

REPORT OF PROCEEDINGS BEFORE

**JOINT SELECT COMMITTEE ON COMPANION ANIMAL
BREEDING PRACTICES**

**INQUIRY INTO COMPANION ANIMAL BREEDING PRACTICES IN
NEW SOUTH WALES**

At Sydney on Thursday 16 July 2015

The Committee met at 9.30 a.m.

PRESENT

Mr A. J. Marshall (Chair)

Legislative Council

Mr S. MacDonald
The Hon. M. Pearson
The Hon. B. Taylor
The Hon. M. S. Veitch
(Deputy Chair)

Legislative Assembly

Mr A. S. Crouch
Ms J. D. Finn
Mr A. A. Henskens

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CHAIR: Thank you for attending this third public hearing of the Joint Select Committee on Companion Animal Breeding Practices in New South Wales. On Tuesday this week we travelled to Armidale and we heard evidence there from the Armidale Dumaresq Council and a number of private citizens engaged in animal breeding, rescue and animal welfare advocacy. Yesterday we held our second hearing in Parliament and we heard from a range of stakeholders including animal breeding and protection, retailing, advocacy and professional organisations.

Today is our final public hearing where we will hear from a number of the regulators in companion animal breeding practices, including the RSPCA Animal Welfare League, local government and a range of New South Wales government agencies. At the outset, I thank all the witnesses for appearing today and for making themselves available and in some cases travelling considerable distances to be here. I now declare today's hearing open and remind everyone to switch off or render silent their mobile phones so they do not interfere with today's proceedings. I welcome our first witnesses for today. Thank you for appearing before the Committee today to give evidence.

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STEVEN JOHN COLEMAN, Chief Executive Officer, RSPCA NSW,

DAVID O'SHANNESY, Chief Inspector, RSPCA NSW, and

IAN FRANK HUGHES, Senior Inspector, Animal Welfare League NSW, sworn and examined:

ANDREW JEFFERSON MASON, Chief Executive Officer, Animal Welfare League NSW, affirmed and examined:

CHAIR: Before we proceed, do any of you have any questions of the Committee about any of the procedural material you have been sent prior to the hearing today?

Mr COLEMAN: No.

CHAIR: Would anyone from either organisation like to make some opening remarks before we proceed to questions?

Mr COLEMAN: Yes, Mr Chairman. First, I thank the Committee for providing us with an opportunity to address these issues. We have been fairly clear in the media about the RSPCA's position on puppy farms and, whilst it might be aspirational, our view is that if we could abolish in New South Wales large-scale commercial operations that is goal number one. In the absence of that, I think that a lot of the work and the analysis and discussions have already occurred through the Companion Animals Taskforce. There is a list of recommendations, which I am sure you are all aware of. Our view, secondary to abolishing puppy farms, is simply to implement a number, if not all, of the recommendations that were developed through the Companion Animals Taskforce.

Our initial focus is on a breeder licensing program; secondly, the requirement for people who advertise animals in any capacity that they provide a traceable number or identification number; thirdly, the discussion or debate around capping the number of litters that any one breeder can have in any given year. To that end, they are our three priorities. I am happy to take questions about any or all of those.

CHAIR: Mr Mason, would you like to make any opening remarks?

Mr MASON: Yes. I would like to preface my remarks by saying that I am the third week into the job, so some questions I may need to defer to Chief Inspector Hughes. I would like to thank the Committee first of all. We see a lot of numbers thrown around so I would like, coming from outside the industry, to think of it on a more emotional level. I think of myself as a fairly normal type of person, so when we think of 50,000 cats and dogs that are euthanased each year in New South Wales alone, I think that when I go out to the SCG next that if I were to replace those people, the capacity crowd, with cats and dogs, that is the number of cats and dogs that would be euthanased each year—or four times the amount of the Entertainment Centre or eight times the amount of the Opera House. So it brings sort of a more emotional level to understand and really appreciate that it is more than just a number.

There are three messages that we would like to get across, that we would like to see done. One is the breeders licence; I think that is absolutely imperative. As part of that it means that more regulation compliance will need to come from that. As the previous CEO of Intech Credit Union I can assure you that regulation compliance is actually a good thing. The Australian Prudential Regulation Authority [APRA] is probably the heaviest regulation you can have and we have a much better economy and banking as a result of that and you would not want to see that go. There is a lot of aversion to that type of thing and I want to say that it is actually a good thing. Having worked with banking regulators first hand, it is a positive.

The second message will be around enforceability and deterrence. At the moment that is very difficult for our inspectors because where there is a problem it tends to be little more than a slap on the wrist. So there is not much deterrence and there needs to be greater enforceability as a deterrence to the problems out there. The third message is around the desexing. We believe that a big amount of the problem could be resolved if there was an upfront payment for desexing. Pay upfront at the time of the sale of the animal a bit like third party insurance. You have to pay your third party insurance before you can renew your rego. That would resolve a big problem around a lot of people not desexing animals for financial reasons. They are the three things that we

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would really like the Committee to consider. With our submission we have a number of recommendations that would support that.

CHAIR: Thank you very much for your remarks. We will now proceed with questions. I have a couple to kick things off. We have heard evidence throughout the inquiry so far, both in the submissions and orally, in relation to the Prevention of Cruelty to Animals Act [POCTAA] and the code of practice that exists. Generally the evidence has been that the requirements in those are generally satisfactory, but the issue is the enforcement and the fact that it is not so timely and it is very reactive and not proactive. Some believe that that is as a result of cultural issues and others believe it is an issue of resourcing. I would be interested in your thoughts as two of the three organisations that have responsibility under POCTAA, and also the relationship between your enforcement duties under POCTAA versus compliance with the code, what role you have in those areas as well and how that is enforced from your organisation's perspective.

