

**Submission
No 198**

COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES

Name: Name Suppressed

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Partially Confidential

Submission to the Companion Animal Breeding Practices in New South Wales Committee

I ask the Committee to bear in mind the context that has led to this inquiry – namely, entrenched cruelty to dogs and cats in a largely secretive, opportunistic and unethically exploitative industry. Therefore, it is important that the Committee's recommendations go the full way to eradicating cruelty. It is also important that changes are enforceable by law. Authorities tasked with monitoring, investigation and prosecution must also be well-resourced.

The other context that is relevant to this inquiry is the large numbers of puppies/dogs and kittens/cats that year in, year out, need to be re-homed. The NSW Government's new legislation and policy on Companion Animal Breeding Practices should be designed to help ensure that over time consumers see the merit of choosing to buy a puppy/dog or kitten/cat from a pound or animal shelter rather than a breeder.

In regard to some specific points of the Terms of Reference, I submit the following comments:

b) Proposals to limit the number of animals allowed to be kept by breeders

I support limiting the number of animals to be kept by a breeder. The limit should not be dependent on space available for breeding as this will tend to encourage the acquisition of larger premises to increase the number of animals for breeding and thus profit. By limiting the number of animals, it reduces the profit incentive. This will reduce the incentive to be involved in an industry where profit is the main motivator of behaviour.

c) Calls to implement a breeders' licensing system

- A thorough and comprehensive breeder licensing system should be established where no exemptions are allowed. Exemptions will perforce be abused. There must be no exemptions for members of breeder associations.
- The Companion Animals Register should be updated to capture breeder licence information for each animal record. The breeder's details must be attached to the animal record on the microchip register.
- Compulsory microchipping of dogs and cats prior to sale or transfer must be implemented. There must also be a relatively easy way for members of the public to report when this is not occurring and for penalties to be exacted.

d) The implications of banning the sale of dogs and cats in pet stores

- I support banning the sale of dogs and cats in pet stores. It decreases the number of apparently 'reputable' outlets for the sale of dogs and cats where abuse can be rife in the background but undetectable by consumers. It also removes the problem of cruelty or neglect occurring in the store itself.
- There is a continuum of connections and motivations between unscrupulous pet stores and unscrupulous breeders. If the sale of dogs and cats in pet stores is banned, this would reduce access of unscrupulous sellers to the market and likely result in a reduction in the number of such people seeking to stay in the industry. However, it is possible that such individuals who have already operated in the live animal market will transfer their attention to other animal species. Legislation and policy needs to be prepared and implemented to foresee this likelihood and prevent cruelty occurring in the breeding of other species.
- Furthermore, the ban on the sale of dogs and cats in pet stores will help to create significant attitudinal change in the public towards animals generally. A new Government law/policy effected to improve the welfare of companion animals will send a widespread educative

message to the public. It will raise the awareness of the public to the vulnerability of animals and the potential abuse and cruelty they can be subjected to in certain circumstances. Overall, a ban will help lift animals' societal value from that of commodity to a living, feeling, dependent creature to which human beings have a duty of care.

- At the same time a ban is introduced, there should be education campaigns and messages – developed in consultation with the rescue and animal welfare organisations working in the field - to raise the public's awareness of the supply of dogs and cats that need re-homing.
- A national strategy for dealing with the online sale of dogs and cats needs to be developed. Once pet shops cannot sell dogs or cats, online sales will increase. Breeders who may have been regulated under a new licensing system may try to evade this regulation through 'presenting' online as a one-off or occasional breeder. Therefore, it seems to me that there should be a definition of a breeder that can be used to regulate the industry and prevent cruelty.

Laws that determine the advertising of the sale of dogs and cats in media should be introduced and enforced to ensure that where dogs and cats are advertised for sale, the breeders' data is captured and they come under the new licensing laws. If a breeder is not prepared to be scrutinised to be licensed, then they should have no access to advertising in any national, state or territory media outlets. This reduces their access to the market and in turn further disincentivises them to continue in the industry.

e) Any legislative changes that may be required

- *The NSW Animal Welfare Code of Practice – Breeding Dogs and Cats* should be revised to ensure that the existing guidelines it contains become enforceable standards. Enforceable standards for other species must be developed. Without enforcement, there can be no genuine change to the industry, and therefore no diminution of the suffering of animals.
- All sellers should be required by legislation to display an animal's microchip number or the licence number of the breeder of the animal in all advertisements, and at the point of sale.
- *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. This is a major flaw in the current arrangement because it provides the opportunity for corrupt or false behaviour.
- Monitoring and enforcement operations should be shared between local government animal management officers and state and territory RSPCA Inspectors. A targeted inspections regime including both proactive (unannounced) inspections and reactive inspections should be developed.
- State and territory animal management and welfare legislation must provide mechanisms for the relevant prosecuting agency to apply for effective court orders relating to the ongoing ownership of the animals, the costs associated with ongoing care of the animals, and prohibiting the defendant(s) from continuing to engage in breeding activities while the matter is before the court.

f) Any other related matter

- A mandatory 'character and criminality check' should be developed and implemented for breeders wanting to be licensed – for instance, a 'Working With Animals' registration. Such a

registration, among other things, would make it easier for onsite and proactive checks to be undertaken of individuals working in the industry.

- A review of the effectiveness of the new laws and policies should be a requirement by the Government within six months of the laws coming into effect with subsequent reviews not more than two years apart.
- Whistleblowing – a review of how the laws have worked in practice for those who have provided evidence to authorities of the abuse of animals in ‘puppy’ or ‘kitten’ farms would be relevant to the inquiry. In this connection, I would like to express my opposition to any ‘ag-gag’ law. Such a law would be counter-productive to the NSW Government’s objective of eliminating cruelty in the companion animal breeding industry.

Thank you,



13 June 2015