This would allow adopters and enforcement authorities to search on the register of licensed breeders to identify whether a registered breeder is responsible for the advertisement.<sup>188</sup>

- 5.55 This view was supported by the AVA, who stated that websites 'must sell only those puppies linked to identified breeders or have the individual microchips listed on the advertisement.'<sup>189</sup>

- 5.56 NSW Young Lawyers also recommended that a person should not be permitted to promote an animal for sale without displaying the animal's microchip number. They added that an exemption should be provided for animal welfare and rescue organisations.<sup>190</sup>

- 5.57 The Australian National Cats Inc similarly supported requiring breeder identification on web and print based selling:

ANCATS believes that web and print based selling sites should display the breeder registration number which can be cross-referenced.<sup>191</sup>

- 5.58 World Animal Protection shared their concerns about the sale of dogs and cats on the internet, concluding that a well-resourced, independent regulatory body should be established to oversee the industry.<sup>192</sup>

### Online classified services

- 5.59 The major online classified services on which dogs and cats are sold are Gumtree and Trading Post. Both services give advice to buyers and sellers of dogs and cats.

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<sup>186</sup> NSW Companion Animals Taskforce, *Report to the Minister of Local Government and Minister for Primary Industries*, October 2012, p 10

<sup>187</sup> Victoria Department of Economic Development, Jobs, Transport and Resources, viewed 24 August 2015, [www.agriculture.vic.gov.au/pets/domestic-animal-businesses/breeding-and-rearing-businesses/microchip-numbers-needed-in-pet-sale-advertisements](http://www.agriculture.vic.gov.au/pets/domestic-animal-businesses/breeding-and-rearing-businesses/microchip-numbers-needed-in-pet-sale-advertisements)

<sup>188</sup> Submission 161, Voiceless, p 8

<sup>189</sup> Submission 227, Australian Veterinary Association, p 2

<sup>190</sup> Submission 338, NSW Young Lawyers, p 13

<sup>191</sup> Submission 236, ANCATS, p 10

<sup>192</sup> Submission 227, World Animal Protection, p 2

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IMPLICATIONS OF BANNING THE SALE OF DOGS AND CATS IN PET STORES

- 5.60 Trading Post offer a research centre to prospective buyers and sellers with a range of articles on issues including how to select a pet, how to identify a responsible breeder, pet friendly houses, and the responsibilities of pet owners.<sup>193</sup>
- 5.61 Gumtree goes further by advising prospective buyers and sellers that all advertisements posted on its website must comply with the Gumtree Pets Policy and the Gumtree Pets Code of Practice.
- 5.62 The Gumtree Pets Policy states:
- These policies are based on RSPCA principles
- The Gumtree Pets section exists to help the community find safe, caring homes for pets. All ads placed in the Gumtree Pets section must comply with the Gumtree Pets Code of Practice.
- Gumtree encourages, where possible, the desexing of animals prior to rehoming/adoption. Gumtree requires all pet owners to have their animals vet checked and vaccinated. All cats and dogs must be microchipped before they are advertised on Gumtree, even though this is not mandatory in some Australian states. If you post your ad and it doesn't comply with our policies, your ad will be removed and your access to the site could be restricted.<sup>194</sup>
- 5.63 The Gumtree Pets Policy and Pets Code of Practice can be found at Appendix Ten.
- 5.64 Gumtree also refers viewers to the Gumtree Guide to Responsible Pet Ownership, which is similar in content to the Trading Post research centre.
- 5.65 Gumtree also employs a policy for breeders which includes a requirement that advertisements for dogs and cats should contain the animal's microchip number. The policy states that this is a requirement of Gumtree's regardless of whether it is a requirement in the seller's home state ie Gumtree advises that this requirement applies not just to animals being sold in Victoria.
- 5.66 The Gumtree Policy for Breeders can also be found at Appendix Ten.

## COMMITTEE COMMENT

- 5.67 The Committee acknowledges the passion evident in the submissions it received. Many people feel strongly that the welfare of dogs and cats in NSW will be improved by banning pet shop sales.
- 5.68 The Committee recognises that support for a ban is widely held across the board from individuals through to high profile organisations with longstanding records in advocating for better animal welfare outcomes.
- 5.69 The Committee notes that many people, including both those who support a ban and those who oppose it, accepted the statistic quoted by the NSW

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<sup>193</sup> Trading Post, viewed 24 August 2015, [www.tradingpost.com.au/research/pets/](http://www.tradingpost.com.au/research/pets/)

<sup>194</sup> Gumtree, viewed 24 August 2015, [www.gumtree.com.au/scam-security-centre/policies-guidelines/pets/](http://www.gumtree.com.au/scam-security-centre/policies-guidelines/pets/)

Government's Companion Animal Taskforce that pet shops account for only 15 per cent of sales of dogs and cats.

- 5.70 In the Committee's view, pet shops are the most public face of companion animal selling and therefore, are both the most easily criticised and most readily observed. It is clear from the number of submissions which described pet shop conditions and selling techniques, whether positively or negatively, that the public takes a strong interest in pet shops. The community takes advantage of the fact that pet shops can be visited and viewed at any time, that pet shops are sources of advice on pet selection and care, and that pet shops are often a first port of call for pet owners needing assistance with a pet-related problem.
- 5.71 The Committee is persuaded by the view that banning pet shop sales would deal with only a small proportion of animal sales overall, while concentrating sales in areas such as online trading, which are harder to regulate. The Committee is also persuaded that pet shops are a vital part of any program to educate the community on responsible pet ownership. Indeed, without encouraging vigilantism, the Committee encourages the public to take a strong interest in the view of the pet industry offered by pet shops.
- 5.72 Banning pet shop sales will, in the view of the Committee, inevitably decrease the level of scrutiny to which the public currently subjects the pet industry.

#### FINDING 4

**The Committee finds that banning pet shop sales would result in less scrutiny of the pet industry without any reasonable expectation of improved animal welfare outcomes.**

- 5.73 The Committee was encouraged by the evidence supporting the rigorous and robust code of practice for pet shops operating in New South Wales. The Committee was also impressed by the several retail association codes which were described as being even more rigorous than the Government's animal welfare code. There is always room for improvement, however, and the Committee identified a number of areas of pet shop practice which should be further examined.

#### RECOMMENDATION 17

**The Committee recommends that the NSW Government reviews the Animal Welfare Code of Practice – Animals in Pet Shops to determine what needs to be strengthened, with a particular focus on:**

- **Animal rehoming targets for rescue and shelter-sourced dogs and cats**
- **Limits on the hours when animals can be displayed in stores**
- **No detention of dogs, cats and other prescribed mammals in stores out of hours. Dogs, cats and other prescribed mammals must not remain in the pet shop after closing time. They must be taken to a place where there is appropriate housing and provided with the opportunity to exercise and socialise, whether on the same premises or elsewhere**
- **Appropriate objectives for socialisation, exercise, light and space**

- **An upper limit on the time any animal can spend for sale in a store before it must be rehomed through another process**
- **Whether the Pet Industry Association of Australia Code, the Pets For Us Code and the Pets Australia Code represent a suitable baseline for upgrading the NSW Government animal welfare codes.**

- 5.74 The Committee notes the NSW Government's view in response to the Taskforce report that placing a minimum training requirement on pet shop staff would place an unreasonable regulatory and cost burden on operators. The Committee is encouraged, however, by the willingness of the pet shop industry to invite further scrutiny, by the strength of the industry codes and commitment to good practice across the entire pet industry, and by the industry's own proposals for improved regulation.
- 5.75 To achieve improvements in animal welfare outcomes and to encourage consistent improvement across the industry, the Committee sees value in pet shops becoming members of the associations which gave evidence to the inquiry. In this regard, the Committee notes that the NSW Government accredits some animal breeding organisations for the purposes of encouraging better practice. It further believes there may be similar value to be had by considering the accreditation of pet retailing associations, as a way of encouraging good practice and of ensuring all pet shops are joined in a network.
- 5.76 The Committee also sees the more systematic regulation of pet shops as a sensible companion measure to the introduction of a breeders' licensing system, as recommended in Chapter Four. The licensing of pet shops is in line with licensing requirements in other retail activities and would be an important demonstration to the community that its concerns about the welfare of animals in retail outlets has been heard and acted upon.
- 5.77 The Committee accepts that a licensing system for pet shops comes at a cost, but anticipates that the industry will take a mature and constructive approach to the cost of licensing based on its constructive approach to other aspects of wider scrutiny.

#### **RECOMMENDATION 18**

**The Committee recommends that the NSW Government reviews training requirements for pet store staff, and report by 1 September 2016.**

#### **RECOMMENDATION 19**

**The Committee recommends that the NSW Government examines whether there is value in accrediting any pet retail industry association/s in order to capture standalone retailers and bring them within the ambit and discipline of association rules, and report by 1 September 2016**

#### **RECOMMENDATION 20**

**The Committee recommends that the NSW Government examines the costs and benefits of a standalone pet shop licensing system to be applied to all pet**

**shops, including ongoing monitoring, welfare performance and rehoming targets, and audit requirements, and report by 1 September 2016.**

- 5.78 The Committee notes that the Victorian requirement to display an animal microchip or breeders' licence number in any advertising met with approval from many stakeholders, whether supporters or opponents of pet shop sales. The Committee also notes that the NSW Government had supported this recommendation when it was made by the Taskforce, but is concerned that this initiative has been delayed by the project to redesign the Companion Animal Register.
- 5.79 While it is not clear to the Committee what level of compliance is being achieved by the online classified services like Gumtree, the fact that Gumtree requires the display of identifying numbers in advertisements demonstrates industry acceptance of the requirement.
- 5.80 In the Committee's view, the requirement to display an identifying number in all advertisements for the sale of animals, online, in print and in retail outlets including shops and markets, is essential for the traceability of animals. The Committee encourages the NSW Government to legislate this requirement as a priority, and to encourage the remaining state and territory jurisdictions to act similarly.

## RECOMMENDATION 21

**The Committee recommends that the NSW Government legislates that all animals advertised for sale via any medium must include an identifying number, which may be a microchip number, a Companion Animal Register number or a breeders' licence number, which identifies the animal and/or breeder, by end July 2016.**

## Chapter Six – Any legislative changes that may be required

- 6.1 This chapter discusses legislative changes that may be required to implement recommendations made in this report. Some legislative changes have been discussed explicitly in previous chapters, or arise as a result of considering how recommendations could be implemented. Other legislative changes are foreshadowed by the recommendations of the NSW Companion Animals Taskforce Report and the NSW Government’s program to implement them.
- 6.2 The legislative changes discussed by the Committee in this chapter are not intended to be exhaustive or prescriptive. There may be recommendations which have legislative implications which the Committee has not foreseen, just as there may be non-legislative ways to implement recommendations where the Committee has identified a legislative response.

### AN EXPANDED ROLE FOR LOCAL GOVERNMENT

- 6.3 During the course of the inquiry, the role of local government in respect of companion animals was raised by both witnesses and the Committee members.
- 6.4 Presently, local government administers the *Companion Animals Act 1998* (NSW) (the CA Act) and is responsible for the Companion Animals Register (the Register). The Committee received evidence about the CA Act and other aspects of companion animal management where local government legislation may need updating or where an expanded role for local government may impact on legislation.

### Development control and council approvals

- 6.5 The Committee heard evidence concerning the advantages of improved linkages between the development control powers of local government and the animal welfare codes. In particular, the Committee sought to determine whether councils relied on the Animal Welfare Code of Practice – Breeding dogs and cats (Breeding Code) when setting conditions of development approval for animal breeding establishments. The purpose of the Committee’s line of questioning was to identify whether council approvals were consistent with the Breeding Code when approving such things as buildings and animal pens, or were silent on the provisions of the Code, or set conditions which were inconsistent with the Code.
- 6.6 In evidence given to the Committee at Armidale, Ms Judith Costello, a breeder of purebred dogs, confirmed that when establishing her commercial breeding facility she was not required to obtain any council approvals or consent.<sup>195</sup>
- 6.7 When questioned on this issue, Mr Greg Meyers, representing Armidale Dumaresq Council, indicated that from a land use planning perspective, council would look at a range of issues when assessing development applications. When

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<sup>195</sup> Ms Judith Costello, Private Citizen, Transcript of evidence, 14 July 2015, p 4

asked to comment on what role local government would play if it was stipulated within the conditions of consent that any breeding facility must meet the Breeding Code, Mr Meyers advised:

... The condition would be that the facility be constructed in accordance with those guidelines. We must bear in mind that we are talking about a land use approval, and that involves the admissibility of that development on that site, not how it is managed or operated further down the track. I hope we never have a regulatory responsibility in respect of how a facility is managed. Our involvement would end at the sign-off of the development.<sup>196</sup>

6.8 Mr Paul Curley, Manager, Compliance Services, Campbelltown City Council, commented that Campbelltown City Council is currently reviewing its development control plan with the aim of requiring that all future applications for a breeding facility comply with the Breeding Code:

... In terms of Campbelltown's experience, we have not assessed a development application [DA] in the last 10 years relating to a companion animal breeding facility. However, obviously through this process we have become aware of the code of practice. It is timely that we are reviewing our development control plan [DCP] at the present time. Through this process we have made arrangements for changes to be implemented in the proposed DCP to require the code of practice to be consulted in the assessment of future applications.<sup>197</sup>

6.9 Mr Troy McGlynn, Senior Ranger, Wingecarribee Shire Council, indicated that Wingecarribee Shire Council recently assessed a development application for a boarding or training establishment and the consent conditions relied heavily upon the relevant animal welfare codes and guidelines.<sup>198</sup>

6.10 Mr David O'Shannessy, Chief Inspector RSPCA NSW, agreed that the current animal welfare code of practice could be adopted as a benchmark for councils when they approve development applications.<sup>199</sup>

#### *Mandatory notification to enforcement agencies*

6.11 An additional proposal which arose in Committee discussion was that when a development application for a breeding facility is lodged with a local council and granted consent, the council should notify the animal welfare enforcement agencies of its approval as a matter of course.

6.12 In exploring the concept of mandatory notifications further, the Committee also considered whether the operators of breeding establishments should have a legal responsibility to notify enforcement agencies of their establishment, whether triggered by council approval being granted or some other event such as passing a threshold number of animals.

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<sup>196</sup> Mr Greg Meyers, Director, Planning and Environmental Resources, Armidale Dumaresq Council, Transcript of evidence, 14 July 2015, p 34

<sup>197</sup> Mr Paul Curley, Manager, Compliance Services, Campbelltown City Council, Transcript of evidence, 16 July 2015, p 16

<sup>198</sup> Mr Troy McGlynn, Senior Ranger, Wingecarribee Shire Council, Transcript of evidence, 16 July 2015, p 16

<sup>199</sup> Mr David O'Shannessy, Senior Inspector, RSPCA NSW, Transcript of evidence, 16 July 2015, p 11

- 6.13 When questioned at the public hearing in Sydney on 16 July 2015, representatives of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) NSW and the Animal Welfare League (AWL) NSW agreed that notification of breeding establishments would enhance their agencies' capacity for proactive enforcement.<sup>200</sup>
- 6.14 Similarly, when questioned about the benefits of mandatory notifications as an aid to proactive risk management, representatives of the NSW Department of Primary Industries responded favourably.<sup>201</sup>
- 6.15 The Committee pursued this issue further by way of a question on notice. In response, the NSW Office of Local Government provided the following information:

There is currently no legal requirement for councils to directly notify POCTA enforcement agencies of the approval of any companion animal breeding establishments. Council may be required to provide public notice of applications for certain types of development under the *Environmental Planning & Assessment Act 1979*.

Current POCTA enforcement agencies include the NSW Police, the Animal Welfare League and the RSPCA. A recommendation to require councils to notify current enforcement agencies would need to consider the notification process and the form of notice that is applicable to each agency and how that agency may be best placed to use that information. Given the decision by the NSW Government to commission IPART to conduct a review of the reporting and compliance burden on local government, any additional reporting obligations on councils will need to be carefully considered in light of this review.<sup>202</sup>

### **Removal of 'for commercial purposes' from the definition of 'animal boarding or training establishment'**

- 6.16 In his evidence before the Committee, Mr Troy McGlynn from Wingecarribee Shire Council raised a perceived legislative impediment for councils when responding to complaints that a breeding establishment is being operated unlawfully. Mr McGlynn explained that when responding to a complaint, because of the legal definition of 'animal boarding or training establishment' (which includes breeding establishment) in council planning instruments, it is necessary for councils to prove that an establishment is being operated 'for commercial purposes'. It is insufficient to establish only that animal breeding is occurring.
- 6.17 Mr McGlynn described how establishing this additional commercial element can be problematic:

It is important to note that, within the definition of the local environmental plan, animal boarding or training establishments can be difficult because they include a commercial element. It is very difficult for councils to establish that element when we are dealing with incidental breeding or members of organisations who may breed

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<sup>200</sup> Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, and Mr Ian Hughes, Senior Inspector, AWL NSW, Transcript of evidence, 16 July 2015, p 11

<sup>201</sup> Mr Scott Hansen, Director General, Department of Primary Industries, Transcript of evidence, 16 July 2015, p 27

<sup>202</sup> NSW Office of Local Government, Answers to questions taken on notice, 23 July 2015

a litter from time to time ancillary to that membership. Council is unable to establish that commercial element or commercial purpose. By definition, they are not advertising openly, they do not have business numbers and so forth, so it is very difficult to trigger that "development without consent" process through the Environmental Planning and Assessment Act.<sup>203</sup>

- 6.18 Mr McGlynn suggested that the added element of being 'for commercial purposes' could be removed from the definitions used by councils. Alternatively, the definition could be amended to specify a number of animals kept which would amount to breeding for commercial purposes.
- 6.19 The Committee raised Mr McGlynn's suggestion when hearing evidence from the NSW Government representatives. The witnesses agreed that the term 'commercial' could be removed from definitions of breeding establishments under the POCTA Act.<sup>204</sup>

### **An expanded role for local government rangers under the *Prevention of Cruelty to Animals Act 1979***

- 6.20 A common view expressed across stakeholder groups was that while the enforcement agencies were thinly spread across the state, local government rangers could play a greater role in the detection of animal cruelty and welfare offences.
- 6.21 This view was well represented by Mr Steven Coleman, Chief Executive Officer, RSPCA NSW who argued that local council rangers, especially rangers in regional communities, are well positioned to respond to animal welfare concerns in a timely way:

If we look to identify what resources are currently on the ground, in my view local government cannot be excluded. They have rangers, with different capacity numbers around the State, who are more likely to understand local issues than a State organisation, to be fair. I actually see local government as being part of the solution. There may be an option for rangers to be co-authorized under the Prevention of Cruelty to Animals Act, at least from a response perspective, if we cannot get there for a day or two because it is in the list of priorities that we are grappling with. Likewise, we already know that the NSW Police Force are authorised under the Act. But coming to your question, yes, I do see local government as being part of the solution.<sup>205</sup>

- 6.22 Mr Ian Hughes, Senior Inspector, Animal Welfare League NSW, cautioned against adding another organisation to the enforcement regime, especially if the introduction of a breeders' licensing system increased the number of site inspections required:

Establishing another organisation under POCTA would spread things a bit thinly. The league and the RSPCA could deal with the inspections with extra resources. If we did go over to a licensing scheme we could have inspectors specifically employed to do

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<sup>203</sup> Mr Troy McGlynn, Evidence, 16 July 2015, p 19

<sup>204</sup> Mr Steve Orr, Deputy Chief Executive, NSW Office of Local Government, and Mr Scott Hansen, Director General, NSW Department of Primary Industries, Transcript of Evidence, 16 July 2015, p 34

<sup>205</sup> Mr Steven Coleman, Evidence, 16 July 2015, p 4

that and keep it under the umbrella of the Animal Welfare League and the RSPCA. I do not see any need to pass those duties to other organisations. We deal with cruelty on a daily basis. If that is what we do then I do not see why we cannot increase the number of inspectors to deal with it.<sup>206</sup>

6.23 Representing Armidale Dumaresq Council, Ms Janine Carson thought that providing council rangers with powers under the POCTA Act would be welcomed, provided additional funding was made available and staff were adequately trained.<sup>207</sup>

6.24 Mr Andrew Mason, Chief Executive Officer, Animal Welfare League NSW, commented on an expanded role for local council rangers, stressing the need for coordination if another agency were to be involved:

If they were to be given more power we would need to ensure good coordination. That then comes back to transparency. If we are already experiencing challenges having two organisations and we give powers to others, there is the potential to weaken the process. It needs to be thought through very carefully to ensure there are no unintended consequences as a result of increasing resources and local government powers. It must not remove that capacity to manage complaints.<sup>208</sup>

6.25 Mr Steven Orr, Deputy Chief Executive, Office of Local Government, commented that any proposal to expand the powers of local rangers under the POCTA Act should carefully consider the capacity of local councils to fulfil that role, as well as the training of staff:

... I would suggest to the Committee that it carefully consider the question of capacity and ability to do the work. Taking on a POCTA role requires different skills and abilities. It is a different role from a welfare role, and that would need to be considered. Equally, councils—particularly those in rural and regional New South Wales—have limited resources.

