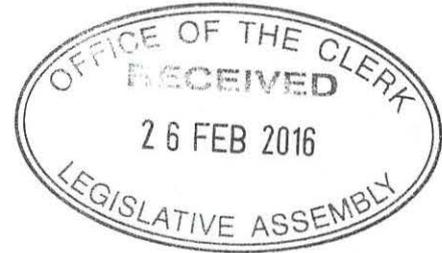




The Hon Niall Blair MLC

Minister for Primary Industries
Minister for Lands and Water

IM15/26450
Your ref: LAC15/046



Ms Ronda Miller
Clerk of the Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear ~~Ms~~ Miller *Ronda*

I refer to your letter to the Premier, the Hon Mike Baird MP, on 27 August 2015 which enclosed a copy of Report 1/56 of the Joint Select Committee on Companion Animal Breeding Practices in NSW. Your letter was referred to me as the matter primarily falls within my area of portfolio responsibility.

I am pleased to provide the NSW Government's response, enclosed, to Report 1/56 *'Inquiry into Companion Animal Breeding Practices in NSW'*.

Yours sincerely

25 FEB 2016

The Hon Niall Blair MLC
Minister for Primary Industries
Minister for Lands and Water

Encl.



NSW Government response to Report 1/56 of the Joint Select Committee on Companion Animals Breeding Practices in NSW

The NSW Government welcomes the final report of the Joint Select Committee on Companion Animals Breeding Practices in New South Wales. The Government is committed to ensuring the welfare of animals in NSW, and in particular, ensuring that companion animals breeding practices are safe, ethical and meet the expectations of the community. We do not tolerate those who mistreat animals and will continue to work with industry and enforcement agencies to stop these practices.

The Government supports the majority of the Committee's recommendations either fully or in part and recognises there is more work to do to ensure the welfare of animals across NSW. We are confident that there are projects currently underway that, once implemented, will give agencies more information about breeders across NSW and their activities. This will provide the information we need to ensure that standards are being met and enable us to identify those not meeting standards earlier.

The Government welcomes the Committee's recommendations about improving data collection and linkages and the completion of the Companion Animals register revision. The Government considers that the revision of the register and other improvements that will be made is the most important tool for authorities to use to identify and address unlawful companion animals breeding practices in NSW. The revision of the register is a major exercise which will digitise all of the records kept, provide a way for breeders and owners to ensure details are up to date, and enable tracking of puppies from breeder through to owners. It is important to ensure that it is appropriately authorised, operationally effective and provides adequate access to participants including breeders, pet owners, enforcement agencies and councils. For this reason, the Government will deliver the new register in stages from July 2016.

A number of the Committee's recommendations will be implemented as soon as possible following the new register's commencement, including:

- ensuring that an identifying number is displayed in paper or online advertisements or at points of sale
- digitising microchipping and combining them into a single step
- making parts of the register publicly accessible to enable the public to verify breeder details.

A full response to each of the Committee's recommendations is attached.

NSW GOVERNMENT RESPONSE TO REPORT 1/56 OF THE JOINT SELECT COMMITTEE ON COMPANION ANIMALS BREEDING PRACTICES IN NSW

Joint Select Committee on Companion Animals Breeding Practices – recommendations and responses		
REC	DESCRIPTION	RESPONSE
1	The Committee recommends that the NSW Government implements the recommendations of the NSW Companion Animal Taskforce Report, as a priority.	<p>Supported.</p> <p>The NSW Government remains committed to supporting a majority of the recommendations, either wholly or in principle.</p> <p>Those measures targeted at dangerous dogs have been prioritised given the need to secure community safety – 13 of these 15 recommendations have been completed or are currently being implemented.</p> <p>The Government has already:</p> <ul style="list-style-type: none"> • delivered Education Programs targeting safe interaction with pets for preschool and primary school aged children, and, expectant and new parents; • stopped breeders selling cats and dogs without microchips to pet shops; • provided a \$900,000 grant program for councils to target microchipping, registration and desexing; • introduced controls for menacing dogs; • increased penalties for dog attacks; • reduced by 50% registration fees for animals from pounds and shelters; and • established a new Pet Reference Group of industry experts to provide ongoing advice to Government. <p>Importantly, the Government has also acted to revitalise its Responsible Pet Ownership program by commencing work to upgrade the register of all pet cats and dogs in NSW (the Companion Animals register).</p> <p>This register will allow pets to be microchipped and registered at the same time, collect vital information about animal breeders and allow pet owners to update their information quickly online.</p> <p>Redevelopment of the register will also facilitate implementation of the Taskforce recommendations to provide information on the advertising and sale of cats and dogs and provide mandatory standardised information on socially responsible pet ownership.</p>