Mr COLEMAN: I guess my initial response to that is that I do not think any organisation, including the RSPCA, would ever say that we have enough resources—point number one. Point number two: Our organisation back in 2009 took a very definite directional change to become more proactive. Our inspectorate is one component of our organisation and back in 2009 we capped the quantity of inspectors at 32. The reason we did that was we had double the number of inspectors. We know from years of experience that with 64 inspectors in five years time that too would not be enough. So the demand on our organisation by the public, together with what was a plateauing of general fundraising, meant that we needed, at least from a financial perspective, to make some changes.

That said we have diverted what we would otherwise have done in regard to funding from adding to the capacity of inspectors into our education department, trying to target what we would consider to be the real animal welfare issues in New South Wales and being able to engage with communities before issues became the subject of a complaint. With that context, it is also our experience over many years that anyone and everyone has an opinion about the condition of an animal. We respect that and we will always acknowledge that. What we must do is prioritise complaints not just on a daily basis—and I do not want to talk for our chief inspector—but almost on an hourly basis.

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People form a view about an animal and whether it should be an urgent complaint or on a priority basis. With a level of balance and objectivity we are able, I believe, to sufficiently determine the priorities by which we investigate complaints. Even with 100 inspectors, that will not always satisfy the desires of certain individuals in New South Wales about the speed at which cruelty complaints are investigated. What we will never do is take for granted our position of being able to enforce the Prevention of Cruelty to Animals Act. That said, if it means that an informant questions the speed by which a complaint is investigated we will also take that on board. But we will never jeopardise our position, or privilege as we see it, to enforce the Prevention of Cruelty to Animals Act in a balanced and objective perspective.

If we can get anyone who is managing an animal or animals to take corrective action as opposed to prosecuting that person we will always take the former course. Prosecuting, in our experience, has always reflected around about 1 per cent of all the complaints that we receive, and that is a percentage or a statistic that stems back 10, 15 or 20 years. Some would argue that 1 per cent of all complaints investigated is not enough; others would say that it is too much. Our view is that that must mean that for 99 per cent of the complaints we deal with we are able to find a solution that does not require a prosecution—which does not always act currently as a deterrent to others. Mr Chairman, I am not quite sure whether that addresses those components.

CHAIR: I ask Mr Mason or Mr Hughes whether they have any comments in relation to proactive or reactive enforcement and the obvious issue of resourcing. The current situation in this State is clearly unacceptable; something needs to change. The Committee needs to determine in the course of its deliberations whether the right frameworks are in place through the Prevention of Cruelty to Animals Act and the code and whether it is a matter of more resourcing to create better proactive enforcement as one solution, or responding reactively to complaints, or needing to look at other potential solutions.

Mr ALISTER HENSKENS: Or a combination.

CHAIR: Or a combination of those, plus others. The Committee members will probably put further suggestions to you about star rating systems and things like that. What do you think?

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Mr MASON: Definitely a combination. Resourcing is definitely a challenge for us. We have only got two inspectors. I would like to defer to Chief Inspector Hughes to talk a bit more about enforceability, but definitely there are proactive and reactive roles to play.

Mr HUGHES: I agree with Steve that we tend to be reactive because of our limitation of inspectors. We do have to prioritise our jobs. We do have the ability to get the details of breeders from pet shops under the legislation. Our problem is that a large number of these breeders do not sell through pet shops but sell online and that really does prevent us from maybe getting down to the core problem of the number of breeders. If we had, for example, a breeders licensing scheme, then we would have a route back through to the breeder at the base who advertises. At the moment we respond mainly to complaints from the general public.

CHAIR: The Committee has heard evidence about who should retain a breeders' register, which is probably an issue for another time. If we went down the path of having a breeders' register, would that allow both organisations to undertake more proactive enforcement or would it require a register as well as additional resources to facilitate that to occur?

Mr COLEMAN: This is another set of circumstances where I think it is really important to simply not over-complicate it. The issue for the agencies, at least from an RSPCA perspective, is that we just do not know how many, who or where these operations are actually occurring. If there were a mechanism by which to draw that out and understand what the real issue is—I have seen in the media on a number of occasions that there are 200 puppy farms in New South Wales. I have no idea where that number came from and whether it is true or even close to the number; I am just not sure. Even as one organisation, we have grappled with what is a "puppy farm". What is the definition to properly reflect what we consider to be a puppy farm? If you have one puppy farm with 100 breeding bitches, is that any more or less of a problem than 100 individuals with a breeding bitch in the backyard that is contributing to an overall oversupply of animals to the market?

If there were an opportunity to bring out into the light a requirement for these breeders to be identified, that is step number one. Step number two is potentially then a consideration by government and/or agencies to properly look at what is the capacity required to proactively deal with that quantity because right now no-one seems to really know what that quantity is. From a national RSPCA perspective where it defines "puppy farm" as being a large-scale commercial breeder that is incapable of providing adequate conditions for those animals, by definition does that mean if someone has 100 breeding bitches and can properly provide the support and the requirements that those animals need then it is not a puppy farm? That is one of the issues we have had to grapple with.

Unfortunately, for organisations like the league and the RSPCA, the issue is by the time we actually get to know about something the problem has gone to a certain point where it is completely labour intensive to rectify or to get some sort of compliance around that issue. I do not really know whether anyone actually knows how big or small this problem is until we get something of a breeder licensing program to properly bring into the spotlight exactly who is out there. Will that capture everyone? No, it will not, but we will have a clearer idea of the size of the problem.