What is their capacity to take on that additional role? Councils have obligations under the Companion Animals Act and they take a variety of approaches based on their capacity. Giving them an additional role should be considered carefully in light of their capacities, skills and ability, as well as their financial resources to make it happen. That would be an additional role. If the Committee decides to take that path, we must consider how that is transitioned and the councils' capacity to perform that role broadly in light of their other obligations.<sup>209</sup>

## PENALTIES AND PROSECUTIONS

6.26 The Committee received many calls for increased penalties for animal cruelty. These calls were not specific regarding the amount at which penalties should be set or by which they should be increased, but were in agreement that higher penalties for animal cruelty would act as a deterrent.

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<sup>206</sup> Mr Ian Hughes, Evidence, 16 July 2015, p 6

<sup>207</sup> Ms Janine Carson, Team Leader, Ranger, Armidale Dumaresq Council, Transcript of Evidence, 14 July 2015, p 36

<sup>208</sup> Mr Andrew Mason, Chief Executive Officer, Animal Welfare League NSW, Transcript of Evidence, 16 July 2015, p 7

<sup>209</sup> Mr Steve Orr, Evidence, 16 July 2015, p 26

- 6.27 The Committee also received evidence that prosecutions were difficult to secure. Mr Andrew Mason, Chief Executive Officer, Animal Welfare League NSW told the Committee that enforceability and deterrence were major issues. He said that prosecutions tend to be 'little more than a slap on the wrist' and consequently, the current enforcement outcomes were not deterring future offenders.<sup>210</sup>
- 6.28 The Committee also questioned the representatives of the enforcement agencies about the expense of mounting prosecutions and the awarding of moieties. Both the RSPCA NSW and the AWL NSW advised the Committee that the usual order following a prosecution which resulted in the payment of a fine was for a moiety. That is, for a proportion of the fine to flow back to the prosecuting agency to cover the costs of the enforcement action.<sup>211</sup>
- 6.29 The enforcement agencies advised the Committee that the award of a moiety was often a 'shallow victory', because many offenders had a limited capacity to pay fines and repayments were often set at very low monthly rates.<sup>212</sup>
- 6.30 The Committee sought to determine whether the agencies expected or should expect the NSW Government to cover their enforcement and prosecution costs because they were performing their functions on behalf of the NSW Government.

**Mr ALISTER HENSKENS:** ... there should not be a financial burden on your organisation which is largely operating on the basis of donations for you effectively to have been doing a policing and prosecution role on behalf of the State.

**Mr COLEMAN:** You are quite right.<sup>213</sup>

- 6.31 The Committee also questioned the enforcement agencies about the seeking of a penalty to ban a person from owning animals.

**Ms JULIA FINN:** I know that with the prosecution for animal cruelty you do have the capacity to seek the penalty that somebody be banned from owning animals. Has that ever happened to large-scale puppy farmers? And if not, why not?

**Mr O'SHANNESY:** Are you asking whether we seek that order?

**Ms JULIA FINN:** Yes.

**Mr O'SHANNESY:** Yes, we would seek that order as a matter of course. On the factsheet and upon conviction we would be seeking that order, but it is not always granted. That is not just for puppy farms; it is for any offenders. We have certainly had some recidivists for whom we have sought that order. We may have launched five or six prosecutions before we have actually got some sort of prohibition on numbers, whether it is a total prohibition or a limit on numbers.<sup>214</sup>

- 6.32 The enforcement agency representatives took the question of banning orders further:

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<sup>210</sup> Mr Andrew Mason, Evidence, 16 July 2015, p 2

<sup>211</sup> Mr Steven Coleman, Evidence, 16 July 2015, p 10

<sup>212</sup> Mr David O'Shannessy, Evidence, 16 July 2015, p 10

<sup>213</sup> Mr Steven Coleman, Evidence, 16 July 2015, pp 10-11

<sup>214</sup> Mr David O'Shannessy, Evidence, 16 July 2015, p 12

**Mr HUGHES:** Quite often the orders that are made relate to the individual. So if it is a family operation there is nothing stopping it being switched over to another person in that family and for them to carry on the operation. It is not linked to a business. If it is a backyard breeder and they are not a business, they can still transfer or purchase animals in another person's name and operate from the same premises.

**Mr COLEMAN:** It should apply to a property or a business or both.<sup>215</sup>

## COMMITTEE COMMENT

6.33 In considering any legislative changes that may be required, the Committee notes that it has made recommendations elsewhere in this report that may require legislative changes, including:

- the introduction of mandatory residency requirements for animal breeding establishments (Chapter Three)
- the introduction of a breeders' licensing system (Chapter Four)
- the inclusion of an animal identification number in all advertising (Chapter Five).

6.34 While the Committee recognises that these and other recommendations will require legislative changes, it has chosen not to duplicate these recommendations in this chapter.

6.35 The Committee also notes that the NSW Government has acknowledged the need for legislative changes to support its redesign of the Companion Animal Register to capture breeder details when microchipping animals. The redesign project also includes elements of online accessibility to the Register, which suggests the Government will review the privacy accorded to people whose details will now be available for public scrutiny. This is a further area where legislative change may be required.

6.36 On the question of linking local government development approvals to the provisions of the Breeding Code, the Committee endorses the actions of Campbelltown City Council in seeking to make its development control plans consistent with the Code and recommends that all councils do the same.

6.37 The Committee considers it prudent to indicate the minimum standards to be achieved before any council approval of a development application for an animal boarding or training establishment (note this definition includes a breeding facility).<sup>216</sup> These should be outlined in the animal welfare codes of practice, which will have the added benefit of making people more aware of the codes.

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<sup>215</sup> Mr Ian Hughes, and Mr Steven Coleman, Evidence, 16 July 2015, p 12

<sup>216</sup> Under the *Standard Instrument - Principal Local Environment Plan* the definition of animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital, viewed 24 August 2015, [www.legislation.nsw.gov.au/maintop/view/inforce/epi+155a+2006+cd+0+N](http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+155a+2006+cd+0+N)

## RECOMMENDATION 22

**The Committee recommends that the NSW Government legislates that all council development control plans be amended to ensure that local council approvals are consistent with the *Prevention of Cruelty to Animals Act 1979 (NSW) Animal Welfare Codes of Practice* as a minimum standard, by 1 September 2016.**

- 6.38 The Committee also considers it would help enforcement agencies to be more proactive if upon the granting of development consent of an animal boarding house or training establishment (which includes a breeding facility), local councils notify enforcement agencies of the consent. The question of the responsibility of breeding establishment operators to also notify enforcement agencies should be considered as part of any project to establish a breeders' licensing system.

## RECOMMENDATION 23

**The Committee recommends that the NSW Government introduces mandatory notification by councils to enforcement agencies of development consents for companion animal breeding establishments, by 1 March 2016.**

- 6.39 The Committee sees no objection to the removal of the term 'for commercial purposes' from the definition of 'animal boarding house or training establishment' in local environment plans, and also from the animal welfare codes, if necessary.

## RECOMMENDATION 24

**The Committee recommends that the NSW Government removes the term 'for commercial purposes' from the local environment plan definition of 'animal boarding house or training establishment' by 1 March 2016.**

- 6.40 In examining an expanded role for local government in animal welfare matters, the Committee acknowledges the widely held belief that enforcement resources are thinly spread across the state, while local government resources are more numerous. The Committee recognises that councils do not have unlimited resources and that these resources are already committed. There is a simple logic, however, in taking advantage of council resources like local government rangers to assist the enforcement agencies. Whether this should be an adjunct role or a fully accredited enforcement role under the POCTA Act, however, is a matter for further investigation and negotiation with councils and the enforcement agencies.
- 6.41 The Committee is persuaded that it would be beneficial for local government officers to have an expanded role under the POCTA Act to attend to instances of animal cruelty. Local councils must be adequately funded to assume any expanded role and for officers to be trained in any new responsibilities.

## RECOMMENDATION 25

**The Committee recommends that appropriately trained local government rangers be given the prescribed powers under section 4(1) 'definition of officers' of the *Prevention of Cruelty to Animals Act 1979 (NSW)*.**

- 6.42 The Committee also acknowledges the widely held belief that penalties for animal cruelty are insufficient and that higher penalties will be a more effective deterrent. Without specifying rates at which penalties might be set, the Committee accepts the view expressed by the enforcement agencies that prosecutions can be difficult to obtain and penalties can be just a 'slap on the wrist'.
- 6.43 The enforcement agencies were modest when discussing their financial circumstances and particularly whether they should receive more Government assistance when mounting prosecutions. The Committee believes strongly that the enforcement agencies should not be out-of-pocket when performing a role on behalf of the Government and the community. The Committee also accepts the evidence that banning orders should be applied more broadly to ensure that the families, associates, locations and corporate interests of offenders are captured by banning orders where necessary.
- 6.44 Any review of penalties and prosecution arrangements should be coupled with a review of all companion animal-related offences, and the outcomes of both reviews aligned.

#### RECOMMENDATION 26

**The Committee recommends that the NSW Government reviews the adequacy of penalties, the method of mounting and funding prosecutions, current arrangements for the payment of moieties and cost recovery, and a requirement to ensure regulators will not be out-of-pocket in pursuing prosecutions, and report its findings by 1 March 2016.**

#### RECOMMENDATION 27

**The Committee recommends that the NSW Government legislates that animal welfare penalty and prosecution provisions be amended so that they can attach to businesses, addresses, and close associates of defendants, and not just to an individual, by 1 March 2016.**

#### RECOMMENDATION 28

**The Committee recommends that the NSW Government reviews all animal welfare and regulatory offences including microchipping, failure to register, selling and advertising, non-desexing, cruelty, litter control and code compliance, and report on recommended changes by 1 September 2016.**

- 6.45 In considering the legislation relevant to this inquiry, the Committee discussed whether the current legislative arrangements contributed to the complexity and fragmentation of regulating companion animal breeding practices. Given the discussion which follows in Chapter Seven, regarding a common database for enforcement action, and the expanded reach of the redesigned Companion Animal Register, the Committee believes that there may be opportunities to streamline the relevant legislation.

## RECOMMENDATION 29

**The Committee recommends that the NSW Government reviews the *Prevention of Cruelty to Animals Act 1979 (NSW)* and the *Companion Animals Act 1998 (NSW)* and identifies opportunities for the acts to be streamlined to ensure more seamless operation across the acts, agencies and regulators, including harmonisation of objectives, elimination of inconsistencies, and common definitions, and report by 1 September 2016.**

## Chapter Seven – Any other related matter

- 7.1 This chapter examines several related matters which were raised in submissions or by witnesses who appeared before the Committee. It includes issues discussed by Committee members which have not been examined in detail or resolved elsewhere in this report.

### FUNDING FOR REGULATION AND ENFORCEMENT

- 7.2 A common theme in submissions was that more funds were required by the agencies regulating companion animal breeding practices in NSW. Stakeholders believed this was necessary both to improve animal welfare outcomes, and to expand the scope of regulation.
- 7.3 The current legislative and regulatory framework for companion animals was described in Chapter Two. The notable feature of this framework is its two-pronged approach: animal welfare is managed under the *Prevention of Cruelty to Animals Act 1979 (NSW)* (the POCTA Act), administered by the NSW Department of Primary Industries and enforced by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) NSW, the Animal Welfare League (AWL) NSW and the NSW Police Force; and animal registration and identification is managed under the *Companion Animals Act 1998 (NSW)* (the CA Act), administered by the NSW Office of Local Government and enforced by 152 local councils.
- 7.4 The NSW Government provides funds to the enforcement agencies, as described in Chapter Two. These funds include both annual funding for enforcement activities, and grant funding for special purposes including education and facilities.<sup>217</sup>
- 7.5 Councils collect registration fees from dog and cat owners which are distributed between councils and the NSW Government's Companion Animal Fund. Councils use these funds to administer the CA Act by entering registration details on the Companion Animals Register (the Register), to operate animal shelters, and to provide community education in responsible pet ownership.
- 7.6 The Companion Animal Fund is used to provide grant funding for state-wide initiatives and to fund the operation of the Register. Recent state-wide initiatives have included programs to support responsible pet ownership such as microchipping, registration and desexing, and school-based education programs. Some of these initiatives were recommended by the Taskforce.
- 7.7 The Taskforce acknowledged that registration fees do not cover the full cost of councils' companion animal initiatives.<sup>218</sup>
- 7.8 The Committee asked witnesses representing RSPCA NSW and AWL NSW about funding arrangements when they gave evidence at the public hearing in Sydney

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<sup>217</sup> Submission 321, NSW Government, p 1

<sup>218</sup> NSW Companion Animals Taskforce, Report to Minister for Local Government and Minister for Primary Industries, October 2012, see Recommendation 8

on 16 July 2015. The Committee was interested in whether funding was sufficient for the enforcement agencies to react to the complaints they received and potentially to be more proactive in their activities.

- 7.9 The agency representatives took the view that no organisation would ever say it had enough resources, but that the agencies took a strategic approach to structuring their operations and prioritising their work in light of available funds, community demand and the work at hand. Mr Steven Coleman, RSPCA NSW said:

Our organisation back in 2009 took a very definite directional change to become more proactive. Our inspectorate is one component of our organisation and back in 2009 we capped the quantity of inspectors at 32. The reason we did that was we had double the number of inspectors. We know from years of experience that with 64 inspectors in five years' time that too would not be enough. So the demand on our organisation by the public, together with what was a plateauing of general fundraising, meant that we needed, at least from a financial perspective, to make some changes.<sup>219</sup>

- 7.10 Mr Ian Hughes, AWL NSW echoed this strategic approach to prioritising his organisation's work in light of available resources.<sup>220</sup>

- 7.11 Both agencies recognised that an even more proactive approach to regulation and enforcement would have cost consequences. Mr Hughes gave the example of the costs of a proactive inspection regime, which would be necessary to support a breeders' licensing scheme if one was introduced:

There are substantial profits made by some of these large breeders. I cannot see why the fees charged for those annual inspections cannot self-fund those inspections. I do not see any reason why we cannot charge several hundred dollars per year per inspection to cover the cost of employing inspectors.<sup>221</sup>

- 7.12 The Committee also sought the views of local councils on the costs of administering the CA Act and the adequacy of funding. A significant cost to councils is the result of the paper-based nature of the Register, which requires councils to enter registration data into the Register. In their evidence, the NSW Government representatives suggested that digitisation of the Register would reduce administration costs.<sup>222</sup>

- 7.13 Three councils (Armidale-Dumaresq, Campbelltown and Holroyd) provided estimates to the Committee of their current costs in entering data onto the Register. While it is difficult to compare the estimates provided, given differences in the way they were calculated, the estimates ranged from \$13,000 to \$26,000

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<sup>219</sup> Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, Transcript of evidence, 16 July 2015, p 3

<sup>220</sup> Mr Ian Hughes, Chief Inspector, AWL NSW, Transcript of evidence, 16 July 2015, p 4

<sup>221</sup> Mr Ian Hughes, Evidence, 16 July 2015, p 9

<sup>222</sup> Mr Steve Orr, Deputy Chief Executive, NSW Office of Local Government, Transcript of Evidence, 16 July 2015, p

per annum for data entry costs only, up to \$60,000 (excluding on-costs) per annum to employ a staff member responsible for data entry.<sup>223</sup>

## IMPROVED COMMUNICATION AND INFORMATION SHARING

7.14 It came to light during the inquiry, that RSPCA NSW and AWL NSW can at times respond to the same cruelty complaint. While Mr Hughes indicated the two organisations communicate with each other regularly, quite often complainants will contact both organisations concerning the same complaint:

**Mr HUGHES:** Quite often the complainant will phone both organisations and they do not let us know that they have already called the other organisation.

**The Hon. BRONNIE TAYLOR:** So there is no mechanism in place to ensure that your very stretched resources are not being used to address the same complaint?