Joint Select Committee on Companion Animals Breeding Practices – recommendations and responses

REC	DESCRIPTION	RESPONSE
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.	Supported. The Government remains committed to improving animal welfare through better and more coordinated information about breeders and by streamlining the registration process.
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.	Supported in part. Consistent with its response to the Companion Animal Taskforce Report response, the Government does not support annual registration in full due to the cost burden on owners. The Government is committed to improving responsible pet ownership and may give further consideration to annual registration for certain categories of dogs and cats as part of its ongoing review of dog and cat registration.
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.	Supported. The NSW Government remains committed to effective cross jurisdictional regulation.
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 euthanised; 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.	Supported. The Office of Local Government will work to progress this issue.
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.	Supported. The Animal Welfare Advisory Council (AWAC) has been tasked and is currently undertaking the review to provide advice to the Minister for Primary Industries.
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.	Supported. The Animal Welfare Advisory Council (AWAC) has been tasked and is currently undertaking the review to provide advice to the Minister for Primary Industries.

Joint Select Committee on Companion Animals Breeding Practices – recommendations and responses		
REC	DESCRIPTION	RESPONSE
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.	Not Supported. The Government agrees that there should be adequate supervision and monitoring at breeding establishments, however there are various ways of monitoring animals without the requirement to reside at the premises.
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.	Supported. The Government is committed to introducing a 'one step' online registration system. Implementation of the Companion Animals register will be phased in from July 2016.
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.	Supported in part. A stand-alone breeders' licensing scheme is not supported. The redesign of the register and registration system in consultation with key stakeholders will ensure that breeder details are captured and linked to animals they breed at point of microchipping, while minimising regulatory burden on breeders and improving the ability to better target problem breeders.
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.	Supported in part. The redesign of the register and registration system in consultation with key stakeholders and via the Reference Group will ensure that breeder details are captured and linked to animals they breed at point of micro-chipping. Further consideration will be given to mechanisms to provide additional resources to puppy factory enforcement by the Minister for Primary Industries.

Joint Select Committee on Companion Animals Breeding Practices – recommendations and responses		
REC	DESCRIPTION	RESPONSE
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.	Supported. The Government is committed to introducing a 'one step' online registration system. This recommendation will be considered as part of the Companion Animals register rebuild.
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.	Supported. The Government is committed to introducing a 'one step' online registration system.
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.	Supported. The Government is committed to introducing a 'one step' online registration system that will allow dog and cat owners to update their pet's details. This will be phased in as part of the redesign of the Companion Animals register.
15	The Committee recommends that the register of Companion Animals be made partially publicly accessible online to enable anyone to verify breeder details.	Supported. The Government is committed to introducing a 'one step' online registration system.
16	The Committee recommends that the NSW Government reviews the need for breeders to be trained and qualified, and report by 1 September 2016.	Supported. The Animal Welfare Advisory Council (AWAC) has been tasked and is currently undertaking the review to provide advice to the Minister for Primary Industries.
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: <ul style="list-style-type: none"> • 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 	Supported in part. The Animal Welfare Advisory Council (AWAC) has been tasked and is currently undertaking the review to provide advice to the Minister for Primary Industries. The Animal Welfare Code of Practice: Animals in Pets shops already includes enforceable standards relating to protection from distress, injury, ensuring their safety, wellbeing and psychological health. Failure to comply with the standards may result in a Penalty Infringement Notice (PIN) or prosecution.