CHAIR: The Committee wants to explore a great deal of matters with both organisations. The role of local government in this space is complicated. In some instances, the Committee has heard that development consent has been granted to facilities. It seems from the evidence we have heard so far that in most cases no development application is required nor consent given to many of these facilities and local government so far seems very reluctant to get involved at all. It is essentially similar to the attitude of the NSW Police Force. What role, if any, do you see for local government going forward in a system that would work better than the current system?

Mr COLEMAN: If we look to identify what resources are currently on the ground, in my view local government cannot be excluded. They have rangers, with different capacity numbers around the State, who are more likely to understand local issues than a State organisation, to be fair. I actually see local government as being part of the solution. There may be an option for rangers to be co-authorised under the Prevention of Cruelty to Animals Act, at least from a response perspective, if we cannot get there for a day or two because it is in the list of priorities that we are grappling with. Likewise, we already know that the NSW Police Force are authorised under the Act. But coming to your question, yes, I do see local government as being part of the solution.

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The Hon. MICK VEITCH: Do you receive many vexatious complaints about the treatment of animals? How do you decide what is and what is not vexatious?

Mr COLEMAN: Unless our chief inspector has a variation, at a guess I would have thought that roughly 50 per cent of the complaints we receive are ultimately determined to be vexatious.

Ms JULIA FINN: About puppy farms or total complaints?

Mr COLEMAN: That is a general statement about cruelty complaints generally, but I defer to our chief inspector.

Mr O'SHANNESY: If I could just correct that slightly. It is probably 50 per cent of complaints that do not necessarily require additional action by the enforcement agency.

The Hon. MICK VEITCH: As opposed to vexatious?

Mr O'SHANNESY: As opposed to vexatious. There is certainly a proportion of complaints where the inspectors would attend to premises and they are immediately met with "Oh well, I was expecting you because" they are on the back-end of a tirade of complaints from a lot of other departments. I think there is a proportion of complaints that come certainly to the RSPCA out of ignorance: people who do not necessarily understand what is required for an animal or, alternatively, they have seen something in passing and there are circumstances to it. We get a lot of complaints in that regard but there is no actual breach under the legislation or the codes—someone has a concern because they themselves are not completely familiar with the requirements.

One day we had a complaint about a horse that had cobwebs. We had a lengthy discussion with that person but, notwithstanding the appearance of the animal, there was no actual cruelty associated with it. There are similar types of complaints that come in but there are no obvious grounds or jurisdiction under the Prevention of Cruelty to Animals Act for us to take action.

The Hon. MICK VEITCH: Is that similar for the Welfare League?

Mr HUGHES: I would agree with Dave actually. I must say that we attend 100 per cent of calls. We do not ignore any calls whatsoever. I would say maybe 50 per cent we go to maybe the complaint was overstated and maybe for 50 or 60 per cent of those cases we can educate people. We are there to provide education and guidance for people who may not be 100 per cent aware of the regulations in New South Wales for the keeping of animals. The league and the RSPCA do keep in touch on a weekly basis. If we go to a job and the RSPCA may have attended, we speak with each other. There is good communication between all of our inspectors on a daily if not weekly basis.

The Hon. MICK VEITCH: With finite resources, the Committee is looking at the allocation of those resources, if they are being pulled away from one area when they could be somewhere else, and also at the benefit of education which, as you say, you have a role in.

Mr HUGHES: That is right. If we cannot respond to a cruelty report immediately then we will contact the RSPCA and ask if one of their inspectors can attend and vice versa. We prioritise our work on a daily basis and make changes, and we work together very well.

The Hon. MICK VEITCH: How could the microchipping arrangements in New South Wales be enhanced? What information would you like to see collected that is not collected now?

Mr COLEMAN: Microchipping is 50 per cent of the issue. The other 50 per cent is people still not knowing that they then need to register their animal. One of the arguments that we put forward to the task force over and over that I do not know was particularly palatable at the time was that at some point we need to consider online annual registration for companion animals. It continues to be one of the reasons animals are euthanised unnecessarily. They cannot be rehomed because they have been passed from one owner to the next and no-one has bothered to update their registration details. It would be great to get the animals chipped, but the missing link is having that underpinned by awareness that the animal then needs to be registered. If people move, they need to update those details. We believe that the filtering point is annual registration. The people of New South Wales are required to register other things, why not their animals? It should also be done online.

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The Hon. MICK VEITCH: You see that as part of responsible pet ownership.

Mr COLEMAN: Absolutely. If the Government is serious about reducing euthanasia, that must be one of its considerations. As complicated as some people might think it is, it is an online, five-minute process to update details. When those people lose their animals through circumstances they may not be able to control they would have done anything to update their details had they had the option to do so.

Mr MASON: We are talking about transparency and accountability. We are trying to get more transparency in the industry. We are not asking for a lot. We support what the RSPCA is saying. Every industry has transparency and accountability, and that is fair. We have a great insight into the problems. We can talk about our experience with backyard breeders. People go into the industry naively thinking they will do some breeding and assuming that they will be able to sell the puppies and make money. However, they find that it is much more challenging than they thought. There is a problem and we are identifying only the tip of the iceberg.

Mr COLEMAN: Microchipping at the point of sale is one step. The next component for the Committee to consider is a requirement to register animals at point of sale.

