

**Submission
No 255**

COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES

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Date Received: 15/06/2015

**Submission to the Parliament of New South Wales Joint Select Committee
on Companion Breeding Practices in New South Wales**

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15 June 2015

This submission addresses the terms of reference

- 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

THE CURRENT SITUATION IN NEW SOUTH WALES IN COMPARISON WITH OTHER JURISDICTIONS

At present regulation of companion animal breeding practices in New South Wales does not meet the standards expected by the community. The regulatory framework in New South Wales in relation to companion animal breeding compares unfavourably, for example, with the Victorian, Tasmanian and Western Australian jurisdictions. These three jurisdictions all offer stronger regulation of the companion animal breeding industry. In Victoria all companion animal breeding now has to adhere to legislative standards for the registration and conduct of companion animal businesses. In Tasmania and Western Australia the breeding of cats is now regulated. In addition, the Australian Capital Territory has introduced mandatory desexing of cats and dogs unless an owner has a permit to keep an undesexed animal.

New South Wales

At present the *Companion Animals Act 1998* (NSW)¹ and *Companion Animals Regulation 2008* (NSW)² contains no reference to breeding practices or to the registration and conduct of companion animal businesses. All breeders do, however, need to comply with the *Prevention of Cruelty to Animals Act 1979* (NSW)³ and the *Prevention of Cruelty to Animals Regulation 2012* (NSW)⁴.

The Department of Primary Industries *Animal Welfare Code of Practice: Breeding Dogs and Cats*⁵ issued in 2009 falls short of community expectations in that it sets minimum standards that appear to be much lower than they should be. For example, a cat is permitted to be enclosed in a space that is only 60cm wide. Clearly this Code of Practice needs to be improved.

¹ See http://www5.austlii.edu.au/au/legis/nsw/consol_act/caa1998174/ (viewed 15 June 2015).

² See http://www.austlii.edu.au/au/legis/nsw/consol_reg/car2008265/ (viewed 15 June 2015).

³ See http://www5.austlii.edu.au/au/legis/nsw/consol_act/poactaa1979360/ (viewed 15 June 2015).

⁴ See http://www5.austlii.edu.au/au/legis/nsw/consol_reg/poactar2012451/ (viewed 15 June 2015).

⁵ See <http://www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/codes/breeding-dogs-and-cats> (viewed 15 June 2015).

Victoria

Victoria, unlike New South Wales, has clear legislative standards for the registration and conduct of companion animal businesses. See Part 4 of the *Domestic Animals Act 1994* (Vic).⁶ Victoria has also legislated specifically against the practice of puppy farming. See the *Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Act 2011* (No 75 of 2011).⁷

Amending the *Companion Animals Act 1998* (NSW) to set clear legislative standards for the registration and conduct of animal businesses and introducing strong penalties for breaching such standards would significantly strengthen the law in New South Wales. The Victorian model would appear to be a useful model to follow when introducing similar legislation in New South Wales.

The Victorian *Code of Practice for the Operation of Breeding and Rearing Businesses* has recently been subject to public consultation and review.⁸ It would seem appropriate and timely to engage in a similar process for the NSW *Animal Welfare Code of Practice: Breeding Dogs and Cats 2009*.

Tasmania

The Cat Management Act 2009 (TAS) regulates the breeding of cats. See Part 7.⁹

Western Australia

The Cat Act 2011 (WA) regulates the breeding of cats. See Division 4, Subdivisions 1 and 2.¹⁰

⁶ Available at http://www5.austlii.edu.au/au/legis/vic/consol_act/daa1994163/ (viewed 15 June 2015).

⁷ Available at http://www5.austlii.edu.au/au/legis/vic/num_act/daafeaoma201175o2011685/ (viewed 15 June 2015).

⁸ See <http://www.depi.vic.gov.au/pets/domestic-animal-businesses/breeding-and-rearing-businesses/code-of-practice-for-the-operation-of-breeding-and-rearing-businesses-revision-1> (viewed 15 June 2015) and also <http://www.depi.vic.gov.au/pets/domestic-animal-businesses/breeding-and-rearing-businesses> (viewed 15 June 2015).

⁹ Available at http://www5.austlii.edu.au/au/legis/tas/consol_act/cma2009125/ (viewed 15 June 2015).

PROPOSALS TO LIMIT THE NUMBER OF ANIMALS ALLOWED TO BE KEPT BY BREEDERS

This would need to be incorporated in a breeder licensing system after community consultation about a review of the New South Wales Code of Practice similar to that recently carried out in Victoria.¹¹

CALLS TO IMPLEMENT A BREEDERS' LICENSING SYSTEM

Many litters of kittens arrive at pounds or are sold for free via websites such as [REDACTED]. Backyard breeding is clearly a problem in the Sydney region. The statistics gathered by the Office of Local Government from local councils still reveal a high euthanasia rate, especially for cats.¹² It is vital that a breeder's licensing system be implemented and effectively enforced in NSW so that backyard breeding is no longer possible.