Joint Select Committee on Companion Animals Breeding Practices – recommendations and responses		
REC	DESCRIPTION	RESPONSE
	<ul style="list-style-type: none"> 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. 	
18	The Committee recommends that the NSW Government reviews training requirements for pet store staff, and report by 1 September 2016.	Supported. The Animal Welfare Advisory Council (AWAC) has been tasked and is currently undertaking the review to provide advice to the Minister for Primary Industries.
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.	Supported. The Animal Welfare Advisory Council (AWAC) has been tasked and is currently undertaking the review to provide advice to the Minister for Primary Industries.
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.	Supported. The Animal Welfare Advisory Council (AWAC) has been tasked and is currently undertaking the review to provide advice to the Minister for Primary Industries.
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.	Supported. Implementation will be in conjunction with proposed redesign of the register and registration system to enable a breeder identification number to be used on advertising in lieu of multiple microchip numbers. As a consequence, it may not be implemented in the specified timeframes.
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.	Not supported. Intent will be implemented by alternative means. The content of development control plans is not currently legislated. The Government will instead prepare a circular or notice that can be issued to all NSW councils advising them to consider the Animal Welfare Code of Practice when assessing development applications for 'animal boarding house or training establishment'.
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.	Not supported. The outcome of all development applications is already regularly published on councils' websites. The Government will instead prepare a circular or notice that can be issued to all NSW councils advising them to consider the Animal Welfare Code of Practice when assessing development applications

Joint Select Committee on Companion Animals Breeding Practices – recommendations and responses		
REC	DESCRIPTION	RESPONSE
		for 'animal boarding house or training establishment' and that Councils can seek advice from enforcement agencies. Intent will also be met through the redesigned register to capture breeder information. This avoids additional regulatory burden for councils.
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.	Not supported. Changing the definition in local environmental plans will have wider implications across the State, requiring development applications for more proposals which is inconsistent with the Government's strategy to streamline the planning system. Alternate options to implement the intent of this recommendation will be investigated.
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).	Not supported. RSPCA NSW and AWL NSW have prescribed powers under POCTA and the Government provides funding to these welfare organisations. Enforcement operation procedures under POCTA require different capabilities to local rangers and implementation of this recommendation would greatly increase demand on resourcing for local government.
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.	Supported. Further scoping is required on the complexity of these issues and a longer timeframe will be required.
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.	Supported in part. Further scoping is required on the complexity of these issues and a longer timeframe will be required. This will be considered as part of the review of all offences proposed by recommendation 26.
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.	Supported in part. The Government is periodically reviewing the Companion Animals Act to ensure penalties and offences align with community expectation. It has increased penalties for dog attack offences and created a new menacing dog category. The need for a more comprehensive review can be re-examined after the implementation of the register.
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	Supported in part. The Government recognises the benefit of undertaking an integrated review of the two Acts. The need for such a review will be re-examined

Joint Select Committee on Companion Animals Breeding Practices – recommendations and responses

REC	DESCRIPTION	RESPONSE
	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.	after the implementation of the register.
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.	Supported. The Government is committed to reviewing the adequacy of funding when possible. The data collected through the revised Companion Animals register may assist in determining the most effective use of current resources, the need for any additional resources and where they should be targeted.
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.	Supported. The Government remains committed to implementing a new 'one-step' registration system.
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.	Not Supported. Intent will be met by individual Memorandums of Understanding (MOU's) between the Department of Primary Industries (DPI) and the RSPCA and Animal Welfare League (AWL) NSW. The MOUs will address issues of appropriate governance systems, policies and information sharing in 2016. The register will provide location of breeders.
33	The Committee recommends that the NSW Government develop protocols to ensure efficiency of operation and removal of duplication between the enforcement agencies.	Supported. The MOUs between DPI and RSPCA NSW and AWL NSW will address issues of appropriate governance systems, policies and information sharing in 2016.
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.	Not supported. The redesign of the register will enable better tracing of breeders and will provide an online tool to investigate/check the identification number of breeders for any consumers wishing to purchase animal. The Government will review and maintain information and linkages between relevant websites.