The Hon. BRONNIE TAYLOR: Mr Hughes, did you say that sometimes the RSPCA and the Animal Welfare League attend the same complaints?

Mr HUGHES: Quite often the complainant will phone both organisations and they do not let us know that they have already called the other organisation.

The Hon. BRONNIE TAYLOR: So there is no mechanism in place to ensure that your very stretched resources are not being used to address the same complaint?

Mr HUGHES: We both use the Shelter Buddy system, but the system is not linked.

The Hon. MARK PEARSON: What about making it mandatory for the breeder ID or registration number to be included on the microchip? Probably 95 per cent of breeders must advertise in some way at some point, even if they have been able to sell some puppies in car parks or at the gate. Evidence presented to the Committee suggests that ultimately if they keep breeding they will have to advertise online or in newspapers. Would it assist in tracking the animal back to the source if it were mandatory to put the identification number of the breeding facility in the advertisement and to microchip animals before they are dispatched to the new owner? Would it help to address facilities having health problems and to find out where the 200-odd premises are located, no matter how small or large? That was a long question.

Mr COLEMAN: Yes, but the short answer is yes. The issue is how anyone, including the RSPCA, the Animal Welfare League and the council, has the opportunity to trace a particular animal. Right now there are gaps. In short, the answer is yes.

The Hon. MARK PEARSON: I come back to proactive capacity, which is very important. It was put to a local government agency that rangers could be given the same prescribed powers under the Prevention of Cruelty to Animals Act [POCTA] or an honorary role. The response was very positive, but there was an administrative issue, to which you also referred. Would that be helpful and would it result in a more proactive way of looking at these properties? Rather than waiting for a complaint or concern to be raised, once these places are identified through the former question and answer and we know where they are, we could look for markers that might suggest there is something that needs to be investigated without a complaint having been made. Would those factors assist in generating a more proactive response to prevent problems or cruelty?

Mr HUGHES: Establishing another organisation under POCTA would spread things a bit thinly. The league and the RSPCA could deal with the inspections with extra resources. If we did go over to a licensing scheme we could have inspectors specifically employed to do that and keep it under the umbrella of the Animal Welfare League and the RSPCA. I do not see any need to pass those duties to other organisations. We deal with cruelty on a daily basis. If that is what we do then I do not see why we cannot increase the number of inspectors to deal with it.

The Hon. MARK PEARSON: Often rangers are called to animal matters involving noise, danger or lack of control. It has been said that these situations are often connected to problems of neglect, abuse or

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whatever. As Mr Coleman said, the rangers are out there and they know the local issues and the bush talk. They are where your inspectors cannot be. What does the RSPCA think about that?

Mr COLEMAN: First and foremost, many rangers are on site for a variety of reasons. While they are looking at local government-related issues, why not give them at least the ability to seek advice about how to deal with an issue there and then? How do we deal with that animal welfare issue there and then? If a local ranger is there, why not capitalise on the opportunity? Ms Taylor, I refer back to the respective organisations not linking. I take your point; it is a frustration for both organisations. I wonder whether there is a privacy legislation provision that prevents that discussion. I am not sure that that is an obstacle; I simply do not know.

Mr HUGHES: We can go to a job and deal with a person and be completely unaware that the RSPCA has previously issued penalty notices or that that person has been dealt with in a court. It is the same with the police. They may well have dealt with people previously. We enforce criminal legislation, so why can we not all be linked?

Mr O'SHANNESSEY: One of the challenges in having that communication is that we need a person dedicated at each end saying they have had a complaint and inquiring whether another organisation has had similar complaints. We would certainly ask the question and communicate with the league if it were flagged during the complaints process. If someone had also spoken to the league, we would immediately make contact so that we are not duplicating our efforts. However, much of the time it is not until we get to the property that we find a notification on the door indicating that we have been beaten there by the Animal Welfare League. That would then prompt a phone call from the RSPCA to the league saying that we have also had a complaint related to that address and note that they have been there. We would write it off at our end and leave it in the league's hands.

The Hon. BRONNIE TAYLOR: The constant theme coming through is the lack of resources for enforcement and inspection. My question related to two organisations using their resources to do that. Regardless of the process and the privacy challenges or issues, that was the point I was pursuing. Thank you for your answers.

Mr HUGHES: Mr O'Shannessy made a point about working with the rangers. We receive a large number of calls from rangers. If they attend a property for another reason and see a situation that needs investigating they inform us. We are in constant contact with many rangers and we work well with them.

Mr MASON: If they were to be given more power we would need to ensure good coordination. That then comes back to transparency. If we are already experiencing challenges having two organisations and we give powers to others, there is the potential to weaken the process. It needs to be thought through very carefully to ensure there are no unintended consequences as a result of increasing resources and local government powers. It must not remove that capacity to manage complaints.

The Hon. MARK PEARSON: That could be fixed.

CHAIR: Using that same logic, could you mount a case to say that we need fewer organisations or one organisation enforcing POCTA instead of three?

Mr MASON: I do not think it hurts to have healthy competition, if I can put it that way. In terms of having two organisations and the support and funding, we take our own approach in doing things. It must be transparent and there should be minimal disruption. We have our supporters and the RSPCA has its supporters. That part works well. The problem is not having two organisations; it is a lack of transparency. That would happen if we had one organisation. It is an issue if we do not have transparency and we cannot see the problem. We have that in single organisations all the time if they do not have good access to customer data and so on. The issue is not the number of organisations but transparency.

