

**Submission  
No 310**

## **COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES**

Name: Name Suppressed

Date Received: 15/06/2015

*Partially Confidential*

## Submission – 2015 Joint Select Committee on Companion Animal Breeding Practices in NSW

In addition to my **Preface** and **Introduction**, my submission includes responses and comments to the **Terms of Reference** including specific additional comments under the heading '**Any other related matter**', and a **Conclusion** as follows:

### 1. PREFACE

### 2. INTRODUCTION

### 3. TERMS OF REFERENCE

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

### 4. ANY OTHER RELATED MATTER

Under 'Any other related matter', in the **Terms of Reference**, my submission will also include review and reference to:

- NSW Code of Practice 'Animal Welfare Code of Practice Breeding dogs and cats'
- Evolved and changing community/public attitudes and expectations
- Consumer Protection
- Captives For Life – Quality Of Life
- Inconsistency with competing/dysfunctional and inconsistent Legislation, Standards, CoP's and Guidelines
- Compliance and Enforcement

### 5. CONCLUSION

## **1. PREFACE**

I appreciate the The Hon Niall Blair MLC, Minister for Primary Industries and Minister for Lands and Water issued a media release on 12 May 2015 to announce his request that a parliamentary inquiry be conducted into companion animal breeding practices across the state.

I also appreciate that at least one print media article titled ' Marshall heads puppy farm probe' was published which reported on the Committee set up. The article which targeted a specific area did not however expand on specifically who else was on the committee, the Terms of Reference or the specifics of the submission period. The article stated "Puppy breeding has been a controversial issue for several years in the New England."

Puppy breeding and the trade in companion animals has in fact been a controversial issue for many decades across Australia and around the globe.

Now there may have been other related media releases and there may have been other related media in metropolitan areas, however this has not transcended to regional and rural areas where many of the issues including legal and illegal commercial Puppy/Kitten Factories, sub-standard and non-complaint conditions, extreme cruelty etc are prevalent and rife. Puppy/Kitten Factories are normally hidden in regional and rural areas as are most abhorrent industries including, the Greyhound industry.

I am obviously now aware that the specifics of this Inquiry are now published and available of the state government website. The reality is however the public do not refer to any government website unless they are aware of a subject and actively seek it out.

The lack of awareness, communication and invitation to stakeholders, community and the public is as a direct result of poor communication on the part of those responsible for this Inquiry. This correlates to exclusion of the very public who have been crying out for change for decades.

I would also ask, given that the management and day to day responsibilities and critically enforcement for companion animals falls directly under local government councils', have NSW councils been issued with a circular inviting them to make submissions. Their hands on knowledge and experience is I believe crucial and would include input which may not necessarily be provided by other stakeholders.

I am also a financial Dogs NSW member and have received no advice on this Inquiry from my member body. This is particularly disappointing.

In Victoria, DEPI are also normally clear and good communicators and their related website instructions on submissions are comprehensive. The scope of similar DEPI Inquiries are broad, not narrow. They allow sufficient time to compile and lodge submissions which are invariably of a complex nature and time consuming for those making them. Fundamentally important they allow their committees the time required to fully review submissions and undertake a thorough review, examination of all points of view and this normally enables workable and meaningful solutions and recommendations in the subsequent reports back to government for legislation changes.

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As way of example of effective communication, in Victoria such animal related Inquiries are normally co-ordinated by the DEPI. They retain an email list of stakeholders and all interested parties. In addition to extensive media releases and reporting they actively 'invite' submissions. They understand and value that a strong response and a wide cross community and expert response is essential to enable a thorough canvassing of all points of view, expertise and ultimately sound and workable solutions. They also allow individuals, groups and organisation to appear to present in person. This is important and productive.

The current Victorian BSL Inquiry and submission process is a good example. At the closing of this submission period, the Victorian committee has a period of eight (8) months to inquire into, consider and report. This is in stark contrast to NSW and the current respective rushed through 'animal' inquiry and report which resembles a motor vehicle driving through an automated car wash.