**Mr HUGHES:** We both use the Shelter Buddy system, but the system is not linked.<sup>224</sup>

7.15 Mr David O'Shannessy also commented on this issue:

... much of the time it is not until we get to the property that we find a notification on the door indicating that we have been beaten there by the Animal Welfare League. That would then prompt a phone call from the RSPCA to the league saying that we have also had a complaint related to that address and note that they have been there. We would write it off at our end and leave it in the league's hands.<sup>225</sup>

7.16 The agencies gave this evidence in the context of having told the Committee that their resources are already stretched thinly by a high level of what may be vexatious complaints, or at best a high level of complaints which, on investigation, do not require additional action by the enforcement agency.<sup>226</sup>

7.17 In light of the discussion above concerning the adequacy of funding for regulation and enforcement, the absence of a database by which the enforcement agencies can share information and eliminate duplicated call-outs to maximise their effectiveness, creates unnecessary costs.

7.18 The Committee considered this evidence further in the context of the NSW Government's submission, which advised that a major driver for the redesign of the Register was to improve information sharing not only for regulators, but for the community generally.<sup>227</sup>

## COMMUNITY EDUCATION

7.19 Another common theme in submissions received, was the value of community education in responsible pet ownership.

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<sup>223</sup> Armidale Dumaresq Council; Campbelltown City Council; Holroyd City Council; Answers to question taken on notice 16 July 2015, viewed 24 August 2015, <http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/B5EFDAA562C6B79BCA257E9D001944FC>

<sup>224</sup> Mr Ian Hughes, Evidence, 16 July 2015, p 6

<sup>225</sup> Mr David O'Shannessy, Chief Inspector, RSPCA NSW, Transcript of evidence, 16 July 2015, p 7

<sup>226</sup> See discussion in Transcript of evidence, 16 July 2015, p 5

<sup>227</sup> Submission 321, NSW Government, p 8

- 7.20 The Taskforce highlighted the value of and need for continuing community education. It cited, in particular, the work of the NSW Office of Local Government (OLG) in administering a number of initiatives funded from the Companion Animals Fund. These include information brochures on dog and cat ownership, and information on microchipping and registration requirements.
- 7.21 Both NSW Government agencies – the Department of Primary Industries (DPI) and OLG – are primary sources of information for stakeholders on all aspects of companion animal management. DPI manages and updates the animal welfare codes as well as hosting the Animal Welfare Advisory Council. The Council has a crucial role in bringing stakeholders together to advise the NSW Government on community and industry concerns, including education.
- 7.22 The Committee did hear evidence from at least one breeder, that they were unaware of the animal welfare codes until they were audited for non-compliance,<sup>228</sup> which raises questions about the need for more breeder education.
- 7.23 OLG is the lead agency for managing pet ownership. ‘Dogs and cats’ is the first option available to callers to OLG’s switchboard, and its internet home page directs members of the public to a range of information on responsible pet ownership. This includes descriptions of the obligations of pet owners and how they can be met. OLG hosts the Responsible Pet Ownership Reference Group, which advises the NSW Government on strategic dog and cat management issues, including education.
- 7.24 The enforcement agencies – RSPCA NSW and AWL NSW – also play a major role in community education. Their internet home pages focus on responsible pet ownership and encourage the public to become better informed about animal welfare, engage actively in participating in animal rescue and rehoming, and direct donations to the work of the two agencies.
- 7.25 Local councils provide the community with accessible and thorough information on responsible pet ownership, as well engaging the community proactively through newsletters and public events.
- 7.26 In evidence before the Committee, Mr Brendan Govers, Manager, Environmental Health, Holroyd City Council outlined initiatives adopted by Holroyd City Council to promote responsible pet ownership:
- Stray dogs and cats that do not have an owner are advertised on the council website and through the newspaper in the hope of them being rehomed
  - Every week the council has a pet of the week advertised in the local newspaper and on the council’s website
  - There is a function on the Council’s website for members of the community to post information about lost dogs and cats

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<sup>228</sup> Evidence given *in camera* at Armidale, 14 July 2015

- Since 2003, the council holds a PetFest where on a Saturday where thousands of people attend. Organisations and rescue groups are also in attendance. Microchipping stall are set up and council staff are available to take registrations. Animals from local holding facilities are also brought along in the hope they may be adopted
- Since 2010, the council has also run its Happy Cat Desexing Program where residents are offered a \$50 contribution to assist in getting their cat desexed
- Where funding has permitted, the council has also conducts free dog training to residents
- At Christmas, the council conducts a Christmas Pet Food Drive to collect food and toys for companion animals in welfare organisations.<sup>229</sup>

7.27 Mr Govers acknowledged that much of the work undertaken by Holroyd City Council, in particular in relation to decreasing the euthanasia rate, is increasingly supported by the numerous rescue organisations in the area:

... The rescue groups are really coming to the rescue in that situation and that is why we support them so heavily every year.<sup>230</sup>

7.28 A number of rescue organisations made submissions to the Committee. Like the enforcement agencies, rescue organisations actively promote animal welfare and responsible pet ownership to the community, and encourage volunteerism and donations to support their work.<sup>231</sup>

7.29 The animal breeders' organisations which submitted evidence to the Committee, also drew attention to their educative role for both members and the wider community.

7.30 Similarly, the Committee noted the efforts of animal welfare advocates in educating the community about responsible pet ownership.

7.31 In Chapter Five, the Committee examined the role of pet shops in educating the community about responsible pet ownership, in providing a focus for launching welfare campaigns and as sources of advice for individual pet owners. The Committee also noted that comprehensive information on responsible pet ownership is available to the community via online sales platforms such as Trading Post and Gumtree.

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<sup>229</sup> Mr Brendan Govers, Manager Environmental Health, Holroyd City Council, Transcript of evidence, 16 July 2015, pp 14 - 15

<sup>230</sup> Mr Brendan Govers, Evidence, 16 July 2015, p 20

<sup>231</sup> See: Submission 55, Australian Working Dog Rescue; Submission 106, Hunter Animal Watch Inc; Submission 141, Cat Protection Society of NSW Inc; Submission 161, Voiceless; Submission 222, Friends of the Hound Inc; Submission 226, Dog Rescue Newcastle; Submission 228, National Animal Rescue Groups of Australia Inc; Submission 311, PAWS; and Submission 312, DoggieRescue.com

7.32 In evidence, the NSW Government acknowledged that more can be done to assist local councils by providing tools and resources to better promote responsible pet ownership.<sup>232</sup>

7.33 In further discussion, the lack of a single authoritative source on all issues and responsibilities concerning dogs and cats in New South Wales was highlighted. NSW Government representatives were questioned on the absence, and subsequent appropriateness, of having a single website where all information relating to companion animal management can be found:

**Mr HANSEN:** The information is there. It is about how it is presented to make it as simple as possible.

**Mr ALISTER HENSKENS:** That is what I mean. If you Google "buying a dog", there should be a New South Wales Government homepage which runs through the obligations; what to consider when buying a dog; and the legal obligations with regard to registration, microchipping and the like—and something similar for cats. If we made a recommendation along those lines, I assume you would have no opposition to it.

**Mr ORR:** There would certainly be no opposition. There are obviously some crossover issues across both agencies. The potential is there for a more whole of government response.

**Mr ALISTER HENSKENS:** From my point of view, given the lines of responsibility between your two government departments and the overlap, there needs to be some coordination around education. At the moment is it the Office of Local Government that has more of an educative role?

**Mr ORR:** We certainly have a role in educating people about their obligations in the whole registration process, the microchipping process and the like. A lot of that also happens at a local council level in the programs which they actually run. When it comes to the welfare of the animal, that issue sits more with the Department of Primary Industries. But broadly, in regard to how we can bring together messages about all of those subjects, that would certainly be something we could work on more effectively together.<sup>233</sup>

## ANIMAL WELFARE ADVOCATE

7.34 A small number of submissions to the inquiry suggested that animal welfare should be a matter for regulation independent of government, particularly in relation to compliance auditing.<sup>234</sup>

7.35 Animal welfare advocacy is an area with many players across a range of bodies, such as rescue organisations, who made submissions to the inquiry. Additionally, the two enforcement agencies, RSPCA NSW and AWL NSW, are separate from government and advocate for animal welfare as a core function, while receiving funding to support the activities they undertake on behalf of government.

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<sup>232</sup> Mr Steve Orr, Evidence, 16 July 2015, p 30

<sup>233</sup> Mr Scott Hansen, Director General, NSW Department of Primary Industries, and Mr Steve Orr, Deputy Chief Executive, NSW Office of Local Government, Transcript of Evidence, 16 July 2015, p 31

<sup>234</sup> See for example, Submission 227, World Animal Protection, p 2

- 7.36 The establishment by the NSW Government of companion animal advisory groups also provides for an advocacy role within the industry. As recommended by the Taskforce,<sup>235</sup> the Responsible Pet Ownership Reference Group, hosted by OLG, as well as the Animal Welfare Advisory Council, hosted by DPI, both discussed above, provide platforms for stakeholder advocacy.
- 7.37 The Committee endorsed the work of DPI and OLG, and saw no argument for removing their expert and professional functions. It could be argued, however, that these functions conflict with an advocacy role in animal welfare.
- 7.38 The Committee also considered whether a question of conflict may arise for the enforcement agencies – RSPCA NSW and AWL NSW – as both advocates and government-funded operators. The Committee received no evidence of this conflict and notes the effectiveness of these agencies in performing their various roles and the high regard in which they are held by the community.
- 7.39 Conceptually, however, the two advisory groups – the Responsible Pet Ownership Reference Group and the Animal Welfare Advisory Council – could form the basis of a framework for supporting an independent advocate if it were decided that the establishment of an independent advocate would improve animal welfare.
- 7.40 Models for an independent advocate include the NSW Children’s Advocate and the Commonwealth Threatened Species Commissioner. The Committee envisages such a role as being high level and advisory only, without any regulatory or operational function.
- 7.41 As well as being a useful source of independent advice, it would relieve regulators and enforcement agencies of any real or potential conflicts. It could also provide the community with a single point of advocacy in contrast with the complexity of current arrangements. On the other hand, establishing such a role would come at a cost and has the potential to duplicate and detract from the current advocacy work of many people and agencies.
- 7.42 The Committee did not investigate this proposition in any detail.

## COMMITTEE COMMENT

- 7.43 The Committee notes that enforcement agencies did not come to the Committee seeking more funds. Indeed, RSPCA NSW and AWL NSW were modest when describing their capacity to perform a state-wide enforcement function on behalf of the NSW Government, financed by a mix of government funds and funds sourced from donations, subscriptions and commercial activities.
- 7.44 The Committee also notes the potential for the two enforcement agencies to be in deficit, due to the costs of prosecuting animal cruelty cases and not recovering costs. This issue is discussed in Chapter Six.

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<sup>235</sup> NSW Companion Animal Taskforce, Report to the Minister for Local Government and Minister for Primary Industries, October 2012, p 33

- 7.45 The Committee acknowledges that the NSW Government provides significant funding to the enforcement agencies annually and has provided significant grant funding for specific projects.
- 7.46 The cost of regulating and enforcing animal welfare is likely to keep rising, not least because of increasing community expectations for more proactive intervention. The implementation of the Committee's recommendations will also impact on the cost of regulation and enforcement, although the Committee anticipates that reforms like a breeders' licensing system may be self-funding.
- 7.47 The Committee accepts the evidence that the costs to councils of administering the CA Act are not covered by registration fees, but that the redesign of the Register should produce significant savings in administration.
- 7.48 The Committee believes that a review of funding arrangements for the NSW enforcement agencies is warranted.

### RECOMMENDATION 30

**The Committee recommends that the NSW Government reviews the adequacy of funding for the Royal Society for the Prevention of Cruelty to Animals NSW and the Animal Welfare League NSW, and reports by 1 March 2016.**

### RECOMMENDATION 31

**The Committee recommends that the NSW Government identifies cost savings to be achieved by the redesign of the Companion Animal Register, and works with local councils to ensure that funds received from registration fees and distributed via the Companion Animal Fund are adequate for ensuring animal management targets and objectives are achieved.**

- 7.49 The Committee was surprised to learn of the lack of a shared database between RSPCA NSW and AWL NSW and the consequences for duplication of activity. The Committee considers it a matter of priority that these two bodies and the NSW Police Force, the third enforcement agency, have access to a shared database.

### RECOMMENDATION 32

**The Committee recommends that the NSW Government creates a common database for enforcement agencies to ensure the locations of all breeding establishments, and all reports of animal cruelty, and details of site visits, outcomes and prosecutions are kept and maintained centrally, by 1 March 2016.**

### RECOMMENDATION 33

**The Committee recommends that the NSW Government develop protocols to ensure efficiency of operation and removal of duplication between the enforcement agencies.**

- 7.50 The Committee is heartened by the availability of useful information on animal welfare and responsible pet ownership and commends everyone involved in the production and dissemination of this material.

- 7.51 The Committee is concerned, however, that with so much education activity being carried out, there may be duplication of resources. The Committee encourages agencies to work together to investigate streamlining and simplification of the community education being made available.
- 7.52 The Committee is also concerned to ensure that with such a high level of activity, steps are taken to ensure material is actually reaching its target audiences. This can be demonstrated by higher levels of microchipping and registration, higher levels of breeder compliance, lower instances of cruelty and abandonment and so on. As a baseline to achieve these outcomes, there is a strong case for the creation of a single NSW Government website, where anyone seeking information or advice on companion animal website can start their enquiries.
- 7.53 A single entry point would ensure that people are not required to distinguish between the roles of DPI and OLG, or to distinguish between the roles of councils and the enforcement agencies, before making their enquiry.
- 7.54 It would also mean that people need not be clear about their own status (Am I a breeder? Am I an owner? Am I a purchaser? Am I concerned about animal cruelty?), but merely that they are interested in dogs and cats.
- 7.55 A single government website devoted solely to dogs and cats will greatly assist community awareness of responsible pet ownership and other animal welfare issues. It would be consistent with the NSW Government's vision for a modernised, accessible and more effective Companion Animal Register. It could also operate as the portal for people who need to register their animals and breeders who will be required to sign up for a breeders' licensing system, if introduced.
- 7.56 The Committee is greatly impressed by the clarity and simplicity of the schematic tabled by NSW Government representatives in response to the Committee's concerns about the complexity of current administrative arrangements in NSW. The Committee's vision is that the schematic may constitute the home page of the single entry website envisaged.
- 7.57 The schematic is reproduced in this report at Appendix Seven.

### RECOMMENDATION 34

**The Committee recommends that the NSW Government introduces a single information entry point for companion animal matters including for customers, breeders, sellers, regulators, cruelty reporters, rescuers, rehomers, and advocates, by 1 March 2016.**

# Appendix One – Conduct of Inquiry

The Committee called for public submissions by advertising its inquiry in the two metropolitan daily newspapers and *The Land* newspaper in the week of Monday 18 May 2015 with a closing date for submissions of Monday 15 June 2015. The Committee identified 43 individual stakeholders to whom it wrote inviting them to make a submission, as well as writing to all NSW Members of Parliament and all NSW local councils inviting submissions.

## Submissions

The Committee received 344 submissions, including a number of late submissions which the Committee resolved to accept.

The Committee received approximately 2,200 emails, mostly via the organisation Change.org which invited people to email the Committee by completing an online form. The Committee resolved to receive emails referred by Change.org and other third parties as correspondence.

The Committee received a petition of around 3,000 signatures collected by the Animal Welfare League NSW South Coast Branch, which was referred to the Legislative Assembly for presentation in the House.

In reviewing the submissions the Committee paid careful regard to the many requests from submission makers that their submissions be kept confidential or partially confidential to the Committee. Many of the submissions received were brief and while relevant to the terms of reference, did not provide evidence which the Committee could test. The Committee resolved, therefore, to accept but not to publish the submissions which fell into this category.

The submissions which the Committee resolved to publish can be found on the Committee's website at [www.parliament.nsw.gov.au/cabpinquiry](http://www.parliament.nsw.gov.au/cabpinquiry).

A list of all submissions received by the Committee can be found at Appendix Two.

## Public hearings

The Committee held three public hearings: in Armidale on Tuesday 14 July 2015; and in Sydney on Wednesday 15 July 2015 and on Thursday 16 July 2015.

The Committee heard evidence from 42 witnesses including three who the Committee resolved to hear *in camera*.

A list of witnesses who appeared before the Committee can be found at Appendix Three.

The transcripts of evidence, documents tabled by witnesses, and answers to questions taken on notice by witnesses, are published on the Committee's website at [www.parliament.nsw.gov.au/cabpinquiry](http://www.parliament.nsw.gov.au/cabpinquiry).

