

**Submission  
No 306**

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

**Organisation:** Inverell Shire Council  
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**Position:** General Manager  
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The Chair  
Joint Select Committee on Companion Animal Breeding Practices  
Parliament House  
Macquarie Street  
**SYDNEY NSW 2000**

BY EMAIL: CABPinquiry@parliament.nsw.gov.au

Dear Sir

**Re: Companion Animal Breeding Practices**

Over the past 12 months, Council Officers, Officers of the RSPCA and Police have investigated complaints regarding 'Puppy Breeding Facilities' in the Inverell Shire Area. As a result of these activities Council has formed a view on a number of matters that are the subject of the Committee's Inquiry.

None of the 'Puppy Breeding Facilities' that were inspected had sought the appropriate approval under Council's Planning Scheme, some facilities complied with the Department of Primary Industry's Animal Welfare Code of Practice No. 5, while others did not comply with this code. In each instance Council and the RSPCA have had to be reactive to the issues of compliance with the existing controls for this type of land use and animal welfare.

The significant number of dogs housed at some of these facilities has proven problematical in terms of compliance and animal welfare issues. A system that seeks to ensure these issues are addressed before a reactive response is required would be preferable.

Council's views, expressed below, have equal application to cat breeding facilities.

A Registration of Breeders

Any person who engages in the breeding of cats and dogs for commercial gain should be subject to a registration system. It is submitted that the various processes associated with a registration system would:

- i) Contribute to a higher standard of welfare for breeding animals and their litters through regular inspections of the commercial operation,
- ii) Provide a degree of consumer protection by promoting higher level of care at the facilities and thereby contributing to a possible successful and less stressful 're-homing' of animals purchased from these facilities.
- iii) Increases traceability of the origin of puppies to their mother and breeders.

### Suggestion

- a) 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).

### B Maximum Number of Breeding Animals

The number of breeding animals at a facility must have an impact on the ability of the operators of the facility to provide the appropriate level of exercise, social contact and stimulus. Council is of the opinion that a ratio of staff to animal should be established and be included in Animal Welfare Code of Practice No 5.

This aspect of the code could guide the Development Application process in respect of the size of the facility subject to the application.

An argument could be mounted that this staff to animal ratio could be lower for those breeders that are an active member of a recognised breed society/association, but only if this society/association actively enforces its standards for membership ie less staff for accredited facilities.

Council has no expertise to offer a suggestion on mandatory standards for this aspect of animal breeding, however the matter must be addressed in order to give precedence to animal welfare rather than commercial returns.

Perhaps a maximum of a lower order number should be permitted in the initial Development Application and further Development Applications be required for incremental increases of this number. This would enable the breeder to establish their bona fides and allow manageable increases over time (subject to appropriate servicing of the increased number of animals).

#### C Enforcement

Local Authorities, in most cases, become aware of breeding facilities following complaints from the public. The only recourse available to the Local Authority to achieve compliance with planning and companion animal legislation is the issuing of Penalty Infringement Notices.

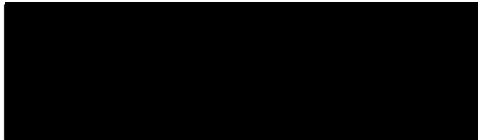
While this process is being implemented, the breeding business continues to operate, as it is not an illegal activity.

Effective enforcement of planning and companion animal provisions is essential to enable an early shut down of 'rogue breeding facilities'.

#### Suggestion

- a) That a Local Court have the ability to issue a prohibition order to prevent the owners of a breeding facility engaging in breeding activities while any matter associated with the facility is before the Court,
- b) That the costs of caring for seized animals be the responsibility of the owner of seized animals and that these costs be recoverable from the owner of the animals.

Yours faithfully



P J HENRY PSM

GENERAL MANAGER