I am a dog/cat lover and owner, a rescue/rehoming person, an Advocate and Activist, a Dogs NSW member and a member of the community. I regularly takes the time and effort to lodge submissions on all matters, Australia wide, at both state and federal level involving animals and where there is an opportunity to raise the bar and improve. I have a broad perspective and I am very much a stakeholder. I express my sincere gratitude to the Inquiry Manager who understood my driving need to lodge a submission on this Inquiry and granted me an extension.

In addition, I am very concerned that the scope of this Inquiry is particularly narrow and reflects a targeted focus of only some of the issues in an attempt to fulfil the state government's pre-election promises to 'clean up the industry' following exposure of some Puppy/Kitten Factories and resulting charges and prosecution.

Any attempt to band aid or quick fix a complex area in need of dramatic change and overhaul in a politically driven manner will inevitably fail. Companion animals deserve so much more.

I would ask that the committee reflect on all inclusions under the Terms of Reference as well as all the complex in inter-related and connecting issues and considerations which continue to feed, sustain and protect the vile industry or commercial Puppy/Kitten farming and those involved in this abhorrent trade in companion animals. The victims are the companion animals and the community. The companion animals have no voice so I humbly lend them mine.

The subject matter cuts across standards and public expectations of how the community believe, expect, indeed demand companion animals are housed, cared for and bred including the overall quality of life. The sad and truthful reality is that the government in trying to tackle and address these issues of commercial breeding and the trade in companion animals, is not cognisant of the fact that in many NSW electorates of elected state members, we have local government council pounds where housing, conditions and duty of care for impounded companion animals (pets who need homes), is often partially or totally non-compliant. Many of these government facilities are also hidden away, normally in council tips.

In NSW, we still in 2015, have NO specific purpose CoP to protect impounded companion animals. What is available, is largely unknown to those who must provide care and manage these facilities – your local government councils. Ask them as I do on a regular basis.

A kitten/cat is a kitten/cat is a kitten/cat. A puppy/dog is a puppy/dog is a puppy dog.

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As with other human beings, I do not discriminate between animals on the basis of colour, size, breed, origins or type. They are by me, all considered living feeling sentient beings with the ability to feel, suffer and love. Accordingly I believe all are entitled to receive the same highest level of protection of rights, equality and care that it is in our power to provide.

Accordingly BSL legislation as has been imposed against the wishes of the public and advice of experts in Victoria and which discriminates on the basis of how a dog 'looks' is to me ridiculous legislation which has cost the lives of countless numbers of innocent dogs, taken a dreadful toll on many people, has clogged our judicial systems, has cost the community many thousands of dollars at local government level and has outraged dog lovers and owners of pets.

While all companion animals born and sold through this trade are victims who suffer and endure cruelty, abuse, and often physical, emotional, psychological and genetic scarring, the greatest victims are those trapped for life – the breeding property and stock who have little or no rights or protection and most of whom are hidden away. These trapped for life companion animals must be given absolute priority. These are the truly forgotten victims who are imprisoned for life until such time as most either die or are taken out the back and either bludgeoned to death or shot. Your findings, decisions and recommendations are therefore imperative for this forgotten group of companion animals.

I would strongly urge the committee to consider my views (above) and expand the Terms of Reference (you at least to incorporate the current/existing NSW Code of Practice 'Animal Welfare Code of Practice Breeding dogs and cats' which is critically central to this Inquiry), extend the submission and reporting periods and expand your stakeholder base with significantly improved communication.

We have a wonderful opportunity here to engage with the community and those who are hands on cleaning up the consequences of all the issues. We have an opportunity to make real, progressive and meaningful change which can be enforced through legislation. On behalf of all NSW companion animals, I implore you all to ensure this can occur.

## **2. INTRODUCTION**

The scope of this Inquiry and related Terms of Reference has no connection with the community perception of companion animal welfare. There is a massive groundswell of opposition to the very existence of Puppy/Kitten Factories and unregulated backyard breeders, reflected in part in undertakings and promises made by the current state government.