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

Pet stores that source dogs and cats from puppy farms should not be permitted to continue this practice. Pet stores should be encouraged to facilitate the adoption of pets from rescue groups or pounds. This in turn would assist in lowering the rates of euthanasia in NSW pounds.

ANY LEGISLATIVE CHANGES THAT MAY BE REQUIRED

This has already been covered in a) above. See also f) below.

¹⁰ Available at http://www5.austlii.edu.au/au/legis/wa/consol_act/ca201142/ (viewed 15 June 2015).

¹¹ See <http://www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/codes/breeding-dogs-and-cats> (viewed 15 June 2015).

¹² See the latest publicly available pound statistics at https://www.olg.nsw.gov.au/sites/default/files/pound_data_report_-_2010_11.pdf (viewed 15 June 2015) and https://www.olg.nsw.gov.au/sites/default/files/pound_data_report_-_2011_12.pdf (viewed 15 June 2015).

ANY OTHER RELATED MATTER

Mandatory desexing at point of sale

Mandatory desexing at point of sale has already been introduced for cats in Western Australia,¹³ Tasmania¹⁴ and the Australian Capital Territory¹⁵. It is useful to monitor whether this has led to a lowering of the numbers of homeless or lost cats euthanased in pounds in these three jurisdictions. It does appear that the numbers of cats euthanased has gradually reduced in the Australian Capital Territory.¹⁶ It is arguable that only ethical closely regulated breeders of purebreeds and/or domestic breeds should be permitted to keep entire companion animals.

Education in English and community languages

Community education is crucial. Education campaigns about all legal obligations and pet ownership responsibilities needs to accompany legal reforms. For example, information about desexing and microchipping needs to be available in all the languages spoken in the community. Failure to desex and failure to update microchips with change of address details has been identified by one major Sydney pound with highly multicultural feeder areas as a major factor in high euthanasia rates. One way to address the need for community education would be the creation of a website (with links to diverse social media) by the Office of Local Government where professionally translated materials on legal obligations and pet ownership responsibilities in community languages and English are available to be downloaded by individuals, community groups and local councils. Legal reforms need to be accompanied by effective community education campaigns that reach all culturally and linguistically diverse communities as well as the English speaking community. The need for multilingual, multicultural education and information is being addressed at the level of Federal and State Government. However, local governments have been much slower in responding to this need.

¹³ See the *Cat Act 2011* (WA), Part 2, Division 3 available at http://www5.austlii.edu.au/au/legis/wa/consol_act/ca201142/ (viewed 15 June 2015).

¹⁴ See the *Cat Management Act 2009* (Tas), Part 3, available at http://www5.austlii.edu.au/au/legis/tas/consol_act/cma2009125/ (viewed 15 June 2015).

¹⁵ See the *Domestic Animals Act 2000* (ACT), Part 3, available at http://www5.austlii.edu.au/au/legis/act/consol_act/daa2000163/index.html#s5 (viewed 15 June 2015).

¹⁶ See http://www.rspca.org.au/sites/default/files/website/The-facts/Statistics/RSPCA_Australia-Report_on_animal_outcomes-2013-2014.pdf (viewed 15 June 2015).

Accreditation and funding of rescue organisations based in New South Wales

There will always be a need for the work of rescue organisations to assist with the rehabilitation, fostering and rehoming of companion animals.¹⁷ At the moment networks of voluntary rescue directors, foster carers, photographers and transporters struggle to keep up with the endless inflow of companion animals into pounds and those abandoned on the streets. The current regulatory system is not working and the burden is carried by volunteers and pound workers. There is a clear need to put in place an accreditation system for rescue organisations as a pre-requisite for setting up a funding structure to support for the valuable work that they do. National Animal Rescue Groups of Australia (NARGA), for example, is currently working on introducing a minimum operating standard for rescue organisations.¹⁸ A growing number of rescue groups are also incorporating and becoming registered charities. It is suggested that a portion of the funds deposited in *The Companion Animal Fund* set up under Part 10 of the *Companion Animal Act 1998* (NSW) Act be allocated to support the work of accredited, audited rescue organisations in New South Wales who have incorporated and are registered as charities.

Better funding for council pounds in New South Wales

At one major public pound in Western Sydney there is only one fulltime staff member to look after up to 100 cats. The rest of the staff are part-time volunteers. The pound is understaffed and this means the care of the animals is compromised. Workers, who are there because they care about animals, are also suffering due to the ongoing trauma of working in an underfunded, often high-kill pound system. There is an urgent need to better fund the pound system particularly at times when there is a greater seasonal influx of animals into the pounds. Many council run facilities also need significant upgrading.

Thank you for the opportunity to make this submission.

Mary Ann Gourlay

(I have worked as a volunteer cat foster carer for two NSW based rescue organizations, have a multiple cat household and now focus on social media community language education about responsible pet ownership.)

¹⁷ See, for example, the following list of rescue groups that work with a major Sydney pound - <http://www.renbury.com.au/rescue-groups/> (viewed 15 June 2015). Other rescue groups work with desexing, socializing and rehoming street cats to prevent them entering pounds.

¹⁸ See <http://narga.org.au/>