## Appendix Two – List of Submissions

1.	Name suppressed
2.	Mr Peter Cook
3.	Mr Phillip Evans
4.	Confidential
5.	Name suppressed
6.	Ms Paula Jacobi
7.	Ms Bronwen Davis
8.	Ms Petra O’Neill
9.	Mrs Joanna Van Kool
10.	Dr Marie Healy
11.	Name suppressed
12.	Name suppressed
13.	Name suppressed
14.	Confidential
15.	Ms Pat Carmody and Mr Geoff Johnson
16.	Ms Patricia Lightfoot
17.	Veterinary Practitioners Board of NSW
18.	Name suppressed
19.	Mrs Sarah Thurgood
20.	Mrs Monique Carter
21.	Miss Cat Vumbaca
22.	Name suppressed
23.	Mrs Alexandra Nolan

COMPANION ANIMALS  
LIST OF SUBMISSIONS

24.	Miss Elizabeth Wright
25.	Confidential
26.	Mrs Lisa Weeks
27.	Ms Terri Fairbairn
28.	Mr Don Burke
29.	Mrs Carole Logue
30.	Mrs Helen Merianos
31.	Name suppressed
32.	Name suppressed
33.	Name suppressed
34.	Name suppressed
35.	Name suppressed
36.	Mrs Virginia Black
37.	Mrs Kerry Chisholm
38.	Ms Suzanne King
39.	Mr Anthony Stirling-Edgar
40.	Mrs Joanne Andersen
41.	Miss Jet Asha
42.	Ms Margaret Spear
43.	Ms Madeleine Joel
44.	Ms Fallon Voroshine
45.	Name suppressed
46.	Miss Sarah Adams
47.	Ms Joy Marshall
48.	Ms Lisa Walpole

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
LIST OF SUBMISSIONS

49.	Miss Kirsty-Lee Seaton
50.	Name suppressed
51.	Confidential
52.	Name suppressed
53.	Mrs Jessica Gallaty
54.	Mrs Angela Kelly
55.	Australian Working Dog Rescue
56.	Ms Justine D'odd
57.	Mrs Karen Morrow
58.	Ms Mary Bonich
59.	Name suppressed
60.	Name suppressed
61.	Name suppressed
62.	Ms Jeanette Emanuel
63.	Mrs Rose Lloyd
64.	Name suppressed
65.	Ms Martine Porret
66.	Name suppressed
67.	Mrs Chantal Buslot
68.	Ms Norma Keshishian
69.	Name suppressed
70.	Confidential
71.	Dr Anita Guo
72.	Name suppressed
73.	Dr Luke Hunter

COMPANION ANIMALS  
LIST OF SUBMISSIONS

74.	Mrs Annette Thain
75.	Name suppressed
76.	Confidential
77.	Name suppressed
78.	Mrs Munever Demir
79.	Mrs Halina Drwecka
80.	Mrs Cassandra Farrell
81.	Confidential
82.	Mr Nicholas Gunn
83.	Name suppressed
84.	Name suppressed
85.	Mrs Ciana McClung
86.	Ms Anthea Mowbray
87.	Name suppressed
88.	Ms Chantal Nelson-Bastow
89.	Name suppressed
90.	Ms Barbara Rendell
91.	Confidential
92.	Name suppressed
93.	Miss Bridie Steinmetz
94.	Name suppressed
95.	Ms Merle Thompson
96.	Name suppressed
97.	Ms Diana Wilde
98.	Ms Lisa Hutchinson

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
LIST OF SUBMISSIONS

99.	Dr Kate Schoeffel
100.	Ms Kaliopy Haniotis
101.	Mr Marcio Alvarez
102.	Ms Kelly Johnson
103.	Miss Rachel Colomb
104.	Name suppressed
105.	Fr James Collins
106.	Hunter Animal Watch Inc.
107.	Name suppressed
108.	Ms Paula Rose
109.	Name suppressed
110.	Name suppressed
111.	Miss Shaunna Bullard
112.	Mr Samuel Shaw
113.	Name suppressed
114.	Name suppressed
115.	Name suppressed
116.	Name suppressed
117.	Ms Wendy White
118.	Ms Lisa Railey
119.	Miss Susy Hendy
120.	People for the Ethical Treatment of Animals (PETA)
121.	Humane Society International
122.	Name suppressed
123.	Mrs Jillian and Mr Kevin Snell

COMPANION ANIMALS  
LIST OF SUBMISSIONS

124.	Ms Narelle Skinner
125.	Ms Sonja Etherington
126.	Name suppressed
127.	Name suppressed
128.	Name suppressed
129.	Ms Debra Gunn
130.	Ms Haley de Pass
131.	Miss Nicole Pisani
132.	Name suppressed
133.	Ms Jasmina Moltter
134.	Ms Jane Stephens
135.	Lyon Legal Services
136.	Guide Dogs NSW/ACT
137.	Mr Scott O'Keefe
138.	Name suppressed
139.	Australian Veterinary Association
140.	Name suppressed
141.	The Cat Protection Society of NSW Inc.
142.	Ms Linda Lyras
143.	Holroyd City Council
144.	Ms Mariko Takedomi Karlsson
145.	Name suppressed
146.	Animal Welfare League Australia
147.	Ms Katrina Duncan
148.	Confidential

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
LIST OF SUBMISSIONS

149.	Name suppressed
150.	Name suppressed
151.	Name suppressed
152.	Name suppressed
153.	Ms Jackie Layton
154.	Mr Bryan Martin
155.	Mrs Estelle Tsenin
156.	Miss Celine Dunn
157.	Mrs Debra Mallam
158.	Mrs Paivi Kaukomaa
159.	Name suppressed
160.	Ms Toni Joyce
161.	Voiceless
162.	Ms Annette West
163.	Ms Margaret Corcoran
164.	Ms Rochelle Wood
165.	Name suppressed
166.	Name suppressed
167.	Ms Sharon Patrick
168.	Name suppressed
169.	Ms Lynda Gordon-Squire
170.	Dr Christine Clifton
171.	Name suppressed
172.	Ms Coral Anderson
173.	Dr Peter Coyne

COMPANION ANIMALS  
LIST OF SUBMISSIONS

174.	Confidential
175.	Ms Rebecca Grenfell
176.	Ms Susan Kitchener
177.	Ms Lyn Fowler
178.	Ms Anne Peters
179.	Name suppressed
180.	Mrs Toni Eaves
181.	Ms Katherine Hallam
182.	Name suppressed
183.	Name suppressed
184.	Name suppressed
185.	Ms Holly Brooke
186.	Mrs Diane Michel
187.	Ms Samantha Ball
188.	Ms Judith Wilde
189.	Name suppressed
190.	Mrs Jenny Patterson
191.	Ms Louise Forbes
192.	Mrs Pauline Byrne
193.	Mrs Wendy Bowring
194.	Mr Trevor Webster
195.	Name suppressed
196.	Name suppressed
197.	Name suppressed
198.	Name suppressed

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
LIST OF SUBMISSIONS

199.	Ms Maryann Florence
200.	Miss Stephanie Anderson
201.	Name suppressed
202.	Ms Gillian Cornett
203.	Confidential
204.	Confidential
205.	Mr Frederick Deveney
206.	Ms Louise Dreux
207.	Mrs Diane Goodsir
208.	Ms Rebecca Henson
209.	Ms Naveen Ahluwalia
210.	Confidential
211.	Mrs Julieann Kinsella
212.	Confidential
213.	Ms Beverley Maunsell
214.	Master Dog Breeders and Associates
215.	Ms Felicity Paton-Boxall
216.	Name suppressed
217.	Mrs Maree Rogers
218.	Mr Scott Saxton
219.	Ms Jenny Thomas
220.	Ms Sue Anne Thompson
221.	Miss Madison Watson
222.	Friends of the Hound Inc.
223.	Dr Douglas Wilson

COMPANION ANIMALS  
LIST OF SUBMISSIONS

224.	Ms Donna Zaviglia
225.	Name suppressed
226.	Dog Rescue Newcastle
227.	World Animal Protection
228.	National Animal Rescue Groups of Australia Inc.
229.	Name suppressed
230.	Name suppressed
231.	Shopping Centre Council of Australia
232.	Animal Welfare League NSW
233.	Name suppressed
234.	The Greens NSW
235.	Cr Irene Doutney
236.	Australian National Cats Inc.
237.	Dogs NSW
238.	Name suppressed
239.	Name suppressed
240.	Ms Janine Hodge
241.	Name suppressed
242.	Name suppressed
243.	Miss Dostana Ljusic
244.	Ms Fiona McCuaig
245.	Name suppressed
246.	Miss Ashley Avci
247.	Wentworth Shire Council
248.	Miss Amy Blackmore

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
LIST OF SUBMISSIONS

249.	Name suppressed
250.	Name suppressed
251.	Royal Society for the Prevention of Cruelty to Animals (RSPCA) NSW
252.	Miss Veronica Connolly
253.	Name suppressed
254.	Name suppressed
255.	Ms Mary Ann Gourlay
256.	Name suppressed
257.	Banksia Park Puppies
258.	Ms Tanya Hardy
259.	Name suppressed
260.	Mrs Shyam Howlin
261.	Name suppressed
262.	Name suppressed
263.	Name suppressed
264.	Just For Pets
265.	Name suppressed
266.	Confidential
267.	Name suppressed
268.	Name suppressed
269.	Name suppressed
270.	Name suppressed
271.	Name suppressed
272.	Name suppressed
273.	Confidential

COMPANION ANIMALS  
LIST OF SUBMISSIONS

274.	Name suppressed
275.	Confidential
276.	Name suppressed
277.	Mr Travis Sanders
278.	Name suppressed
279.	Name suppressed
280.	Name suppressed
281.	Confidential
282.	NSW Labor
283.	Miss Nicole Sheridan
284.	Pets Australia
285.	Name suppressed
286.	Name suppressed
287.	Animal Liberation NSW
288.	Name suppressed
289.	Sentient, The Veterinary Institute for Animal Ethics
290.	Mrs Lana Venckus
291.	Mrs Diana Wadsworth
292.	Mr Dave Ward
293.	Animal Defenders Office ACT
294.	Ms Kathryn Woolfe
295.	Mrs Julie Watson
296.	Name suppressed
297.	Dr Robert Zammit
298.	Ms Sophie Crocker

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
LIST OF SUBMISSIONS

299.	Mr Anthony Crocker
300.	Ms Jo Hobson
301.	NSW Cat Fanciers Inc.
302.	Dr Harry Cooper
303.	Pet Industry Association of Australia
304.	Ms Jude Costello
305.	Ms Sharon Gilkison
306.	Inverell Shire Council
307.	Ms Lisa Gleeson
308.	Confidential
309.	Armidale Dumaresq Council
310.	Name suppressed
311.	PAWS
312.	DoggieRescue.com
313.	Campbelltown City Council
314.	The World League for Protection of Animals Inc.
315.	Ms Vivien Ward
316.	Ms Jain Parsons
317.	Name suppressed
318.	The Australian Institute of Local Government Rangers Inc.
319.	Name suppressed
320.	Bathurst Regional Council
321.	NSW Government
322.	Ms Leone Manwaring
323.	ACT Legislative Assembly

COMPANION ANIMALS  
LIST OF SUBMISSIONS

324.	Name suppressed
325.	Ms Elizabeth Ellis
326.	Mr Manuel Nobrega
327.	Ms Kristal Burston
328.	M/s Mo Neek
329.	Ms Kim Warren
330.	Name suppressed
331.	Ms Carol Collison
332.	Name suppressed
333.	Ms Anna Keohan
334.	Mr Prashant Jain
335.	Wingecarribee Shire Council
336.	Name suppressed
337.	Willoughby City Council
338.	NSW Young Lawyers
339.	Name suppressed
340.	Ms Kelly Payne
341.	NSW Working Stock Dog Association
342.	Professor Juliette Goldman
343.	Name suppressed
344.	Protect Shoalhaven Dogs

## Appendix Three – List of Witnesses

14 July 2015, Council Chambers, Armidale Dumaresq Council

<b>Witness</b>	<b>Position and Organisation</b>
Ms Jude Costello	Private Citizen
Ms Pat Carmody	Private Citizen
Mr Geoff Johnson	Private Citizen
Ms Judy Scrivener	Private Citizen
Mr Phillip Evans	Private Citizen
Confidential Witness	
Mr Greg Meyers	Director, Planning and Environmental Resources Armidale Dumaresq Council
Ms Janine Carson	Team Leader, Ranger, Armidale Dumaresq Council

15 July 2015, Macquarie Room, Parliament House

<b>Witness</b>	<b>Position and Organisation</b>
Mr Mark Fraser	President, Pet Industry Association of Australia
Ms Maryanne Dalton	Policy Consultant, Pet Industry Association of Australia
Mr John Grima	Retail Director, Pet Industry Association of Australia
Mr Jeremy Maitland	Retail Working Group
Dr Joanne Sillince	Managing Director, Pets Australia
Ms Kristina Vesk	Chief Executive Officer, Cat Protection Society of NSW
Ms Maureen Norberry	Vice President, NSW Cat Fanciers Inc.
Mr Brian Edwards	President, Australian National Cats Inc.
Mr Dick Wye	Vice President, Australian National Cats Inc.
Ms Julie Nelson	Chief Executive Officer, Master Dog Breeders and Associates
Mrs Elizabeth Gunter	President, Dogs NSW
Dr Karen Hedberg	Member, Media and Government Legislation Committee Dogs NSW
Mr Hugh Gent	Member, Media and Government Legislation Committee Dogs NSW
Confidential Witness	
Dr Steven Ferguson	Committee Member, NSW Division Australian Veterinary Association
Ms Marcia Balzer	National Public Affairs Manager Australian Veterinary Association

**16 July 2015, Macquarie Room, Parliament House**

<b>Witness</b>	<b>Position and Organisation</b>
Mr Steve Coleman	Chief Executive Officer, RSPCA NSW
Mr David O'Shannessy	Senior Inspector, RSPCA NSW
Mr Andrew Mason	Chief Executive Officer, Animal Welfare League NSW
Mr Ian Hughes	Senior Inspector, Animal Welfare League NSW
Mr Jim Baldwin	Campbelltown City Council
Mr Paul Curley	Manager, Compliance Services, Campbelltown City Council
Mr Jim Greiss	Acting Animal Control Coordinator Campbelltown City Council
Mr Warrick Hay	Team Leader, Waste Services, Holroyd City Council
Mr Brendan Govers	Manager, Environmental Health, Holroyd City Council
Mr Troy McGlynn	Senior Ranger, Wingecarribee Shire Council
Ms Alicia Kaylock	Animal Shelter Supervisor, Wingecarribee Shire Council
Mr Scott Hansen	Director General, Department of Primary Industries
Mr Bruce Christie	Deputy Director General, Biosecurity and Food Safety Department of Primary Industries
Ms Suzanne Robinson	Senior Manager, Animal Welfare Biosecurity NSW Department of Primary Industries
Mr Steve Orr	Deputy Chief Executive Officer, Office of Local Government
Mr Grant Astill	Acting Manager, Program Delivery, Office of Local Government
Mr Keith Baxter	Manager, Policy, Office of Local Government

## Appendix Four – Recommendations from the Companion Animals Taskforce Report

**Recommendation 1** - A breeder licensing system should be established and the Companion Animals Register should be updated to capture breeder licence information for each animal record (*with Minister for Local Government*).

**Recommendation 2** - *The Animal Welfare Code of Practice – Breeding Dogs and Cats* should be revised to ensure that the existing guidelines it contains become enforceable standards.

**Recommendation 3** - Relevant animal welfare codes of practice should be amended to require the sellers of cats and dogs to display an animal's microchip number (or the licence number of the breeder of an animal) in all advertisements, and at point of sale in the case of pet shops, markets and fairs.

**Recommendation 4** - The Companion Animals Regulation should be amended to remove the existing provision that allows recognised breeders to sell unmicrochipped cats or dogs to pet shops.

**Recommendation 5** - An information sheet should be issued in relation to the advertising and sale of cats and dogs.

**Recommendation 6** - Mandatory standardised information on socially responsible pet ownership should be developed to be given out at point of sale (*with Minister for Local Government*).

**Recommendation 7** - Relevant animal welfare codes of practice should be updated to require that at least one staff member working in a pet shop, breeding establishment, pound or animal shelter must hold a *Certificate II - Animal Studies* qualification.

**Recommendation 8** - The Companion Animals Act should be amended to require cats and dogs to be registered on an annual basis.

**Recommendation 9** - Cat and dog registration fees should be reviewed and set at such a level to provide an additional incentive for owners to desex their animals.

**Recommendation 10** - The Companion Animals Regulation should be amended to require a cat to be registered from the time it is 4 months of age.

**Recommendation 11** - The Companion Animals Regulation should be amended to allow cat and dog registration fees to be indexed to the Consumer Price Index.

**Recommendation 12** - A new discounted registration category 'Desexed animal – purchased from a pound or shelter' should be established to further encourage the purchase of desexed cats and dogs.

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
RECOMMENDATIONS FROM THE COMPANION ANIMALS TASKFORCE REPORT

**Recommendation 13** - A grant funding program should be established for councils and partner organisations to deliver targeted microchipping, registration and desexing programs.

**Recommendation 14** - Measures should be introduced to improve compliance with companion animal legislation data entry requirements.

**Recommendation 15** - A community-wide socially responsible pet ownership education campaign should be developed *(with Minister for Primary Industries)*.

**Recommendation 16** - The socially responsible pet ownership school-based education program should be expanded to include the preschool age group.

**Recommendation 17** - Comprehensive education material about the importance of confining cats to their owner's property should be developed.

**Recommendation 18** - Funding should be provided for research into key cat and dog issues.

**Recommendation 19** - Better practice guidelines should be issued to councils with a view to standardising impounding practices.

**Recommendation 20** - The Companion Animals Register should be updated to provide a centralised impounded animal management tool for use by all councils, relevant State agencies and animal welfare organisations.

**Recommendation 21** - The Ministers should write to the Minister for Fair Trading to request that barriers to cat and dog ownership in relation to residential tenancy laws be reviewed *(with Minister for Primary Industries)*.

**Recommendation 22** - An ongoing reference group on cat and dog management issues should be established.

## Appendix Five – Government Response to the Companion Animals Taskforce Report

Recommendations on the management of dangerous dogs			
Rec No.	Recommendation	Response	Comment
DD1.1	Amend the Companion Animals Act to introduce a “potentially dangerous” dog category.	Supported	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> . Control category termed ‘Menacing Dog’. Government will ask the Reference Group (see Rec 22) to consider and advise on applying this category to specific high risk breeds.
DD1.2	Introduce provisions in the CA Act for a “dangerous” or “potentially dangerous” dog declaration to be revoked if behavioural training is undertaken for the dog in question and the council is satisfied that it is appropriate to do so.	Partially supported	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> for ‘Menacing Dogs’. Not supported in relation to declared ‘Dangerous Dogs’ given community concern about this issue.
DD1.3	Update the dog attack reporting framework to more clearly differentiate between “dog attacks” and less serious incidents involving dogs.	Supported	Progressing in 2014.
DD1.4	Review existing powers of council officers under the CA Act relating to the seizure of dogs subject to dangerous or restricted dog declarations for the purposes of identification.	Supported	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> .

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
 GOVERNMENT RESPONSE TO THE COMPANION ANIMALS TASKFORCE REPORT

<b>DD1.5</b>	Review the statute of limitations under which councils can prosecute dog attack offences to ensure that it is in line with other relevant legislation.	Supported	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> .
<b>DD2.1</b>	Introduce annual registration of cats and dogs and a breeder licensing system to improve the ability of councils to track dangerous dogs throughout their lifecycle.	Not supported For all registrations. Subject to further review for specific categories of registration.	Annual registration is not supported in full due to the cost burden on owners. Further consideration will be given as to whether to introduce annual fees for certain categories (e.g. dangerous dogs) to reflect the costs to the community of these animals as part of the broader system redesign.
<b>DD2.3</b>	Provide funding for research into dangerous dog issues.	Supported	Subject to available funding and priority, determined in consultation with the proposed Reference Group (Rec 22). This will include funding for research into why dogs attack.
<b>DD2.4</b>	Improve the dissemination of information about disqualified animal owners.	Supported in principle	Progress through the redesign of the Companion Animals Register (Recs 14.3 and 20)
<b>DD3.1</b>	Develop a Memorandum of Understanding template for use by councils and NSW Police regarding the enforcement of the CA Act.	Supported	Progressing in 2014.
<b>DD3.2</b>	Develop a Memorandum of Understanding between councils, animal welfare organisations and relevant State Government agencies to standardise information sharing protocols in relation to dangerous and potentially dangerous dogs.	Supported	Progressing in 2014.