Mr ALISTER HENSKENS: Would it be of assistance if you had a computer system—and it does not need to be sophisticated—which could be accessed by local government, NSW Police and your two organisations and which tracked a complaint about a particular premises or person? That would assist in eliminating duplication.

Mr COLEMAN: Without doubt. One database for cruelty complaints, whether it is hosted by the police, the RSPCA, the league or the council, would be good. We should all be able to access certain

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components of the database. That is the key. I return to the Chair's question. I do not think that is a crazy idea. My only comment is that if you look at one organisation like NSW Police, even within that agency there are disparate approaches, groups, levels and departments dealing with different issues. I am not being critical of the police because they do a terrific job. However, even they struggle with cruelty complaints and coordinating their activities in this space as well.

Mr ALISTER HENSKENS: Both of your organisations effectively have a charter to prevent cruelty to animals, to investigate complaints and to prosecute any breaches of the law. I will ask some questions about the investigation and prosecution component of your function. From what has been said, when you get a complaint presumably while investigating you can determine that education would have a role in dealing with the matter and it does not need to proceed any further.

With respect to cases that warrant more, Mr Mason said that there is no visibility around puppy farms and factories. You do not know where they are. So in fact your proactive investigative role is hampered at the moment. Let us assume that this Committee was to recommend a range of measures that will provide visibility around where puppy factories are operating. Would that give you the opportunity to be more proactive because you will have some idea of the scale of the operations and where they are located? That would give you the opportunity to be proactive. Will that then create an issue around resourcing, to be more proactive than you have been in the past? I appreciate that, given you do not know the scale of the problem, it is difficult to work out what resources will be needed to deal with the issue. That may be an issue for another day.

It seems to me that there are a number of different ways in which you could proactively investigate puppy factories. For example, in my former life I was a solicitor many years ago. Solicitors have trust accounts, and all solicitors who keep a trust account are subject to a random annual audit of their trust account. So in a very well resourced system of proactive inspection of puppy factories you could conduct a random audit every 12 months. Presumably that would require some coordination between your two different organisations so that you are not auditing the same people twice and so on. That would be, I suppose, your rolled gold sort of system of proactive auditing of compliance with the legislation. Something less than that, I guess, would involve, if the resources did not permit, at least some sort of regular auditing of large puppy factory operations and maybe a lesser auditing of smaller operations. Is that the sort of system that you would advocate would be desirable?

Mr COLEMAN: Again, yes is the short answer. Out of any challenge there is opportunity. Right now the way we see it there are two components to the proactive program: supply and demand. If there is a requirement to be part of a breeder licensing system that addresses proactively, to a large extent, the supply. The demand—in other words, the consumer—is another potential opportunity to be proactive. If both are running concurrently you have supply and demand meeting at a benchmark. I believe that will quell most of these issues. While we are focusing and it is important that we look at breeder licensing to bring it out into the open, we cannot forget the consumer as well, the consumer being proactively educated or continuing to be proactively educated as well.

Mr MASON: I would agree with what you are saying. Again, having experience in other industries and in particular banking, it is important to be proactive. If I compare it with APRA, there are certain structures you want to put in place on how often they need to provide it. You can actually get tiers into that. Certainly within financial services organisations there is a five-tier structure and some of them have to report certain things a lot more when there is a higher risk. That type of funding would be a good way of doing it. There are incentives as well for people to be in higher tiers. I think though that when we start getting greater transparency we will understand the extent of the problems and we will make sure that we get better information and we can streamline the thing more efficiently but we definitely need something in there and to me that would be a good suggestion. But when you get to the stage of a problem Chief Inspector Hughes could certainly tell you the difficulties of being able to prosecute, the challenge—

Mr ALISTER HENSKENS: I was going to come to that in a minute. Can we just get back to prosecuting breaches of the law and then we will talk about how we deal with them? In that regard, if a regular audit function were built into any recommendations that we made—presumably from what Mr Mason said your organisation made a conscious decision not to increase the number of inspectors in 2009—I imagine you would need to dedicate resources towards that function. It may involve employing extra staff. It may involve you getting funding from the licensing system and so on so that you can fulfil that audit function. Is that a fair assumption?

Mr COLEMAN: Yes, it is.

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Mr ALISTER HENSKENS: Mr Mason, does your organisation also get government funding?

Mr MASON: We get limited funding.

Mr ALISTER HENSKENS: Limited funding.

Mr HUGHES: Yes, it is pro rata with the funds received by the RSPCA.

Mr ALISTER HENSKENS: In some ways presumably that might curtail some of your existing resources that are being used to meet the problem reactively as opposed to proactively.

Mr COLEMAN: Precisely, and that was one of the more prominent points that our organisation had to grapple with in that if we do receive a complaint about a puppy farmer and things have gone well off the rails—and we are talking about 50, 100, 200 animals—the intensity of labour required to manage those animals well beyond the inspectors, the sheltering capacity, the veterinary capacity and then to have to hold those animals for weeks, months, sometimes years while a prosecution proceeds is not the best environment for those animals in the longer term. It is costly. Someone pays in the end and it is not always the defendant. It is just not the best outcome. So you are right. It is well beyond the capacity of the inspectors and the resourcing required to keep the inspectors on the road; it is the knock-on impacts to other departments at managing these sorts of issues. If we can get ahead of that issue and provide an opportunity to get out to these places and have a look—first, we know where they are and, secondly, we know exactly what they have—and if things are starting to go sour we can take more corrective action earlier in the piece to prevent all of these unintended resource impacts into other departments.