The Terms of Reference for this Inquiry do not even allow specific examination of Responsibilities and Competency of Staff, Quality Management Systems, Animal Housing, Animal Management, Animal Health, Transfer of Ownership or Breeding and Rearing.

I commend the government's willingness to examine the issues through a formal Inquiry however I do not commend the implied acceptance of the continuation of Puppy/Kitten Factories and unregulated backyard breeders. At a minimum commercial breeding of companion animals must be outlawed. I oppose the very idea of a government that accepts the existence of Puppy/Kitten Factories and unregulated backyard breeders.

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The government must take the appropriate steps to respond to the informed community's desires or, even more positively, lead the community through progressive and meaningful change.

We must rise above 'acceptable' or 'minimal' or 'guidelines. We need and the community demands, legislation and enforceable Standards at the highest level, where those expected to monitor and enforce are equipped to do so.

Our state legislation covering companion animals must be connected. This includes, breeding, selling, impounding, boarding etc. We should never accept that a companion animal receives varied levels of protection based on their origins or residence either privately, in a pet shop, in a Factory Farm or in a pound/shelter where is still legal to shoot homeless dogs and cats.

This Inquiry is generally looking at breeding and inter-related issues. Companion animals trapped in commercial environments are often confined for life. Many of these animals are bred and used solely for profit. I will always demand complete abolition of this vile commercial trade.

Please note that my comments, views and responses on companion animals also relate to 'working dogs' and 'greyhounds'. Both 'working dogs' and 'greyhounds' are badly neglected in terms of protection under state legislation, CoP's, Standards and Guidelines. A dog is a dog and all must be recognised.

One obvious recognition here must be that the animal welfare community will be able to ensure that the public do not forget the vile and inhumane 'living' conditions of these companion animals and the implied approval now being given by the NSW government to continue on with those conditions.

### **3. TERMS OF REFERENCE**

#### **3.1.) The current situation in New South Wales in comparison with other jurisdictions**

NSW is woefully out of step with community/public expectations and legislation to protect companion animals involved with the commercial trading of same.

#### **3.2.) Proposals to limit the number of animals allowed to be kept by breeders**

While I believe that some allowances must be made for those who breed ethically and legally (ANKC registered breeders), I do believe that some restrictions need apply.

#### **3.3.) Calls to implement a breeders' licensing system**

I do not believe this will ever work. The costs involved and the monitoring and enforcement required do not occur now. They will certainly not occur with an additional layer of bureaucracy.

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### 3.4.) The implications of banning the sale of dogs and cats in pet stores

I oppose the sale of any live animals from pet stores. The only exception should be rescue companion animals (fully vetted, including desexed) where a clear agreement/arrangement is in place between the store and the rescue group/animal welfare organisation to ensure protection for the companion animals and regular monitoring.

This must include ANKC registered breeders who are permitted under our Code of Ethics to sell puppies/dogs in PIAA approved pet stores.

### 3.5.) Any legislative changes that may be required

Any/all legislation specific to 'cats', 'working dogs' and 'greyhounds'. Both 'working dogs' and 'greyhounds' are badly neglected in terms of protection under state legislation, CoP's, Standards and Guidelines.

In addition: Prevention of Cruelty to Animals Act & respective Regulations, Impounding Act, Companion Animals Act, Animal Welfare Code of Practice No 5—Dogs and Cats in Animal Boarding Establishments NB: Section 1.3. confirms, "Establishments which provide commercial boarding services, Council Pound services and veterinary hospital services must comply with the standards of this code," Companion Animals Act: Working Draft July 99 – The Care and Management of Dogs and Cats in NSW Pounds, Companion Animals Advisory Board FAQ Cats, Animal Trades Regulations.

Dogs NSW REGULATIONS, PART XIV, GUIDELINES FOR THE CARE AND MANAGEMENT OF KEEPING AND BREEDING DOGS (Adopted 9/96), Revised 10 July 2013. This Regulation is based on the Code of Practice for all dog and cat breeders by virtue of the Animal Trades Regulations under the Prevention of Cruelty to Animals Act (POCTA) which came into force on 1.8.96.