## GOVERNMENT RESPONSE TO THE COMPANION ANIMALS TASKFORCE REPORT

<b>DD3.3</b>	Strengthen cross-agency delivery of educational resources on dog attack and dangerous dog issues.	Supported	The Division of Local Government will work with key agencies, such as the Department of Housing, to deliver key programs.
<b>DD3.4</b>	The Minister for Local Government and NSW Attorney General should write to the Federal Attorney General to request that a cross-jurisdictional working group be established to develop a national dog attack and dangerous dog database.	Supported	Responsible Pet Ownership Reference Group to consider whether additional breeds should be added to the restricted breeds list. Following advice from the Reference Group, the NSW Government will also write to the Federal Government to request a review of restricted breeds listed in the <i>Customs Act 1901</i> [Cwlth] to encourage a nationally consistent approach to this issue that better reflects the risks posed by certain breeds of dogs.
<b>DD3.5</b>	Amend the CA Act to allow councils to automatically declare a dog to be “dangerous” or “potentially dangerous” if they receive confirmation that the dog is the subject of such a declaration in another jurisdiction.	Supported	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> .
<b>DD3.6</b>	Establish a working group to improve dog attack data captured by hospitals and general practitioners.	Supported	The proposed Reference Group will consider this issue.
<b>DD4.1</b>	As part of a community-wide socially responsible pet education campaign, review and update existing dog bite prevention and dangerous dog management educational resources for the public, councils and other agencies.	Supported	Subject to available funding, the proposed targeted grant program for councils will include a focus on managing dangerous dog issues and unregistered dogs in ‘hotspots’ (Rec 13).

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
 GOVERNMENT RESPONSE TO THE COMPANION ANIMALS TASKFORCE REPORT

N/A	Consider requiring veterinary surgeons to report to regulatory authorities if they are called to treat/attend to a dog which is a restricted breed which is not microchipped, registered and/or desexed.	Additional initiative	Consult with the Vets Practitioners Board about this issue and mechanisms to progress.
N/A	Increase powers of councils to deal with non-compliance with required 'Dangerous Dogs' controls in line with existing powers to deal with restricted breeds.	Additional initiative	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> . Ensures that any declared 'Dangerous Dog' that
N/A	Increase compliance certificate fees for inspections of dangerous and restricted dog enclosures in line with other similar fees.	Additional initiative	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> . Increase to better reflect the cost to councils.
N/A	Increase penalties for not registering a companion animal and for dog attack offences.	Additional initiative	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> . These increases will ensure penalties are commensurate with offences to act as a stronger incentive for responsible pet ownership and to increase funding for enforcement of these dogs.
N/A	Require courts to order destruction of dogs that cause serious injury or death unless there are exceptional circumstances and enable courts to order owners to undertake responsible pet ownership courses.	Additional initiative	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> . Better reflects community expectations in relation to dogs that have attacked causing serious or fatal injury and provides another tool for courts to deal with irresponsible pet owners.

Recommendations on the management of all companion animals			
1*	A breeder licensing system should be established and the Companion Animals Register should be updated to capture breeder licence information for each animal record (with Minister for Local Government).	Supported in principle	The redesign of the Register and registration system, in consultation with key stakeholders via the Reference Group will ensure that breeder details are captured and linked to animals they breed at point of microchipping, whilst minimising regulatory burden on breeders and better targeting problem breeders. Further consideration will be given to mechanisms to provide additional resources to 'puppy farm' enforcement.
2*	The Animal Welfare Code of Practice – Breeding Dogs and Cats should be revised to ensure that the existing guidelines it contains become enforceable standards.	Supported in principle	Animal Welfare Advisory Council to consider as part of the next review of the Code of Practice.
3*	Relevant animal welfare codes of practice should be amended to require the sellers of cats and dogs to display an animal's microchip number (or the licence number of the breeder of an animal) in all advertisements, and at point of sale in the case of pet shops, markets and fairs.	Supported	Progress in consultation with the Animal Welfare Advisory Council and in conjunction with proposed redesign of the Register and registration system (Recs 14.3 and 20) to enable a breeder identification number to be used on advertising in lieu of multiple microchip numbers.
4	The Companion Animals Regulation should be amended to remove the existing provision that allows recognised breeders to sell unmicrochipped cats or dogs to pet shops.	Supported	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> .
5*	An information sheet should be issued in relation to the advertising and sale of cats and dogs.	Supported	Progressing in 2014.
6*	Mandatory standardised information on socially responsible pet ownership should be developed to be given out at point of sale.	Supported in principle	Progress through the proposed Reference Group, including consideration about making this mandatory (Rec 22).

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
 GOVERNMENT RESPONSE TO THE COMPANION ANIMALS TASKFORCE REPORT

7*	Relevant animal welfare codes of practice should be updated to require that at least one staff member working in a pet shop, breeding establishment, pound or animal shelter must hold a <i>Certificate II - Animal Studies</i> qualification.	Not supported	This places a regulatory and cost burden on small businesses and volunteer organisations and places their viable operation at risk.
8	The Companion Animals Act should be amended to require cats and dogs to be registered on an annual basis.	Not supported for all registrations Subject to further review for specific categories of registration	Annual registration is not supported in full due to the cost burden on owners. Further consideration will be given as to whether to introduce annual fees for certain categories (eg dangerous dogs) in line with the goals to promote responsible pet ownership and community safety as part of the broader system redesign.
9	Cat and dog registration fees should be reviewed and set at such a level to provide an additional incentive for owners to desex their animals.	As above	As above.
10	The Companion Animals Regulation should be amended to require a cat to be registered from the time it is 4 months of age.	Supported	This will be progressed as part of the redesign of the Companion Animals Register.
11	The Companion Animals Regulation should be amended to allow cat and dog registration fees to be indexed to the Consumer Price Index.	Supported	Implemented through the <i>Companion Animals (Amendment) Act 2013</i> (to commence on 1 Jan 2014). This ensures that fees reflect fair value (fees last updated in early 2006) and will increase funds for council activities and responsible pet ownership education.

## GOVERNMENT RESPONSE TO THE COMPANION ANIMALS TASKFORCE REPORT

<b>12</b>	A new discounted registration category ' <i>Desexed animal – purchased from a pound or shelter</i> ' should be established to further encourage the purchase of desexed cats and dogs.	Supported	This will be progressed through proposed review of the registration system.
<b>13</b>	A grant funding program should be established for councils and partner organisations to deliver targeted microchipping, registration and desexing programs.	Supported	This will commence in 2014. It may also include a focus on targeting areas with large numbers of unregistered dogs, dog attacks or dangerous dog issues (see also Rec DD 4.1).
<b>14</b>	Measures should be introduced to improve compliance with companion animal legislation data entry requirements (Measures include: Expanding registration agents to include RSPCA and Animal Welfare League and providing a fee for service (14.1, 14.2); updating the CA Register and enabling Register self-service for owners (14.3); and a campaign to increase registration rates by targeting owners on Register with microchipped but unregistered pets (14.4)).	Supported	A comprehensive review of the Register and registration system is proposed to address this and other recommendations. This will require further policy development work and significant funding (see also Rec 20).
<b>15</b>	A community-wide socially responsible pet ownership education campaign should be developed.	Supported	Progressing in 2014-2015
<b>16</b>	The socially responsible pet ownership school-based education program should be expanded to include the preschool age group.	Supported	This will be expanded in 2014 to additionally include a focus on new parents, subject to available funding.

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
GOVERNMENT RESPONSE TO THE COMPANION ANIMALS TASKFORCE REPORT

17	Comprehensive education material about the importance of confining cats to their owner's property should be developed.	Supported	Progressing in 2014.
18	Funding should be provided for research into key cat and dog issues.	Supported	Subject to available funding and priority, determined in consultation with the proposed Reference Group (Rec 22).
19	Better practice guidelines should be issued to councils with a view to standardising impounding practices.	Supported	Progressing in 2014.
20	The Companion Animals Register should be updated to provide a centralised impounded animal management tool for use by all councils, relevant State agencies and animal welfare organisations.	Supported	A comprehensive review and redesign of the Register and registration system will be undertaken. This will require further policy development work and funding (see also Rec 14).
21	The Ministers should write to the Minister for Fair Trading to request that barriers to cat and dog ownership in relation to residential tenancy laws be reviewed (with Minister for Primary Industries).	Supported	Incorporated into current residential tenancy law proposals.
22	An ongoing reference group on cat and dog management issues should be established.	Supported	The Responsible Pet Ownership Reference Group will commence in 2014.

**The Minister for Local Government is the responsible lead Minister for most recommendations**

**The Minister for Primary Industries is the responsible lead Minister for those marked by an asterisk (\*)**

## Appendix Six – Existing Legislative Framework in NSW

No.	Name	Section/ Reference	What it does
1.	<i>Prevention of Cruelty to Animals Act 1979 (POCTAA)</i>	Section 3 - objects	Provide for the prevention of animal cruelty and for the welfare of animals.
		Section 35 – Regulation making power	Enables the making of regulations for the control and regulation of animal trades. Regulations can be made for the licensing of animal trades (clause 35 (1)(d)). Enable the keeping of a register by a person carrying on animal trades (clause 35 (1)(g)).
		Enforcement and compliance	Sets up an enforcement and compliance framework for the protection of animals. Includes identifying approved officers for the purposes of compliance and enforcement works including police officers, public servants and members of approved charitable organisations. This includes the Royal Society for Prevention of Cruelty to Animals and any other organisation with operational objects including preventing cruelty to animals.
		Section 24G	Enables inspector to enter land used for the purpose of an animal trade to ensure that the provisions of the Act or regulations are being complied with.
2.	<i>Prevention of Cruelty to Animals Regulation 2012</i>	Clause 26	Regulates businesses that conduct animal trades and enables the making of codes of practice. It is an offence to fail to comply with clause 26 or any code of practice.
3.	Animal Welfare Code of Practice – Breeding Dogs and Cats 2009		This Code sets the standards for the care and management of breeding dogs and cats involved in animal breeding businesses. The Code includes enforceable standards and non-mandatory guidelines.
4.	Animal Welfare Code of Practice – Animals in Pet Shops 2008		This Code sets the standards for the care and management of animals kept for the purpose of sale, including cats and dogs.
5.	<i>Companion Animals Act 1998 (CAA)</i>		Establishes Registration Framework for cats and dogs. Framework for managing dangerous dogs. Identifies officers of RSPCA and AWL as official persons under the Act.
6.	<i>Companion Animals Regulation 2008</i>		Operation requirements for the Registration (Tracing) System.

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EXISTING LEGISLATIVE FRAMEWORK IN NSW

7.	<i>NSW Local Government Act 1993</i>	Section 124	Order 18 allows council to give orders regarding the number of animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order. Can be issued if there are an inappropriate number or they are being kept inappropriately.
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**Operational responsibilities**

**NSW Department of Primary Industries (NSW DPI)**

The Minister for Primary Industries and NSW DPI has legislative responsibility for the *Prevention of Cruelty to Animals Act 1979*.

**Office of Local Government**

The Minister for Local Government and the Office of Local Government has legislative responsibility for the *Companion Animals Act 1998*.

The Chief Executive of the Office of Local Government is responsible for the maintenance of register of animals under the *Companion Animals Act*.

**NSW Police**

Officers of the NSW Police force are authorised officers under the *Prevention of Cruelty to Animals Act 1979*.

**Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA NSW)**

The RSPCA NSW is specifically identified as an approved charitable organisation under the *Prevention of Cruelty to Animals Act 1979* enforcing the Act. Officers are identified as official persons under the *Companion Animals Act 1988*. RSPCA NSW has 32 inspectors across NSW – 17 in the Sydney metropolitan area and 15 located in regional areas around the state.

**Animal Welfare League NSW (AWL NSW)**

AWL NSW is an approved charitable organisation under the *Prevention of Cruelty to Animals Act 1979* enforcing the Act. Officers are identified as official persons under the *Companion Animals Act 1988*. AWL NSW has a team of two full time *Prevention of Cruelty to Animals Act 1979* inspectors.

# Appendix Seven – NSW Government Schematic



## OVERVIEW COMPANION ANIMALS BREEDING STANDARDS



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## Appendix Eight – Companion Animal breeding regulation across Australian jurisdictions

	NSW	ACT	NT	QLD	SA	TAS	VIC	WA
<b>Primary regulatory framework (Management and Control)</b>	<i>Companion Animals Act 1998</i>	<i>Domestic Animals Act 2000</i>  <i>Domestic Animals (Breeding) Legislation Amendment Act 2015 (DRAFT)</i>		<i>Animal Management (Dogs and Cats) Act 2008</i>  <i>Animal Management (Dogs and Cats) Regulation 2009</i>	<i>Dog and Cat Management Act 1993</i>	<i>Dog Control Act 2000</i>  <i>Cat Management Act 2009</i>	<i>Domestic Animals Act 1994</i>  <i>Domestic Animals Regulation 2005</i>	<i>The Dog Act 1976</i>  <i>The Cat Act 2011</i>
<b>(Welfare)</b>	<i>Prevention of Cruelty to Animals Act 1979</i>	<i>Animal Welfare Act 1992</i>	<i>Animal Welfare Act</i>	<i>Animal Care and Protection Act 2001</i>  <i>Animal Care and Protection Regulation 2012</i>	<i>Animal Welfare Act 1985</i>  <i>Animal Welfare Regulations 2012</i>	<i>Animal Welfare Act 1993</i>	<i>Prevention of Cruelty to Animals Act 1986</i>  <i>Prevention of Cruelty to Animals Regulations 2008</i>	<i>Animal Welfare Act (2002)</i>
<b>Codes of Practice / Standards</b>	<i>Animal Welfare Code of Practice – Animals in Pet Shops</i>  <i>Animal Welfare Code of Practice – Breeding Cats and Dogs</i>	<i>Code of Practice for the Sale of Animals in the ACT.</i>  <i>Drafting Dog and Cat breeding standards</i>	<i>Local By-Laws</i>  <i>City of Darwin Animal Management</i> <i>General policy – limits number of dogs to be owned in residential areas</i>	<i>Voluntary Code of Practice for pet shops</i>  <i>Local Government have introduced some requirements for breeders under local laws.</i>  <i>Gold Coast Breeder Permit system</i>	<i>Care and Management of Animals in the Pet Trade</i>	<i>Guidelines for breeding dogs</i>	<i>Code of Practice Breeding and Rearing 2015 (proposed amendments)</i>  <i>Code of Practice for pet shops Act provides for local councils to make local laws</i>	<i>Acts provide for Local Government to make local laws</i>

## Appendix Nine – RSPCA legislation table

**Table 1: Relevant state and territory legislation with respect to traceability (as at 28 May 2015)**

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Registration of breeders	<p>Yes</p> <p>Section 74 of the Domestic Animals Act 2000 requires a person who owns a cat over 3 months or dog over 6 months that is not desexed to have a permit. This applies regardless of whether the person intends for the animal to breed.</p>	<p>No</p> <p>The NSW Government has announced that it will redesign the state Companion Animal Register during 2014 to ensure that breeder details are captured and linked to animals they breed at the point of microchipping. <u>Update</u>: Breeder details still not captured on Register. See Companion Animals Act 1998 No 87 [NSW] Pt 8</p>	No	<p>No</p> <p>Division 10 of the Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007 (Gold Coast City Council) requires all persons keeping one (or more) entire cat or dog which the person “allows or encourages” to breed to have a breeder permit. (This is part of the Gold Coast pilot study.)</p> <p>The Qld Government released a Regulatory Assessment Statement for a proposed breeder registration scheme in 2012, but all further legislative progress was cancelled after the 2012 state election.</p>	<p>No</p> <p>The state’s Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending the establishment of a breeder licensing scheme that applies to one (or more) entire cat or dog. The SA Government is yet to provide a formal response to the Committee’s recommendations <u>Update</u>: The Animal Welfare (Companion Animals) Amendment Bill 2014 was introduced by Hon Michelle Lensink MLC but is not yet passed.</p>	<p>No</p> <p>The Tasmanian Government released a discussion paper on the regulation of dog breeding in November 2013, but did not propose to establish a breeder registration scheme.</p>	<p>Yes</p> <p>Section 45 of the Domestic Animals Act 1994 requires breeders to be registered, but only if the breeder is a “domestic animal business”, relevantly defined as “an enterprise which carries out the breeding of dogs and cats to sell” and consists of 3 or more fertile dogs or cats. However, if the breeder is part of a recognised breeding organisation, they will only be subject to registration requirements if they have over 10 fertile female dogs or cats.</p>	<p>Only for cats</p> <p>Division 4 of Part 3 of the Cat Act 2011 requires a person who breeds cats to apply to the local government to become an “approved cat breeder”.</p>

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW

RSPCA LEGISLATION TABLE

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Compulsory microchipping	<p>Yes</p> <p>Section 84 of the Domestic Animals Act 2000 and Regulation 7 and 8 of the Domestic Animals Regulation 2001 requires microchipping of cats and dogs prior to sale/transfer and by 12 weeks of age.</p> <p>Regulations 7 and 9 of the Domestic Animals Regulation 2001 outline what information must be recorded in the microchip database. There is no requirement to record breeder information, or identification of mother.</p>	<p>Yes</p> <p>Section 8 of the Companion Animals Act 1998 requires microchipping of cats and dogs prior to sale/transfer and by 12 weeks of age.</p> <p>Regulation 8 of the Companion Animals Regulation 2008 outlines what information must be recorded in the microchip database. There is currently no requirement to record breeder information, or identification of mother. However, the NSW Government has stated that it will redesign the Companion Animal Register in 2014 so as to capture breeder details. <u>Update</u>: see note above re the Register</p>	No	<p>Yes</p> <p>Sections 13 and 14 of the Animal Management (Cats and Dogs) Act 2008 requires microchipping of cats and dogs prior to sale/transfer and prior to reaching 12 weeks of age.</p> <p>Schedule 2 of the Animal Management (Cats and Dogs) Act 2008 and Schedule 4 of the Animal Management (Cats and Dogs) Regulation 2009 outline what information must be recorded in the microchip database. There is currently no requirement to record breeder information, or identification of mother.</p>	<p>No</p> <p>Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending that all cats and dogs be microchipped before sale. The Committee did not comment on what information should be recorded to the microchip. The SA Government is yet to provide a formal response to the Committee's recommendations <u>Update</u>: The Animal Welfare (Companion Animals) Amendment Bill 2014 was introduced by Hon Michelle Lensink MLC but is not yet passed.</p>	<p>Only for dogs</p> <p>Section 15A of the Dog Control Act 2000 requires microchipping of dogs at 6 months of age. There is no requirement to record breeder information, or identification of mother.</p>	<p>Yes</p> <p>Section 10C of the Domestic Animals Act 1994 requires cats and dogs to be microchipped as a condition of registration (which is compulsory once the animal is 3 months of age). However the requirement to microchip prior to sale/transfer under section 12A only applies to domestic animal businesses. Regulation 12 of the Domestic Animals Regulations 2005 outlines what information must be recorded in the microchip database. There is no requirement to record breeder information, or Identification of mother.</p>	<p>Yes</p> <p>Sections 14 and 23 of the Cat Act 2011 requires microchipping of cats prior to transfer/sale and by 6 months of age. There is no requirement to record breeder information, or identification of mother. Section 21 of Dog Act 1976 requires microchipping of dogs prior to 3 months of age. There is no requirement to record breeder information, or identification of mother.</p>

COMPANION ANIMALS  
RSPCA LEGISLATION TABLE

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Disclosure of breeder ID or microchip numbers	No	No The NSW Government has announced that it will work with the state's Animal Welfare Advisory Council in 2014 to "enable a breeder identification number to be used on advertising." <u>Update</u> : No evidence found that this has happened yet.	No	No Standard 37 of the Code of Practice for the Keeping and Breeding of Entire Cats and Dogs (Gold Coast City Council), requires breeder permit numbers to be displayed in advertisements but not at the point of sale. Qld Government released a Regulatory Assessment Statement for a proposed breeder registration scheme in 2012, which included a requirement for registered breeders to display their breeder identification number at the point of sale and in advertisements. However, all further legislative progress was cancelled after the 2012 Qld election.	No A Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending a requirement that a breeder licence number be included in advertisements and at the point of sale. The SA Government is yet to provide a formal response to the Committee's recommendations <u>Update</u> : The Animal Welfare (Companion Animals) Amendment Bill 2014 was	No The Tasmanian Government released a discussion paper on the regulation of dog breeding in November 2013 proposing that the registration number of the puppy's mother be quoted at the point of sale and in advertisements.	Yes Section 12A (2) of the Domestic Animals Act 1994 requires an animal's microchip number to be displayed in any advertisement for the animal, but not at the point of sale. If the seller is a 'domestic animal business' the breeder must display the microchip number or the breeder registration number, and the name of the issuing Council.	No
Compulsory registration	Only for dogs Domestic Animals Act 2000 Pt 2 Div 2.1	Yes Companion Animals Act 1998 Pt 2	No	Yes Animal Management (Cats and Dogs) Act 2008 Ch 3 (dogs) Ch 10 Div 2,3 (cats).	Only for dogs Dog and Cat Management Act 1995 Pt 4.	Only for dogs Dog Control Act 2000 Pt 2.	Yes Domestic Animals Act 1994 Pt 2.	Yes Dog Act 1976 Pt 3 Div 1 and Cat Act 2011 Pt 2.