Mr HUGHES: There are substantial profits made by some of these large breeders. I cannot see why the fees charged for those annual inspections cannot self-fund those inspections. I do not see any reason why we cannot charge several hundred dollars per year per inspection to cover the cost of employing inspectors. There are two things here. There is the welfare side and there is the number of animals that are being bred. As far as the welfare side goes, from my experience, by far the biggest area where we have problems is the small backyard breeder, people who have one, two, three dogs. They advertise online, you meet them in a car park. These animals are not vaccinated or microchipped and there is no comeback. We get lots of complaints from people like that and we have no contact point for them.

We come across these individuals randomly, usually as a complaint from a next door neighbour. If there was a requirement for anybody who wanted to advertise online—if you look on Gumtree and Trading Post there are many hundreds of advertisements on there at any one time. I mean probably literally 2,000 advertisements on Gumtree and Trading Post today. None of those is regulated. Most of them we do not know about. Most of them are just a phone number as the contact point. If there was a requirement for a breeder licensing scheme to trace back, these people would either have to comply or they would not be able to advertise. The issue of large-scale breeders is a numbers issue. They know the regulations, they know what they have to do and generally they are on the border of good and bad. As Mr Coleman mentioned, some of them slip onto the other side and that is when the resources are pretty stretched to deal with these issues.

Recently we seized 22 dogs from a breeder and last Friday we seized 20 cats from a breeder. They become overwhelmed. It may be illness. It could be a number of issues and they become overwhelmed. So there is a whole range of issues as to why we get involved. I cannot see why a licensing scheme would not cover the cost.

Mr ALISTER HENSKENS: In the prosecution side of things, I will ask you a few brief questions. We are running short of time so I would ask you to keep your answer short, if possible. I am just trying to elicit information. I assume at the moment that when you decide to prosecute for a breach of the law you brief external lawyers?

Mr HUGHES: We have a relationship with a pro bono lawyer in Sydney.

Mr ALISTER HENSKENS: What do you do?

Mr O'SHANNESY: The RSPCA has in-house counsel and a brief handling manager.

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Mr ALISTER HENSKENS: Is that an expense to you in prosecuting at least up front? Is that a resource burden upon your organisation when you decide to prosecute?

Mr O'SHANNESY: The RSPCA maintains a relationship with the NSW police that they will prosecute pleas or mentions on behalf of the RSPCA. As soon as that becomes a defended hearing, that is when we would engage internal counsel or, depending on the nature of the matter and the internal workload, that may require us to brief external solicitors.

Mr ALISTER HENSKENS: Are you in the same position?

Mr HUGHES: That is the same, yes.

Mr MASON: Following on from where you are coming from, a lot of the time we are not pursuing prosecutions because of the practicality, the costs internally, the time it takes to prosecute someone who gets a \$300 fine so we have to take more of a pragmatic approach which is just about removing the animals and continuing.

Mr ALISTER HENSKENS: Would it assist you in your prosecution if you had a more formalised arrangement where the police could deal with the more minor matters and maybe the DPP would prosecute the more serious matters?

Mr HUGHES: The more minor matters are often dealt with by penalty notices and then we do follow-up inspections over a period. We do not just leave the job; we do follow up inspections after that. A number of our complaints come from neighbours of the people we investigate, and often it is a gauge of how well we have done if we get another complaint or not. So we do follow up on complaints.

Mr ALISTER HENSKENS: Would you be happy with—

Mr COLEMAN: There is enough work to be done, yes.

Mr ALISTER HENSKENS: There is an issue around the adequacy of fines, and I think you have already said that there is a slightly demoralising effect in having very light penalties when you have gone to all the expense and time of getting prosecutions. I understand that. In some areas when an organisation such as yours conducts a prosecution 50 per cent or 100 per cent of the fine flows back to the organisation. Is that usual—

Mr COLEMAN: Moieties.

Mr ALISTER HENSKENS: Moieties to your organisation. Is that a usual order that is made when you prosecute?

Mr O'SHANNESY: It is a usual order that is made but often it is then the capacity of the individual to pay. We would regularly get a moiety awarded of the fines and also costs associated with the housing and care of the animals along the way. But quite often it is a shallow victory when you are awarded all this money because of the individual's incapacity to make any repayments or alternatively they will be at \$20 a month. Those challenges still exist.

Mr ALISTER HENSKENS: Given that you are effectively operating a prosecutorial function on behalf of the State Government, if you do not recover your legal costs or the moiety, I assume there is no capacity at the moment for you then to go to the State Government and say, "We've effectively been a private police force for the State. Can you now refund moneys that we have lost by prosecuting?"

Mr COLEMAN: We would never ask the State Government to refund what might be owing. The State Debt Recovery Office does pursue outstanding matters. But I just want to make this clear. The RSPCA applies the prosecuting guidelines as set out by the DPP. We do not take on a prosecution in the context of a mathematical equation about whether or not we will get our money back.

Mr ALISTER HENSKENS: I am not suggesting that. I am just saying that there should not be a financial burden on your organisation which is largely operating on the basis of donations for you effectively to have been doing a policing and prosecution role on behalf of the State.

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Mr COLEMAN: You are quite right.

Mr ALISTER HENSKENS: I am not suggesting that you are not doing your job. I am looking to try to get you some money back so that it is not a burden and that certainly would never be a consideration. I am not suggesting it is.

Mr COLEMAN: Okay.

Mr ALISTER HENSKENS: I just do not want it to be.