### 3.6.) Any other related matter

Covered below.

## **4. ANY OTHER RELATED MATTER**

### **4.1. NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs'**

**4.1.1.** The current NSW Code of Practice 'Animal Welfare Code of Practice Breeding dogs and cats' was first published in August 2009.

**4.1.2.** The requirements specified in the above referred to CoP are mandatory for anyone involved with the breeding of companion animals as specified in the 'Disclaimer' which confirms the "information contained in this publication is a Code of Practice prescribed under the Prevention of Cruelty to Animals (General) Regulation 2006 (the Regulation). People involved in the business of breeding dogs and cats are reminded that compliance with the standards specified in this Code is a requirement under that Regulation".

**4.1.3.** Under the heading 'Introduction' section 2.2 specifies the CoP "applies to the welfare of dogs and cats which are involved in the business of breeding and raising puppies and kittens." This implies this CoP only offers protection to companion animals in recognised and normally legal, council approved 'commercial' facilities and excludes the same right of protection for those companion animals in non-commercial facilities which are normally smaller scale breeders including ANKC (Dogs NSW) members, non council approved operators (often illegal) and Back Yard breeders.

**4.1.4.** Under the heading 'Introduction', section 2.4 stipulates "The incidental breeding of animals by pet shops, pounds or shelters are activities for which the standards are set by other Codes recognised by the Prevention of Cruelty to Animals Regulation 2006.

**4.1.5.** Under the heading 'Introduction', the CoP confirms the "Code comprises both enforceable provisions (Standards, Mandatory and 'Must') and guidelines (Best Practise expectations however are not Mandatory or Enforceable). Mandatory Standards for companion animals are certainly required and should be introduced in NSW. These standards must be enforceable in that they should not be "minimum guidelines", but rather enforceable Standards.

#### **4.2. Responsibilities and Competency of Staff**

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

Animal Attendant should have an Animal Management qualification at Certificate 2 or 3 level. There is nothing under the current legislation to stop a commercial establishment having a family member supposedly on staff that is a 'ghost' employee.

#### **4.4. Animal Housing**

Accommodation

Environment

Security

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

All companion animal management and confinement requirements (commercial breeding) must drastically exceed those of animals that temporarily find themselves impounded.

Any Tethering should be outlawed in such establishments. There is no way of monitoring how long any companion animal has been tethered.

Pen sizes are inadequate for a life of imprisonment.



#### **4.5. Animal Management**

Animal Care

Food and water

Cleaning and disinfection

Transport

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

Exercise and enrichment activities must be included for companion animals confined to a commercial breeding establishment for life.

#### **4.6. Animal Health**

Health Checks

Veterinary Care

Humane destruction

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

Victoria has legislation to cover 'Hereditary Disease'. Where there is a 'proven' test which can conclusively determine the presence of a breeding companion animal who is either affected or a carrier of a hereditary disease such breeding is regulated. NSW must introduce the same legislation which is already adhered to by ANKC members across Australia for the breeding of dogs.

Consumers must be educated on hereditary diseases and protected at the point of sale.

#### **4.7. Transfer of Ownership**

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

NSW has an archaic stand-alone microchip registry which is often inaccessible to other states. In Australia we have 4-5 National microchip registers, accessible to all. NSW must follow accepting companion animals are mobile either with their owners or through point of sale.

#### **4.8. Breeding and Rearing**

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

All companion animals confined to commercial breeding establishments must have mandatory vet checks and all facilities must have a written agreement with a qualified, practicing and licenced vet.

Mandatory vet checks is a requirement for the Victorian Code for the management of shelters and pounds. There must be a vet check to see if the animal is suitable for breeding.

A maximum of 4 litters in a lifetime is more than enough for any companion animal to bear. Any dog breeding should be in line with ANKC standards for size/age.