**Table 2: Relevant state and territory legislation with respect to breeder standards (as at 28 May 2015)**

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Compulsory breeder standards	No The Animal Welfare Act 1992 adopts the Animal Welfare (Welfare of Cats in the ACT) Code of Practice 2007 and the Animal Welfare (Welfare of Dogs in the ACT) Code of Practice 2010, which both contain provisions regarding breeding but they are not mandatory Codes.	Yes The standards prescribed in the Animal Welfare Code of Practice - Breeding of Cats and Dogs are mandatory, and apply to 'animal trades'. Animal trades are any 'trade, business or profession' in the course of which animals are bred for fee or reward: r.20 and sch. 2, Prevention of Cruelty to Animals (General) Regulation 2006.	No	No Gold Coast City Council has developed a Code of Practice for the Keeping and Breeding of Entire Cats and Dogs. Compliance with the Standards prescribed in the Code is a condition of the breeder permit: s.52, Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007 (Gold Coast City Council).  Biosecurity Queensland developed the Queensland Standards and Guidelines for the Welfare of Animals: Breeding Dogs in 2012 with the intention of incorporating the standards under the Animal Care and Protection Act 2001. However, no further legislative progress was made to incorporate the standards following the change of government in 2012.	No A Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending the establishment of enforceable breeding standards for cats and dogs. The SA Government is yet to provide a formal response to the Committee's recommendations <u>Update</u> : The Animal Welfare (Companion Animals) Amendment Bill 2014 was introduced by Hon Michelle Lensink MLC but is not yet passed.	No The Tasmanian Government released a discussion paper on the regulation of dog breeding in November 2013 proposing the establishment of compulsory breeder standards.	Yes Breeders who are defined as a 'domestic animal business' are required to comply with the provisions of the Code of Practice for the Operation of Breeding and Rearing Establishments: s.63A, Domestic Animals Act 1994. This Code was revised in December 2013 introducing far more comprehensive standards, which will come into force on 11 April 2014.	No

COMPANION ANIMALS  
RSPCA LEGISLATION TABLE

**Table 3: Relevant state and territory legislation with respect to interim court orders (as at 28 May 2015)**

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Interim ownership orders	No	Yes Section 31(4) of the Prevention of Cruelty to Animals Act 1979 allows an inspector to apply to a magistrate for an order to sell any seized animal(s).	No	Yes Section 154 of the Animal Care and Protection Act 2001 allows the Chief Executive to forfeit seized animals to the State to prevent the animal(s) from becoming the subject of an animal welfare offence.	Yes Section 31C (2) of the Animal Welfare Act 1985 allows an inspector to apply to a magistrate for an order to sell any seized animal(s) if it is "impracticable or unreasonable" for the animal(s) to be retained until the proceedings have concluded.	Yes Section 20(5) of the Animal Welfare Act 1993 allows an inspector to apply to a magistrate for an order to sell any seized animal(s). The Magistrate may only make the order if it "is in the best interests of the animal."	Yes Section 24X of the Prevention of Cruelty to Animals Act 1986, and s.84WB of the Domestic Animals Act 1994, allow an inspector to apply to a magistrate for an order to sell any seized animals if the welfare of those animals may be at risk if returned to the owner.	Yes Section 44(8) of the Animal Welfare Act 2002 allows an inspector to apply to a magistrate for an order that seized animal(s) be forfeited to the State. The magistrate must have regard to the welfare, safety and health of the animal(s) in making the order.
Interim costs orders (failure to comply with which results in ownership transfer)	No	No	No	No	No	No	Yes Section 24X(2)(a)(i) of the Prevention of Cruelty to Animals Act 1986 and s.84WD of the Domestic Animals Act 1994, allows an inspector to apply to a magistrate for an order that the defendant pay costs for the care and maintenance of any seized animals, or a bond or security for such, and if any subsequent order is not complied with the animal(s) can be sold.	No

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Interim prohibition orders	No	No	No	Yes Section 181A of the Animal Care and Protection Act 2001 allows the court to make an order, pending completion of proceedings, prohibiting the alleged offender from possessing or purchasing or otherwise acquiring— (a) any animal; or (b) a stated type of animal; or (c) any animal, or a stated type of animal, for trade or commerce or another stated purpose.	No	No	No	No

# Appendix Ten – Internet Sales

## **Gumtree Sales Policy**

1. If the advertisement is for a cat or dog then the animal should be microchipped before sale or transfer and the microchip number should be stated in the advertisement. Microchip numbers should be provided in all advertisements nationally regardless of whether mandatory microchipping requirements exist in that particular state (i.e. this requirement applies not just to animals being sold in Victoria).

Breeder's contact details should be permanently recorded on a recognised microchip register prior to sale or transfer. Microchipping documentation should be provided to the buyer to confirm this.

2. Breeders should allow potential buyers to visit the place where the animal was bred to meet the mother animal (and father, if he's around).
3. Breeders should provide their government registration/licence/permit details to buyers, where this applies in their state/local council area. Requirements can vary between states/regions.
4. If the breeder is 'registered' as a member of a non-government association e.g. State Canine council, they should provide their membership details to buyers. This should be in addition to the above requirements.

## **Unregistered breeders**

A pricing limit of \$500 per pet advertised for adoption/sale applies to any unregistered breeder or private advertiser. The price must be stated in the ad. Unregistered breeders/owners are NOT permitted to use the 'Please Contact' price option in their pets ads. Ensure your advertisement isn't breaching any applicable laws. It is the responsibility of the advertiser to ensure that their advertisement adheres to Gumtree Posting Policies as well as applicable laws. It is a condition of your use of Gumtree, specified under our Terms of Use, that you will not violate any laws.

Please make sure you are complying with all local and state laws as there are many specific, localised regulations. For example, did you know it is illegal to sell fish as pets in Tasmania unless you have a special license? Please check with your local council, state regulatory and any other relevant industry groups for any specific policies, rules and/or regulations about the sale of pets in your state.

## **Gumtree Pets Code of Practice**

These policies are based on RSPCA principles

All ads posted in the Gumtree pets section must comply with the Gumtree Pets Policy and this Pets Code of Practice set out below. We understand some Australian states have different laws, please check with the relevant governing body in your state for further clarification. Any ads found to be breaching applicable laws and reported to us for breaching these laws will be removed from Gumtree.

### **Advertising a pet on Gumtree**

Docked tail pets are not allowed on Gumtree, this is a prohibited practice and Gumtree does not accept ads of this nature.

Age restrictions apply for certain types of pets advertised and animals have to be of a certain age before they are adoptable/available for rehoming/sale, (although posting your ad before they are 8 weeks old is ok).

All young animals should be self-sufficient - i.e. they must be able to feed themselves independently.

- Dogs: must be at least 8 weeks old
- Cats: must be at least 8 weeks old
- Rabbits: must be at least 6 weeks old
- Guinea Pigs: must be at least 4 weeks old
- Mice and Rats: must be at least 4 weeks old
- Birds: must be fully-feathered
- Ferrets: must be at least 10 weeks old

The following breeds of dog cannot be advertised on Gumtree:

- Pit Bull Terriers
- American Pit Bull Terriers
- Dogo Argentino (Argentinean fighting dogs)
- Fila Brasileiro (Brazilian fighting dogs)
- Japanese Tosas
- MiPerro de Presa Canario

### **Adopting/Buying a pet on Gumtree**

Meet the poster of the ad and see the place where the animal is being housed before agreeing to anything. Since Gumtree is local to your community, this should be easy to arrange. Also, if you're buying a young animal, like a puppy, kitten or baby rabbit etc, make sure you meet the mother (and father too, if he's around) to check they're happy and healthy and that the breeder is providing all their animals with a high standard of housing and care. Never buy a pet from someone who is unwilling to let you see how and where the animal is living! It is important to ensure the animal is from a legitimate breeding/housing site. Irresponsible breeders (e.g. puppy farmers) may use a fake house as a shopfront so prospective buyers don't see the poor conditions the animals are kept in. If you have any concerns about an animal advertised on Gumtree please report it to us. You should also report this to your local RSPCA Inspectorate.

If you are paying for a pet, never mail a cheque or use payment services like Bidpay, Western Union or Money Gram. It is our belief that these forms of funds transfer are favoured by fraudsters. Be particularly wary of any seller who demands a deposit prior to seeing the pet. Meet the seller and animal in person, and pay cash.

Visit your local RSPCA or other reputable animal rescue organisation for tips on identifying responsible practices. See these RSPCA documents for detailed information:

- Interactive RSPCA Puppy and Dog Buyer's Guide
- RSPCA Smart Puppy Buyer's Guide pamphlet

- RSPCA Smart Kitten & Cat Buyer's guide

There are two types of registration for breeders:

Pedigree or purebred dog breeders are often referred to as 'registered breeders' when they are members of a breed club or association that operates a stud book or register. The term may also be used to refer to someone who is registered with their local council as a breeder (also called a 'recognised' breeder).

Requirements for dog breeders vary from state to state. We recommend you call the relevant local council to confirm if breeders have to be registered with them and whether there is a code of practice or guidelines that the breeder should be following. If the answer is yes, you can ask the breeder for their registration details and what guidelines they follow.

If the breeder is 'registered' as a member of a non-government association, e.g. State Canine council, they should also provide their membership details.

Note that being a 'registered' breeder does not necessarily mean a breeder meets good animal welfare standards. The only way to be sure is to visit the place where the animal was bred to check out the living conditions and to meet the mother dog (and father if he's there) to check they're happy and healthy.

Check that the breeder/seller is responsible. This is important because there are a number of serious animal welfare issues that can be associated with breeding in Australia including puppy farms.

A puppy farm (also known as a puppy factory or puppy mill) is an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs. Puppy farms are usually large-scale commercial operations, but inadequate conditions may also exist in small volume breeding establishments which may or may not be run for profit.

Puppies and breeding animals on puppy farms live in appalling conditions. Dogs are often kept in overcrowded and filthy environments. Breeding animals may be confined permanently in small cages, continually bred from and never allowed out for a walk, to go to the toilet in a separate space, play or express normal behaviours.

Be aware of other welfare problems that can be associated with breeding including inherited diseases, inbreeding and exaggerated physical features. See the RSPCA Interactive Puppy and Dog Buyer's Guide and the RSPCA Smart Kitten Buyer's Guide for more information.

Buyers of cats and dogs should expect to be provided with documentation confirming microchipping, vaccination status and vet check. It's important that the breeder/seller is permanently recorded on the microchip register so they can be identified and traced from each individual cat or dog.

If in doubt contact your local RSPCA.

# Appendix Eleven – Extracts from Minutes

## MINUTES OF MEETING NO 1

Thursday 14 May 2015  
Macquarie Room, Parliament House

### Members present

Mr Marshall, Mr Veitch, Mr Pearson, Mr Piper, Mrs Taylor, Mr Crouch, Mr Henskens, Ms Finn

### Apologies

Mr MacDonald

### Staff members in attendance

Catherine Watson, Elaine Schofield, David Hale, Emma Wood, Jenny Whight, Abigail Javier

## 1. Introduction

The Chair opened the meeting at 9.00am and welcomed members and staff to the meeting. Ms Watson introduced the Committee staff in attendance.

## 2. Legislative Assembly Votes and Proceedings and Legislative Council Minutes

The extracts of the Legislative Assembly Votes and Proceedings and Legislative Council Minutes were circulated as follows:

### **Legislative Assembly, Wednesday 13 May 2015 - Votes and Proceedings No. 5 Item 3**

#### **JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES**

*Mr Anthony Roberts moved, by leave, That:*

- (1) *A joint select committee be appointed to inquire into and report on companion animal breeding practices in New South Wales, and in particular:*
  - (a) *The current situation in New South Wales in comparison with other jurisdictions;*
  - (b) *Proposals to limit the number of animals allowed to be kept by breeders;*
  - (c) *Calls to implement a breeders' licensing system;*
  - (d) *The implications of banning the sale of dogs and cats in pet stores;*
  - (e) *Any legislative changes that may be required; and*
  - (f) *Any other related matter.*

- (2) *Notwithstanding anything to the contrary in the standing orders of either House, the committee consist of nine members comprising:*
- (a) *five members of the Legislative Assembly, of whom:*
    - (i) *three are Government members, being Mr Adam Crouch, Mr Alister Henskens, and Mr Adam Marshall;*
    - (ii) *one is an Opposition member, who shall be nominated in writing to the Clerk of the Legislative Assembly by the Opposition Whip; and*
    - (iii) *one is an Independent member, being Mr Greg Piper.*
  - (b) *four members of the Legislative Council, of whom:*
    - (i) *two are Government members;*
    - (ii) *one is an Opposition member; and*
    - (iii) *one is a Crossbench member.*
- (3) *The Chair of the committee be Mr Adam Marshall and the Deputy Chair of the Committee be elected at its first meeting.*
- (4) *Notwithstanding anything in the standing orders of either House, at any meeting of the committee, any five members of the committee will constitute a quorum, provided that at least one member of each House is present at all times.*
- (5) *The committee report by 31 August 2015.*
- (6) *A message be sent to the Legislative Council requesting the Legislative Council to agree to a similar resolution and name the time and place for the committee's first meeting.*

*Upon which Mr Michael Daley moved, That the motion be amended by:*

- (1) *Leaving out "nine" in part (2) and inserting instead "ten".*
- (2) *Leaving out "five" in part (2) (a) and inserting instead "six".*
- (3) *Leaving out (ii) in part (2) (a) and inserting instead:*
  - "(ii) two are Opposition members, who shall be nominated in writing to the Clerk of the Legislative Assembly by the Opposition Whip; and"*

*Question proposed—That the amendment be agreed to.*

*Debate continued.*

*Question put.*

*The House divided.*

AYES 32

*Ms Aitchison, Mr Atalla, Mr Barr, Ms Burney, Ms Car, Ms Catley, Mr Chanthivong, Mr Crakanthorp, Mr Daley, Mr Dib, Ms Doyle, Ms Finn, Mr Harris, Ms Harrison, Ms Haylen, Mr*

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
EXTRACTS FROM MINUTES

*Hoenig, Mr Kamper, Mr Lynch, Dr McDermott, Ms McKay, Mr Mehan, Ms Mihailuk, Mr Minns, Mr Park, Mr Robertson, Ms K. Smith, Mr Warren, Ms Washington, Ms Watson and Mr Zangari.*

*Tellers: Ms Hay and Mr Lalich.*

NOES 53

*Mr Anderson, Mr Aplin, Mr Ayres, Ms Berejiklian, Mr Brookes, Mr Conolly, Mr Constance, Mr Coure, Mr Crouch, Mrs Davies, Mr Dominello, Mr Elliott, Mr Evans, Mr Fraser, Mr Gee, Mr George, Ms Gibbons, Mr Grant, Mr Greenwich, Mr Gulaptis, Mr Henskens, Ms Hodgkinson, Mr Humphries, Mr Johnsen, Mr Kean, Dr Lee, Ms Leong, Mr Maguire, Mr Marshall, Mr Notley-Smith, Mr O’Dea, Mr Parker, Mrs Pavey, Mr Perrottet, Ms Petinos, Mr Piccoli, Mr Piper, Mr Provest, Mr Roberts, Mr Sidoti, Mrs Skinner, Ms T.F. Smith, Mr Speakman, Mr Stokes, Mr Taylor, Mr Toole, Mr Tudehope, Ms Upton, Mr Ward, Mr Williams and Mrs Williams.*