Mr COLEMAN: Sure, and I think our organisation is probably owed somewhere between \$2 million and \$3 million at any given time in outstanding fines. But we have never asked the State Government for reimbursement around that. I take your point. One other quick comment: you are talking about deterrence and penalties. What you will not hear from the RSPCA is noise around increasing the maximum penalties. Our organisation would like to see the implementation of minimums, to remove some of the discretion currently exercised by the judiciary. If there was an opportunity to implement minimums on certain offences, I think that in itself would be quite magical probably.

Mr ALISTER HENSKENS: That is very controversial. That is called mandatory sentencing and it is a very controversial issue.

Mr ADAM CROUCH: Gentlemen, one thing we have established this morning is the fact that you would see benefit in cross-communication between both your two organisations and local government. We have heard evidence that basically when people are establishing breeding facilities they go through an application process with their local council. At that point, once the development application has been approved, the council wipes their hands of the issue. Would it be of benefit to your organisation to be notified at the time of application about these particular facilities, in addition to the extra information you are getting? Effectively, councils could tell you that particular people had applied for a development application to create this sort of facility. They could be proactive and could let you know in advance. You could then start doing your random checks or whatever else is required. Would you see that as being of benefit as well?

Mr COLEMAN: Yes.

Mr HUGHES: Yes

Mr MASON: Yes, if it comes in with the other recommendations around transparency of breeding licences.

Mr O'SHANNESY: The current animal welfare code of practice could be adopted as a benchmark for the councils when they approve the development applications.

Ms JULIA FINN: I have a few questions, and I really appreciate your time appearing before the Committee this morning. What percentage of the animals you are getting in your shelters, particularly puppies but also the older animals, come from large-scale puppy farms? I looked at the Royal Society for the Prevention of Cruelty to Animals [RSPCA] website and the puppies seemed to be dominated by kelpies and staffie crosses and not little fluffy things which are the pet shop market crossbreeds.

Mr COLEMAN: To be brutally honest, I actually cannot answer that question because we do not know. We do not know where these animals have come from in all cases. Is it only a puppy if it has come directly from a puppy farm? It might have gone through two or three different owners before ultimately ending up in a shelter. It is really difficult to honestly answer that question because the truth is that we just do not know.

It raises another issue, and I know there has been a lot of discussion on it in submissions from organisations like Dogs NSW which do have some very good, tangible benchmarks to meet. This is not an issue about purebreds necessarily. It is all the other designer breeds or mixed breeds that seem to keep getting missed in some of this discussion—at least in what I have read. It might well be appropriate for Dogs NSW to very proudly talk about their standards but what about all the other thousands of animals that are not purebreds.

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Mr HUGHES: I would like to comment on that. Prior to being an inspector I managed the Hawkesbury pound, which is the second largest pound in New South Wales and impounds animals for three local councils. In my experience, the vast majority of animals coming into pounds are not small, fluffy cavoodles, labradoodles or the like; they are large, mixed-breed dogs. The data that comes in from the pounds does not capture this. There is no reason why we cannot get an idea of what sort of animals are coming into pounds.

I have spoken with many people who were surrendering animals or have brought in strays. They usually come from low socio-economic areas. People cannot afford to pay the release fees for these animals. For the three councils we impounded for there was a clear delineation. You could look at the impounding books and, just by looking at the breeds, determine which council area they came from. Baulkham Hills has a higher level of income and there were far fewer dogs coming in from that area. Those were mostly microchipped and went back home if they were picked up. There was quite a difference. The idea that all animals in pounds come from pet shops is probably not supported by data.

Ms JULIA FINN: Following on from Mr Henskens questions, I know that with the prosecution for animal cruelty you do have the capacity to seek the penalty that somebody be banned from owning animals. Has that ever happened to large-scale puppy farmers? And if not, why not?

Mr O'SHANNESY: Are you asking whether we seek that order?

Ms JULIA FINN: Yes.

Mr O'SHANNESY: Yes, we would seek that order as a matter of course. On the factsheet and upon conviction we would be seeking that order, but it is not always granted. That is not just for puppy farms; it is for any offenders. We have certainly had some recidivists for whom we have sought that order. We may have launched five or six prosecutions before we have actually got some sort of prohibition on numbers, whether it is a total prohibition or a limit on numbers.

Ms JULIA FINN: If you attend a property and remove, say, 25 of the 300 dogs that are there and then go to court and seek that this person be banned from owning animals and the ban is granted, do you then have to go out and take all the other dogs? How are those dogs removed from that person? Obviously the person cannot be evicted and the dogs just left on the property.

Mr O'SHANNESY: If those orders are made as a consequence of a prosecution that has been initiated by the RSPCA then we will pursue the resolution of that prosecution, whether it is a total prohibition or a limit on the number of animals. We will endeavour to work with those people who are convicted to ensure that they comply with the orders that have been made.

Mr COLEMAN: I would like to take that just one step further, and this comes back to an earlier question around local government. If those orders are awarded, then in 12 months or two years time are we in a position to go out and make sure they are still complying with that order? The answer is no, because we are still responding to other cruelty complaints. I see that as an opportunity for local government. If they become aware, by whatever means, that the convicted defendant is breaching the order that was made five years ago, two years ago or 12 months ago, then there is another opportunity for them to detect that and deal with the issue.

Mr HUGHES: Quite often the orders that are made relate to the individual. So if it is a family operation there is nothing stopping it being switched over to another person in that family and for them to carry on the operation. It is not linked to a business. If it is a backyard breeder and they are not a business, they can still transfer or purchase animals in another person's name and operate from the same premises.

Mr COLEMAN: It should apply to a property or a business or both.