#### **4.2. ANY OTHER RELATED MATTER**

##### **Evolved and changing community/public attitudes and expectations**

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

It is imperative that this review and opportunity afforded to the Joint Select Committee on Companion Animal Breeding Practices in NSW, takes fully into account new expert and evidenced based information including, knowledge of animal physiology and behaviour, technological advances, developments in standards of animal welfare and changing community attitudes and expectations about the humane treatment of animals.

#### **4.3. ANY OTHER RELATED MATTER**

##### **Consumer Protection**

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

Large scale breeding of companion animals on a commercial and profit driven basis is intensive factory farming. The animal welfare concerns and issues and areas of vulnerability for companion animals and consumers alike must therefore be viewed, considered and legislated accordingly.

There have been a number of recent well documented cases where intensive factory farming practices have been scrutinized, and where sufficient concerns/evidence resulted in charges, successful prosecutions through the courts and significant penalties were applied. In most instances the prosecutions involved deceptive and misleading conduct/behaviour (primarily with labelling/advertising/marketing) at the consumer's expense as well as disadvantage to competitors.

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Clear examples include the Egg industry and the lack of plain English labelling and deliberate/intentional manipulated labelling about free range eggs to deceive the consumer who is trying to make ethical food choices and a paying a higher premium to do so.

Both have been successfully prosecuted through the High Court of Australia by the ACCC and in both cases, the charges and successful prosecutions have revolved around deceptive and misleading conduct/behaviour (primarily with labelling/advertising/marketing) at the consumer's expense as well as disadvantage to competitors.

There is through the above examples and others, clear warning that the ACCC will not tolerate consumers being misled or deceived about where their purchases originate from and how they are grown/raised. The Federal Court of Australia was scathing in its summation on the conduct/behaviour of [REDACTED]. In this same vein, this will inevitably transfer to consumer purchases of companion animals.

In addition consumers are protected and have access to remedies through departments such as the Office of Fair Trading NSW for faulty products and products which claim to be one thing and yet are another. In the same vein, In Victoria a purchaser of a puppy from a pet shop was successful in taking action against the pet shop for the sick puppy dog through the Victorian Consumer Administrative Tribunal (VCAT).

### **4.4. ANY OTHER RELATED MATTER**

#### **Captives For Life – Quality Of Life**

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

### **4.5. ANY OTHER RELATED MATTER**

#### **Inconsistency with competing/dysfunctional and inconsistent Legislation, Standards, CoP's and Guidelines**

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice 'Animal Welfare Code of Practice Breeding Cats and Dogs' and must be re-issued to enable community, public and experts consultation and a submission process.

Specific cross review needs to occur with:

*Prevention of Cruelty to Animals Act & respective Regulations*

*Impounding Act*

*Companion Animals Act*

*Animal Welfare Code of Practice No 5—Dogs and Cats in Animal Boarding Establishments*  
NB: Section 1.3. confirms, "Establishments which provide commercial boarding services, Council Pound services and veterinary hospital services must comply with the standards of this code."

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[Redacted]

*Companion Animals Act: Working Draft July 99 – The Care and Management of Dogs and Cats in NSW Pounds*

*Companion Animals Advisory Board FAQ Cats*

**4.6. ANY OTHER RELATED MATTER**

**Compliance and Enforcement**

Must be included in the Terms of Reference with direct correlation to the current NSW Code of Practice ‘Animal Welfare Code of Practice Breeding Cats and Dogs’ and must be re-issued to enable community, public and experts consultation and a submission process.

**5. Conclusion**

As noted above, I protest the existence of any legislation that acknowledges that commercial Puppy/Kitten Factories are legal entities. The Government ought not on the one hand urge that people respect and behave responsibly with their pets and at the same time allow an industry to treat them and on sell them inappropriately.

I look forward to the day when the law reflects community perceptions accurately. I along with other companion animal advocates, will continue to advocate for the rights of these animals and the abolition of commercial and profit motivated breeding.

[Redacted]

[Redacted]

[Redacted]