*Tellers: Mr Bromhead and Mr Patterson.*

*In the Chair: Mrs Hancock.*

*Pairs: Mr Foley—Mr Baird and Ms Hornery—Mr Hazzard.*

*Question negatived.*

*Question—That the original motion be agreed to—put.*

*The House divided.*

AYES 53

*Mr Anderson, Mr Aplin, Mr Ayres, Ms Berejiklian, Mr Brookes, Mr Conolly, Mr Constance, Mr Coure, Mr Crouch, Mrs Davies, Mr Dominello, Mr Elliott, Mr Evans, Mr Fraser, Mr Gee, Mr George, Ms Gibbons, Mr Grant, Mr Greenwich, Mr Gulaptis, Mr Henskens, Ms Hodgkinson, Mr Humphries, Mr Johnsen, Mr Kean, Dr Lee, Ms Leong, Mr Maguire, Mr Marshall, Mr Notley-Smith, Mr O’Dea, Mr Parker, Mrs Pavey, Mr Perrottet, Ms Petinos, Mr Piccoli, Mr Piper, Mr Provest, Mr Roberts, Mr Sidoti, Mrs Skinner, Ms T.F. Smith, Mr Speakman, Mr Stokes, Mr Taylor, Mr Toole, Mr Tudehope, Ms Upton, Mr Ward, Mr Williams and Mrs Williams.*

*Tellers: Mr Bromhead and Mr Patterson.*

NOES 32

*Ms Aitchison, Mr Atalla, Mr Barr, Ms Burney, Ms Car, Ms Catley, Mr Chanthivong, Mr Crakanthorp, Mr Daley, Mr Dib, Ms Doyle, Ms Finn, Mr Harris, Ms Harrison, Ms Haylen, Mr Hoenig, Mr Kamper, Mr Lynch, Dr McDermott, Ms McKay, Mr Mehan, Ms Mihailuk, Mr Minns, Mr Park, Mr Robertson, Ms K. Smith, Mr Warren, Ms Washington, Ms Watson and Mr Zangari.*

*Tellers: Ms Hay and Mr Lalich.*

*In the Chair: Mrs Hancock.*

*Pairs: Mr Baird—Mr Foley and Mr Hazzard—Ms Hornery.*

*Question passed.*

Legislative Council, Wednesday 13 May 2015 - Minutes No. 4 Item 12

**MESSAGE FROM THE LEGISLATIVE ASSEMBLY—JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES**

*The President reported the receipt of the following message from the Legislative Assembly:*

Mr PRESIDENT

*The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:*

*That:*

- (1) *A joint select committee be established to inquire into and report on companion animal breeding practices in New South Wales, and in particular:*
  - (a) *The current situation in New South Wales in comparison with other jurisdictions;*
  - (b) *Proposals to limit the number of animals allowed to be kept by breeders;*
  - (c) *Calls to implement a breeders' licensing system;*
  - (d) *The implications of banning the sale of dogs and cats in pet stores;*
  - (e) *Any legislative changes that may be required; and*
  - (f) *Any other related matter.*
- (2) *Notwithstanding anything to the contrary in the standing orders of either House, the committee consist of nine members comprising:*
  - (a) *five members of the Legislative Assembly, of whom:*
    - (i) *three are Government members, being Mr Adam Crouch, Mr Alister Henskens, and Mr Adam Marshall;*
    - (ii) *one is an Opposition member, who shall be nominated in writing to the Clerk of the Legislative Assembly by the Opposition Whip; and*
    - (iii) *one is an Independent member, being Mr Greg Piper.*
  - (b) *four members of the Legislative Council, of whom:*
    - (i) *two are Government members;*
    - (ii) *one is an Opposition member; and*
    - (iii) *one is a Crossbench member.*
- (3) *The Chair of the committee be Mr Adam Marshall and the Deputy Chair of the Committee be elected at its first meeting.*
- (4) *Notwithstanding anything in the standing orders of either House, at any meeting of the committee, any five members of the committee will constitute a quorum, provided that at least one member of each House is present at all times.*
- (5) *The committee report by 31 August 2015.*

- (6) *This House requests the Legislative Council to agree to a similar resolution and name the time and place for the committee's first meeting.*

*Legislative Assembly  
13 May 2015*

*SHELLEY HANCOCK  
Speaker*

*Mr Blair sought the leave of the House to move a motion to suspend standing orders to allow consideration of the Legislative Assembly's message forthwith.*

*No objection taken.*

*Leave granted.*

*Mr Blair moved, by leave and without notice: That standing orders be suspended to allow consideration of the Legislative Assembly's message forthwith.*

*Question put and passed.*

*Mr Blair then moved:*

- 1. That this House agrees to the resolution in the Legislative Assembly's message of Wednesday 13 May 2015 relating to the appointment of a Joint Select Committee on Companion Animal Breeding Practices in New South Wales.*
- 2. That the representatives of the Legislative Council on the Joint Select Committee on Companion Animal Breeding in New South Wales be Mr MacDonald, Mr Pearson, Mrs Taylor and Mr Veitch.*
- 3. That the time and place for the first meeting be Thursday 14 May 2015 at 9.00 am in the Macquarie Room.*

*Debate ensued.*

*Dr Kaye moved: That the question be amended as follows:*

- 1. Insert at the end of paragraph 1 "with the following amendments, in which amendments the concurrence of the Legislative Assembly is requested:*
  - (1) In paragraph (2), omit 'nine members' and insert instead '10 members'.*
  - (2) In paragraph (2) (b), omit 'four members of the Legislative Council' and insert 'five members of the Legislative Council'.*
  - (3) In paragraph (2) (b) (iii), omit 'one is a crossbench member' and insert instead 'two are crossbench members'."*
- 2. In paragraph 2, insert 'Dr Faruqi' before 'Mr MacDonald'.*

*Debate continued.*

*Question put: That the amendment of Dr Kaye be agreed to.*

*The House divided.*

*Ayes 17*

<i>Ms Barham</i>	<i>Dr Kaye</i>	<i>Mr Secord</i>
<i>Mr Buckingham</i>	<i>Mr Mookhey</i>	<i>Ms Sharpe</i>
<i>Ms Cotsis</i>	<i>Mr Moselmane *</i>	<i>Mr Shoebridge</i>
<i>Mr Donnelly *</i>	<i>Mr Pearson</i>	<i>Mr Veitch</i>
<i>Dr Faruqi</i>	<i>Mr Primrose</i>	<i>Ms Voltz</i>
<i>Mrs Houssos</i>	<i>Mr Searle</i>	
		<i>* Tellers</i>

*Noes 22*

<i>Mr Ajaka</i>	<i>Mr Farlow</i>	<i>Mr Mason-Cox</i>
<i>Mr Amato</i>	<i>Mr Franklin *</i>	<i>Mrs Mitchell</i>
<i>Mr Blair</i>	<i>Mr Gallacher</i>	<i>Revd Mr Nile</i>
<i>Mr Borsak</i>	<i>Mr Gay</i>	<i>Mr Pearce</i>
<i>Mr Brown</i>	<i>Mr Green</i>	<i>Dr Phelps *</i>
<i>Mr Clarke</i>	<i>Mr MacDonald</i>	<i>Mrs Taylor</i>
<i>Mr Colless</i>	<i>Mrs Maclaren-Jones</i>	
<i>Ms Cusack</i>	<i>Mr Mallard</i>	<i>* Tellers</i>

*Pairs*

*Mr Wong*

*Mr Khan*

*Question resolved in the negative.*

*Original question put and passed.*

*Mr Blair then moved: That the following message be forwarded to the Legislative Assembly:*

*Madam SPEAKER*

*The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:*

- 1. That this House agrees to the resolution in the Legislative Assembly's message of Wednesday 13 May 2015 relating to the appointment of a Joint Select Committee on Companion Animal Breeding Practices in New South Wales.*
- 2. That the representatives of the Legislative Council on the Joint Select Committee on Companion Animal Breeding Practices in New South Wales be Mr MacDonald, Mr Pearson, Mrs Taylor, and Mr Veitch.*
- 3. That the time and place for the first meeting be Thursday 14 May 2015 at 9.00 am in the Macquarie Room.*

*Legislative Council*  
13 May 2015

*DON HARWIN*  
*President*

*Question put and passed.*

Resolved, on the motion of Mr Piper, seconded by Mr Veitch: That the Votes and Proceedings, and Minutes be taken as read.

### **3. Election of Deputy Chair**

Resolved, on the motion of Mrs Taylor, seconded by Mr Piper: That Mr Veitch be elected as Deputy Chair.

### **4. Standard procedural motions**

The Chair circulated standard procedural motions and the Committee discussed their application.

Resolved, on the motion of Mr Veitch, seconded by Mr Henskens:

1. That during a committee meeting, if a division or quorum is called in the Legislative Assembly, or either House in the case of joint committees, the meeting will be suspended until the committee regains its quorum.
2. That draft reports, evidence, transcripts, submissions and other committee documents are not to be disclosed or published by a member or any other person unless authorised by the committee or the House.
3. That media statements on behalf of the committee can only be made by the Chair after consultation with committee members.
4. That the Chair and Committee Director seek approval from the Speaker, through the Clerk of the Legislative Assembly, for funding of committee visits of inspection, consultancies and other incidental expenses. That all Committee expenditure be in accordance with Legislative Assembly policies for Committees.
5. That the Chair and Committee staff make arrangements for advertising inquiries, writing to interested parties requesting submissions, calling witnesses, and visits of inspection.
6. That, unless otherwise ordered by the Committee, witnesses appearing before the committee will not be represented by any member of the legal profession or other advocate.

### **5. General business**

The Chair addressed the Committee on the conduct of the inquiry, and circulated copies of the terms of reference and a draft inquiry plan. The Chair requested that the secretariat distribute a copy of the NSW Companion Animal Taskforce Report October 2012.

Resolved, on the motion of Mr Crouch, seconded by Mrs Taylor:

That:

1. The Chair issue a press release promoting the inquiry
2. The Committee call for public submissions on the terms of reference with a closing date of Monday 15 June 2015

3. The secretariat email Committee members with a list of stakeholders to be invited to make written submissions, and that members nominate any additional stakeholders by Monday 18 May 2015
4. The Chair write to stakeholders requesting submissions on the terms of reference with a closing date of Monday 15 June 2015

The Committee also agreed that the secretariat place advertisements announcing the inquiry and calling for public submissions, in the Sydney Morning Herald, the Daily Telegraph and The Land newspapers.

## 6. Adjournment

The Chair adjourned the meeting at 9.16am, *sine die*.

## MINUTES OF MEETING NO 2

9.01am, Wednesday 3 June 2015  
Room 1254, Parliament House

### Members present

Mr Marshall, Mr Crouch, Ms Finn, Mr Henskens, Mr MacDonald, Mr Veitch, Mr Pearson, Mr Piper, Mrs Taylor

### Staff members in attendance

Elaine Schofield, David Hale, Emma Wood, Jenny Whight, Abigail Javier

## 1. Confirmation of minutes

Resolved, on the motion of Mr Piper, seconded Mr Crouch: that the minutes of the meeting of 14 May 2015 be confirmed.

## 2. Inquiry into Companion Animal Breeding Practices in New South Wales

### **2.1 Correspondence**

The Committee noted the following item of correspondence received:

- 2 June 2015 – from the Pet Industry Association of Australia, requesting a meeting with the Chair

Resolved, on the motion of Mr Veitch, seconded Mr Henskens: that committee staff write to the Pet Industry Association of Australia declining the invitation.

### **2.2 Progress report**

The Committee noted that all identified stakeholders had been invited to make a submission.

The Committee noted that advertisements for the inquiry had appeared in the Sydney Morning Herald, the Daily Telegraph and The Land newspapers.

### **2.3 Committee information requirements**

The Committee received briefing notes prepared by committee staff on the following issues:

- Current NSW legislative framework
- 2015 Election policies
- NSW Companion Animals Taskforce Report including other jurisdictions and NSW Government response
- ACT legislation
- Current Victorian legislative framework

Resolved, on the motion of Mrs Taylor, seconded Mr Henskens: that the Committee request a briefing from the Department of Primary Industries and the Office of Local Government on Monday 22 June 2015 at 2.00 pm.

Resolved, on the motion of Mr Veitch, seconded Mr Pearson: that the Committee invite the NSW Police Force to make a submission and that the Committee write to the Premier inviting a whole of government response.

### **2.4 Proposed meeting and public hearing schedule**

The Committee noted the proposed meeting and public hearing schedule. Discussion ensued. Resolved, on the motion of Mr Piper, seconded Mr Veitch: that the Committee conduct a hearing and visit to the New England region on Tuesday 14 July 2015 and a hearing in Sydney on Wednesday 15 July 2015. Committee staff will circulate an email to members with suggested dates for a third hearing date in Sydney.

### **2.5 Submissions**

Staff reported on submissions received to date.

## **3. General business**

The Committee requested information on the traceability of companion animal sales made online, including interstate breeders.

## **4. Next meeting**

The Chair adjourned the meeting at 9.28 am, until Monday 22 June at 2.00 pm.

## **MINUTES OF MEETING NO 3**

2.03pm, Monday 22 June 2015  
Macquarie Room, Parliament House

### **Members present**

Mr Marshall, Mr Veitch, Mr Piper, Mrs Taylor, Mr Henskens, Mr Pearson, Mr Crouch, Ms Finn, Mr MacDonald

## **Staff members in attendance**

Bjarne Nordin, David Hale, Emma Wood, Jenny Whight, Abegail Javier, Stephanie Kimisi

### **1. Confirmation of minutes**

Resolved, on the motion of Mr Crouch, seconded Ms Finn: that the minutes of the meeting of 3 June 2015 be confirmed.

## **Inquiry into Companion Animal Breeding Practices in New South Wales**

### **2. Agency briefing session**

The Chair welcomed the following representatives of New South Wales government agencies:

- Department of Primary Industries  
Mr Scott Hansen, Director General  
Mr Bruce Christie, Deputy Director General Biosecurity and Food Safety  
Ms Suzanne Robinson, Senior Manager Animal Welfare  
Mr Steve Green, Manager Public Affairs, Administration and Stakeholder Engagement
- Office of Local Government  
Mr Steve Orr, Deputy Chief Executive  
Mr Keith Baxter, Manager Policy  
Mr Grant Astill, Acting Manager Program Delivery

Resolved on the motion of Mr Veitch, seconded Mr Henskens: that the Committee thank the representatives of the Department of Primary Industries and the Office of Local Government for briefing the Committee.

### **3. Business arising from the briefing session**

Resolved on the motion of Mr Henskens, seconded Mrs Taylor: That the Chair write to the Ministers for Primary Industries and Local Government seeking further information.

Resolved on the motion of Mr Veitch, seconded Mr Piper: That the Chair write to the Minister for Planning seeking further information.

Resolved on the motion of Mr Henskens, seconded Mr Pearson: That the Chair write to the Minister for Police seeking further information.

### **4. Committee information requirements**

Resolved on the motion of Mr Veitch, seconded Mrs Taylor: That the Committee note the briefing notes on South Australian legislation, and companion animal statistics.

### **5. Meeting and public hearing schedule**

Resolved on the motion of Mrs Taylor, seconded Mr Crouch: That the Committee conduct a third public hearing in Sydney on Thursday 16 July 2015.

## 6. Correspondence

Resolved on the motion of Mr Piper, seconded Mr Henskens: That the Committee receive and note the correspondence.

## 7. Submissions

Resolved on the motion of Mr Piper, seconded Mr Henskens: That the Committee receive and authorise the publication of submissions made to the inquiry as below:

1. That the following submissions be published with signatures and direct contact details redacted:  
17, 55, 106, 120, 121, 136, 139, 141, 143, 146, 161, 214, 226, 227, 232, 234, 236, 237, 247, 251, 282, 284, 287, 301, 303, 306, 309, 311, 313, 314, 318, 319, 320 and 321.
2. That the following submissions be published with signatures, direct contact details and business names redacted, or with names suppressed where partial confidentiality was requested:  
2, 3, 5, 6, 10, 12, 15, 16, 22, 40, 43, 47, 69, 90, 94, 99, 104, 108, 109, 111, 113, 114, 132, 133, 135, 143-147, 149, 158, 159, 169, 170, 171, 173, 177, 180, 184, 186, 196, 197, 198, 201, 205, 206, 209, 211, 216, 217, 222, 225, 228, 231, 233, 235, 238, 240, 242, 244, 245, 246, 248, 253-257, 261, 264-268, 274, 275, 276, 280, 286, 288, 289, 291-294, 296, 297, 300, 302, 304, 305, 307, 312, 315 and 316.
3. That the following submissions be kept confidential to the Committee or be not published:  
1, 4, 7, 8, 9, 11, 13, 14, 18-21, 23-39, 41, 42, 44, 45, 46, 48-54, 56-68, 70-89, 91, 92, 93, 95-98, 100-103, 105, 107, 110, 112, 116, 122, 123, 129, 140, 145, 147, 153, 154, 155, 157, 160, 163, 164, 166, 168, 172, 174, 178, 191, 194, 200, 202, 203, 204, 207, 210, 212, 213, 218, 223, 224, 229, 230, 239, 260, 262, 263, 266, 272, 277, 279, 281, 285, 295, 298, 299 and 308.
4. That submission 111 be published to represent the following pro-forma submissions: 115, 117, 118, 119, 124-128, 130, 131, 134, 137, 138, 142, 144, 148, 152, 176, 179, 181, 182, 183, 185, 241, 249, 250, 252, 258, 259, 269, 270, 271, 278 and 283; and that submission 149 be published to represent the following pro-forma submissions: 150, 151, 156, 162, 165, 167, 175, 187, 188, 189, 190, 192, 193, 195, 199, 208, 215, 219, 220, 221, 243, 273, 290 and 317
5. In preparing submissions for publication, material in any published submission be redacted which identifies or tends to identify any third party either by name; address; business name, type or location; includes any photographs; defames or potentially defames any individual third party through a description of their business or activity; or may expose any submission maker to unwanted attention.

## 8. Public hearings

The Committee discussed the arrangements for holding three public hearings, including the identification of witnesses.

Resolved, on the motion of Mr Veitch, seconded Mrs Taylor: That Committee Members should notify staff of further witnesses they wished to be invited to appear before the Armidale public

hearing by 9.00am Thursday 25 June 2015, and before the Sydney public hearings by 9.00am Monday 29 June 2015.

## 9. Next meeting

The Chair adjourned the meeting at 4.09pm until Tuesday 14 July 2015 at Armidale at a time to be advised.

## MINUTES OF MEETING NO 4

11.15am, Tuesday 14 July 2015  
Armidale Dumaresq Council Chambers

### Members present

Mr Marshall, Mr Veitch, Mr Piper, Mrs Taylor, Mr Henskens, Mr Pearson, Mr Crouch, Ms Finn, Mr MacDonald

### Staff members in attendance

Catherine Watson, David Hale

## 1. Confirmation of minutes

Resolved, on the motion of Mr MacDonald, seconded Mr Crouch: That the minutes of the meeting of 22 June 2015 be confirmed.

## Inquiry into Companion Animal Breeding Practices in New South Wales

## 2. Public hearing 14 July 2015

Resolved, on the motion of Mr MacDonald, seconded Ms Finn: That the Committee invites the witnesses listed in the notice of the public hearing for Tuesday 14 July 2015 to give evidence in relation to the Inquiry into Companion Animal Breeding Practices in NSW, and that the Committee hears the witness who has requested confidentiality, *in camera*.

### 2.1 Media orders

Resolved, on the motion of Mr Crouch, seconded Mrs Taylor: That the Committee authorises the audio-visual recording, photography and broadcasting of the public hearing on 14 July 2015 in accordance with the NSW Legislative Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

### 2.2 Transcript of evidence

Resolved, on the motion of Mr Veitch, seconded Mr Pearson: That the corrected transcript of evidence given on 14 July 2015 be authorised for publication and uploaded on the Committee's website.

### 2.3 Answers to questions on notice

Resolved, on the motion of Mr Pearson, seconded Mrs Taylor: That witnesses be requested to return answers to questions taken on notice within 3 business days of the date on which

the questions are forwarded to the witness, and that once received, answers be published on the Committee's website.

**2.4 Documents tendered during the public hearing**

Resolved, on the motion of Mr Piper, seconded Mr Henskens: That documents tendered during the public hearing be accepted by the Committee and published on the Committee's website.

The public hearing commenced at 11.30am. Witnesses, the public and the media were admitted. The Chair made a brief opening statement.

The following witness was sworn and examined:

- Ms Jude Costello

Evidence concluded, the witness withdrew.

The following witnesses were sworn and examined.

- Ms Pat Carmody
- Mr Geoff Johnson

Evidence concluded, the witnesses withdrew.

The Chair adjourned the public hearing at 1.10pm.

The public hearing recommenced at 1.30pm. Witnesses, the public and the media were re-admitted.

The following witness was sworn and examined:

- Ms Judy Scrivener

Evidence concluded, the witness withdrew.

The following witness was affirmed and examined:

- Mr Phillip Evans

Evidence concluded, the witness withdrew.

The Chair noted that the Committee had resolved previously to hear the witness who had requested confidentiality, *in camera*. The public and media withdrew.

The Committee proceeded to take evidence *in camera* at 2.45pm.

Witnesses, the public and the media were re-admitted at 3.20pm.

The following witness representing Armidale Dumaresq Council was sworn and examined:

- Mr Greg Meyers, Director Planning and Environmental Resources

The following witness representing Armidale Dumaresq Council was affirmed and examined:

- Ms Janine Carson, Team Leader Rangers

Evidence concluded, the witnesses withdrew.

The hearing concluded at 3.55pm.

### **3. Next meeting**

The Chair adjourned the meeting until 9.15am on Wednesday 15 July 2015 at Parliament House, Sydney.

## **MINUTES OF MEETING NO 5**

9.15am, Wednesday 15 July 2015  
Macquarie Room, Parliament House

### **Members present**

Mr Marshall, Mr Veitch, Mr Piper, Mrs Taylor, Mr Henskens, Mr Pearson, Mr Crouch, Ms Finn, Mr MacDonald

### **Staff members in attendance**

Bjarne Nordin, David Hale, Emma Wood, Jenny Whight, Abegail Javier

### **1. Confirmation of minutes**

Resolved, on the motion of Mr Veitch, seconded Mr Piper: That the minutes of the meeting of 14 July 2015 be confirmed.

### **2. Correspondence**

In addition to the correspondence distributed previously, the Committee received correspondence from the Hon Troy Grant MP, Deputy Premier and Minister for Police, received 10 July 2015.

Resolved, on the motion of Mr Veitch, seconded Mr Crouch: That the Committee notes the correspondence.

### **3. Submissions**

Resolved, on the motion of Mrs Taylor, seconded Mr MacDonald: That the Committee receives and authorises the publication of submissions made to the inquiry as below:

1. That the following submissions be published with signatures and direct contact details redacted: 323, 335, 337 and 338.

2. That the following submissions be published with signatures, direct details and business names redacted, or with names suppressed where partial confidentiality was requested: 310, 324, 325, 332, 336, 339, 341 and 342.
3. That the following submissions be kept confidential to the Committee or be not published: 322, 328, 333 and 334.
4. That the following pro-forma submissions be included in those represented by the publication of submission 111: 326, 327, 329, 330, 331 and 340.

### **Inquiry into Companion Animal Breeding Practices in New South Wales**

#### **4. Public hearing 15 July 2015**

Resolved, on the motion of Mr Henskens, seconded Ms Finn: That the Committee invites the witnesses listed in the notice of the public hearing for Wednesday 15 July 2015 to give evidence in relation to the Inquiry into Companion Animal Breeding Practices in NSW, and that the Committee hears the witnesses who have requested confidentiality, *in camera*.

##### **4.1 Media orders**

Resolved, on the motion of Mr Pearson, seconded Mrs Taylor: That the Committee authorises the audio-visual recording, photography and broadcasting of the public hearing on 15 July 2015 in accordance with the NSW Legislative Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

##### **4.2 Transcript of evidence**

Resolved, on the motion of Mr Pearson, seconded Mr Veitch: That the corrected transcript of evidence given on 15 July 2015 be authorised for publication and uploaded on the Committee's website.

##### **4.3 Answers to questions on notice**

Resolved, on the motion of Ms Finn, seconded Mr Henskens: That witnesses be requested to return answers to questions taken on notice within 3 business days of the date on which the questions are forwarded to the witness, and that once received, answers be published on the Committee's website.

##### **4.4 Documents tendered during the public hearing**

Resolved, on the motion of Mr Crouch, seconded Mrs Taylor: That documents tendered during the public hearing be accepted by the Committee and published on the Committee's website.

The Chair noted that Mr Crouch had declared that he had met one of the witnesses in his capacity as a candidate for election.

The public hearing commenced at 9.33am. Witnesses, the public and the media were admitted. The Chair made a brief opening statement.

The following witnesses representing the Pet Industry Association of NSW were sworn and examined:

- Mr Mark Fraser, Chief Executive Officer

- Ms Marryan Dalton, Policy Consultant
- Mr John Grima, Retail Director
- Mr Jeremy Maitland, Retail Working Group

The witnesses tabled the following documents:

- PIAA – submission summary and introduction
- PIAA – National Code of Practice, Version 2, March 2015
- PIAA – Standards & Guidelines for Best Practice, Breeding Establishments, Version 1, May 2015

Evidence concluded, the witnesses withdrew.

The following witness representing Pets Australia was sworn and examined:

- Dr Joanne Sillince, Managing Director

Evidence concluded, the witness withdrew.

The following witnesses representing the Cat Protection Society of NSW, NSW Cat Fanciers Inc, and Australian National Cats Inc were sworn and examined together.

- Ms Kristina Vesk, Chief Executive Officer, The Cat Protection Society of NSW
- Ms Maureen Norberry, Vice President, NSW Cat Fanciers Association Inc
- Mr Brian Edwards, President, Australian National Cats Inc
- Mr Dick Wye, Vice President, Australian National Cats Inc

The witnesses tabled the following documents:

- Summary/supplementary submission by NSW Cat Fanciers Association Inc

Evidence concluded, the witnesses withdrew.

The following witness representing Master Dog Breeders and Associates was affirmed and examined:

- Ms Julie Nelson, Chief Executive Officer

Evidence concluded, the witness withdrew.

The Chair adjourned the public hearing at 12.15pm.

The public hearing recommenced at 1.45pm. Witnesses, the public and the media were re-admitted.

The following witnesses representing Dogs NSW were sworn and examined:

- Ms Elizabeth Gunter, President
- Mr High Gent, Member, Media and Government Regulation Committee

JOINT SELECT COMMITTEE ON COMPANION ANIMAL BREEDING PRACTICES IN NSW  
EXTRACTS FROM MINUTES

The following witness representing Dogs NSW was affirmed and examined:

- Dr Karen Hedberg, Member, Media and Government Regulation Committee

The witnesses tabled the following documents:

- Dogs NSW second submission to Sydney Public Hearing 15 July 2015
- A Forensic Study of Puppy Breeding in NSW, May 2015

Evidence concluded, the witnesses withdrew.

The Chair noted that the Committee had resolved previously to hear the witnesses who had requested confidentiality, *in camera*. The public and media withdrew.

The Committee proceeded to take evidence *in camera* at 2.30pm.

Witnesses, the public and the media were re-admitted at 3.30pm.

The following witnesses representing the Australian Veterinary Association were sworn and examined:

- Dr Steve Ferguson, Committee Member, NSW Division
- Ms Marcia Balzer, National Public Affairs Manager

The witnesses tabled the following documents:

- AVA Policy 6.16 – Companion animals in pet shops

Evidence concluded, the witnesses withdrew.

The hearing concluded at 4.10pm.

## 5. Next meeting

The Chair adjourned the meeting until 9.15am on Thursday 16 July 2015 at Parliament House, Sydney.

## MINUTES OF MEETING NO 6

9.15am, Thursday 16 July 2015

Macquarie Room, Parliament House

### Members present

Mr Marshall, Mr Veitch, Mrs Taylor, Mr Henskens, Mr Pearson, Mr Crouch, Ms Finn, Mr MacDonald

## Staff members in attendance

Bjarne Nordin, David Hale, Emma Wood, Abegail Javier

### 1. Apologies

Mr Piper

### 2. Confirmation of minutes

Resolved, on the motion of Mr Veitch, seconded Mr Crouch: That the minutes of the meeting of 15 July 2015 be confirmed.

## Inquiry into Companion Animal Breeding Practices in New South Wales

### 3. Submissions

Resolved, on the motion of Ms Taylor, seconded Mr Pearson: That the Committee receives and authorises the publication of submission 343 with signatures, direct contact details and business names redacted.

### 4. Public hearing 16 July 2015

Resolved, on the motion of Mr MacDonald, seconded Mr Veitch: That the Committee invites the witnesses listed in the notice of the public hearing for Thursday 16 July 2015 to give evidence in relation to the Inquiry into Companion Animal Breeding Practices in NSW.

#### **4.1 Media orders**

Resolved, on the motion of Ms Finn, seconded Mr Henskens: That the Committee authorises the audio-visual recording, photography and broadcasting of the public hearing on 16 July 2015 in accordance with the NSW Legislative Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

#### **4.2 Transcript of evidence**

Resolved, on the motion of Mr Crouch, seconded Ms Taylor: That the corrected transcript of evidence given on 16 July 2015 be authorised for publication and uploaded on the Committee's website.

#### **4.3 Answers to questions on notice**

Resolved, on the motion of Mr Pearson, seconded Mr MacDonald: That witnesses be requested to return answers to questions taken on notice within 3 business days of the date on which the questions are forwarded to the witness, and that once received, answers be published on the Committee's website.

#### **4.4 Documents tendered during the public hearing**

Resolved, on the motion of Mr Veitch, seconded Mr Henskens: That documents tendered during the public hearing be accepted by the Committee and published on the Committee's website.

The public hearing commenced at 9.30am. Witnesses, the public and the media were admitted. The Chair made a brief opening statement.

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EXTRACTS FROM MINUTES

The following witnesses representing the RSPCA and the Animal Welfare League NSW were sworn and examined together:

- Mr Steve Coleman, Chief Executive Officer, RSPCA
- Mr David O'Shannessy, Chief Inspector, RSPCA
- Mr Ian Hughes, Senior Inspector, Animal Welfare League NSW

The following witness representing the Animal Welfare League NSW was affirmed and examined:

- Mr Andrew Mason, Chief Executive Officer, Animal Welfare League NSW

Evidence concluded, the witnesses withdrew.

The following witnesses representing Campbelltown City Council, Holroyd City Council and Wingecarribee Shire Council were sworn and examined together:

- Mr Jim Baldwin, Acting Director Environment and Planning, Campbelltown City Council
- Mr Jim Greiss, Acting Animal Control Coordinator, Campbelltown City Council
- Mr Paul Curley, Manager Compliance Services, Campbelltown City Council
- Mr Warrick Hay, Waste Services Team Leader, Holroyd City Council
- Mr Brendan Govers, Manager, Environmental Health, Holroyd City Council
- Mr Troy McGlynn, Senior Ranger, Wingecarribee Shire Council

The following witness representing Wingecarribee Shire Council was affirmed and examined:

- Ms Alicia Kaylock, Animal Shelter Supervisor, Wingecarribee Shire Council

The Chair left the meeting at 11.10am and Mr Veitch assumed the Chair in his capacity as Deputy Chair of the Committee.

Evidence concluded, the witnesses withdrew.

The following witnesses representing the NSW Department of Primary Industries and the NSW Office of Local Government were sworn and examined together:

- Mr Scott Hansen, Director General, Department of Primary Industries
- Mr Bruce Christie, Deputy Director General Biosecurity and Food Safety, Department of Primary Industries
- Mr Steve Orr, Deputy Chief Executive, Office of Local Government
- Mr Grant Astill, Acting Manager Program Delivery, Office of Local Government

The following witnesses representing the NSW Department of Primary Industries and the NSW Office of Local Government were affirmed and examined together:

- Ms Suzanne Robinson, Senior Manager, Animal Welfare, Biosecurity NSW
- Mr Keith Baxter, Manager Policy, Office of Local Government

Mr Veitch left the meeting at 12.35pm and Mr MacDonald assumed the Chair by prior agreement of the Committee.

Evidence concluded, the witnesses withdrew.

The hearing concluded at 12.45pm and the Chair resumed the meeting.

Discussion ensued.

## **5. Next meeting**

The Chair adjourned the meeting at 12.55pm until a date to be determined.

## **MINUTES OF MEETING NO 7**

8.30am Wednesday 12 August 2015

Room 1254, Parliament House

### **Members present**

Mr Marshall, Mr Veitch, Mrs Taylor, Mr Henskens, Mr Pearson, Mr Crouch, Ms Finn, Mr MacDonald, Mr Piper

### **Staff members in attendance**

Bjarne Nordin, David Hale, Emma Wood, Jenny Whight, Abegail Javier

## **1. Confirmation of minutes**

Resolved, on the motion of Mr Veitch, seconded Mr Crouch: That the minutes of the meeting of 16 July 2015 be confirmed.

## **Inquiry into Companion Animal Breeding Practices in New South Wales**

## **2. Answers to questions on notice**

The Committee noted the answers to questions on notice received from:

- Armidale Dumaresq Council
- Mr Phillip Evans
- Pet Industry Association of Australia
- Animal Welfare League NSW
- Campbelltown City Council
- Holroyd City Council
- NSW Office of Local Government

### **3. Submissions**

Resolved, on the motion of Mr Veitch, seconded Mr MacDonald: That the Committee publish the supplementary submission received from Dogs NSW as an addendum to Submission 237, with direct contact details and signatures redacted.

Resolved, on the motion of Mr Crouch, seconded Mrs Taylor: That the Committee make Submission 275 confidential to the Committee.

Resolved on the motion of Mr MacDonald, seconded Mr Piper: That the Committee receive and publish the submission received from Protect Shoalhaven Dogs, with direct contact details and signatures redacted.

### **4. Review of draft report outline, potential recommendations and findings, and members' submissions**

The Committee examined the working documents distributed prior to the meeting. Discussion ensued.

### **5. Next meeting**

The Chair adjourned the meeting at 9.45am until 1.15pm on Wednesday 26 August 2015, in Room 1254 at Parliament House.

## **MINUTES OF MEETING NO 8**

Wednesday 26 August 2015, 1.15 pm  
Room 1254

### **Members present**

Mr Marshall, Mr Veitch, Mr Pearson, Mr MacDonald, Mr Crouch, Mr Henskens, Ms Finn, Mr Piper

### **Staff members in attendance**

Bjarne Nordin, David Hale, Emma Wood, Jenny Whight, Abegail Javier

### **1. Apologies**

Mrs Taylor

### **2. Confirmation of minutes**

Resolved, on the motion of Mr MacDonald, seconded Mr Crouch: That the minutes of the meeting of 12 August 2015 be confirmed.

### 3. Correspondence

Resolved, on the motion of Mr Henskens, seconded Ms Finn: That the correspondence be noted.

### 4. Consideration of the Chair's draft report into companion animal breeding practices in NSW

The Committee agreed to amend Recommendation 10 by inserting after point (c) the words '(d) A breeder's licensing identification must be included in any advertisement in any medium where animals are advertised for sale'.

The Committee agreed to amend Recommendation 17 by omitting the word 'animals' from the third dot point and inserting instead the words 'dogs, cats and other prescribed mammals'.

The Committee agreed to amend Recommendation 17 by inserting at the end of the third dot point the words: 'Dogs, cats and other prescribed mammals must not remain in the pet shop after closing time. They must be taken to a place where there is appropriate housing and provided with the opportunity to exercise and socialise, whether on the same premises or elsewhere'.

The Committee agreed to amend Recommendation 21 by omitting the words '1 March' and inserting instead the words 'end July'.

The Committee agreed to amend Recommendation 25 by omitting the words 'the NSW Government reviews the role of local government officers in reporting cruelty and other matters under the *Prevention of Cruelty to Animals Act 1979* (NSW) and report on opportunities for implementing and funding an expanded role, by 1 September 2016' and inserting instead the words 'appropriately trained local government rangers be given the prescribed powers under section 4(1) 'definition of officers' of the *Prevention of Cruelty to Animals Act 1979* (NSW)'.

The Committee agreed to insert the following recommendation after Recommendation 32: 'RECOMMENDATION 33: The Committee recommends that the NSW Government develop protocols to ensure efficiency of operation and removal of duplication between the enforcement agencies.'

The Committee agreed to amend Recommendation 34 (formerly Recommendation 33) by inserting the word 'information' after the word 'single'.

Resolved, on the motion of Mr Pearson, seconded Mr Henskens: That the recommendations, as amended, stand part of the report.

Resolved, on the motion of Mr Crouch, seconded Ms Finn: That Chapters One through Seven stand part of the report.

The Committee agreed to insert the draft Executive Summary, as tabled.

Resolved, on the motion of Mr Veitch, seconded Mr Piper: That the Chair's Report on Companion Animal Breeding Practices in NSW be adopted by the Committee, to be signed by the Chair and presented to the Houses; that the Chair and the secretariat be permitted

to correct stylistic, typographical and grammatical errors; and that, once tabled, the report be published on the Committee's website.

## **5. General business**

The Chair and members thanked the Committee staff for their work. The Chair thanked members for their contributions. The members thanked the Chair and Deputy Chair for their leadership.

The Chair adjourned the meeting at 1.48pm.