Mr ALISTER HENSKENS: Maybe both. The way in which penalties are set, the minimum is relative to the maximum. For example, you will not get a section 10 or a bond for murder because the penalties are so high. So there is a direct relationship between the lower penalties and the maximum.

Mr HUGHES: I do not think that applies to the Prevention of Cruelty to Animals Act though.

Mr ALISTER HENSKENS: It is a general sentencing principle.

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Mr ADAM CROUCH: Are you getting the same issues with cats that you are getting with puppy factories? We have had people giving evidence that effectively cats are not a problem.

Mr HUGHES: They are a problem, but it is a whole other issue.

Mr COLEMAN: It is not a problem in the context of this issue.

Mr HUGHES: That is not to say that we do not come across breeders who are not doing the right thing. We come across that on a quite regular basis. I did so on Friday. The animals were living in shocking conditions and the person actually surrendered the majority of the cats for health reasons. We will work with those people—if they are happy to acknowledge that there is an issue. We are not here to hound people; we are here to work together for the benefit of the animals.

The Hon. MICK VEITCH: Was that about breeding or about hoarding?

Mr HUGHES: That person was an ex-breeder.

Mr O'SHANNESY: It is quite often a combination. We get the breeders who continue to breed but do not want to let go of some of their ex-breeding animals. Those animals may not be used for breeding any more. It results in a significant number of animals being housed on one property.

CHAIR: I thank you all for your time this morning. The Committee may write to you with further questions and your responses to those questions will be incorporated as part of our evidence. Are both the RSPCA and the Animal Welfare League NSW comfortable with responding to any additional questions we may have?

Mr COLEMAN: Yes.

Mr MASON: Yes.

CHAIR: Thank you. We really appreciate your time this morning and your expertise in this area.

(The witnesses withdrew)

CORRECTED

JAMES GREGORY LAWRENCE BALDWIN, Acting Director, Environment and Planning, Campbelltown City Council,

JIM GREISS, Acting Animal Control Coordinator, Campbelltown City Council,

WARRICK LYNDON HAY, Waste Services Team Leader, Holroyd City Council,

BRENDAN CHARLES GOVERS, Manager, Environmental Health, Holroyd City Council, and

TROY MICHAEL McGLYNN, Senior Ranger, Wingecarribee Shire Council, sworn and examined:

PAUL MURRAY CURLEY, Manager, Compliance Services, Campbelltown City Council, and

ALICIA GAIL KAYLOCK, Animal Shelter Supervisor, Wingecarribee Shire Council, affirmed and examined:

CHAIR: Welcome. There being no questions on any of the procedural material you were sent prior to today's hearing, would anyone like to make any opening remarks before we proceed to questions?

Mr CURLEY: Just by way of establishing some background information about Campbelltown, in terms of its population we have a population of 155,000 people. Within that community we estimate that there are approximately 74,000 dogs and 110,000 cats. That is based on microchipping records that we have of the numbers of microchipped animals coming into our facility. Our animal care facility impounds about 2,000 dogs per annum and 1,100 cats. We do not profess to have an intimate knowledge of local breeding activities or practices but rather a limited knowledge based on responding to community complaints about nuisance issues, barking, stray dogs, et cetera. Council has made a submission in this case primarily because it believes unregulated breeding is likely to have a significant impact on the oversupply of unwanted animals. That impacts on our pound and obviously places undue pressures on our euthanasia rates.

Mr GOVERS: In September 2002 Holroyd City Council adopted a low kill policy for companion animals. Since that time council has actively been working towards educating the community about responsible pet ownership and reducing euthanasia rates of healthy, adoptable companion animals. Results of our policy have shown since the end of 2002 we have been able to decrease our euthanasia rates for dogs from 64 per cent down to 7 per cent in 2013-14. While significant effort has been put into rehoming cats, unfortunately still 62 per cent of cats were euthanased in 2013-14 because it is difficult to find homes for the large number of cats that come into the facilities that we use.

Making our best efforts to return animals to their owners is one of the key things that we do. Our staff are equipped with scanning devices and access to the Companion Animals Register and we will use that, as I am sure all of our council colleagues do, to contact the owner and return the animal. We find that some of the barriers in that are keeping the information up to date on the Companion Animals Register and making sure people are aware of their responsibilities. If any stray dog that goes into the pound is able to be rehomed we will put an immediate hold on that animal and then put in our best efforts through advertising on the council's website or through the newspapers to increase the likelihood of that animal being adopted or rescued. Due to the high number of cats it is impossible to put an indefinite hold on those animals. However, a small number of cats are selected by our staff or staff at the animal holding facility and we then try to find the best homes through means of advertising through the newspaper or council's website. We also try to use *PetRescue.com* to advertise the animals.

Every week council has a pet of the week advertisement in the local paper and also on council's corporate page. We will also contact breed-specific rescue agencies to see if they can take some of the dogs. These include staffordshire bull terriers, siberian huskies and greyhounds that have come into the compound. We also have a function on our website that allows members of the community to post information about lost or found animals. Council provides information on responsible pet ownership at all community events and takes the opportunity to boost the profile of the Blacktown Animal Holding Facility as a place to adopt a new cat or a dog. We acknowledge the importance of education when it comes to improving the situation for companion animals within a community and as such we have employed several education strategies in recent years.

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Council holds a PetFest, which has been running since 2003, where we get thousands of people through on what is usually a very bright and sunny Saturday in September. We will have people from varying animal organisations as well as council staff. We will set up a microchipping stall where you can bring your animal along and we will microchip your animal. We have staff there that will do registrations and take the registration at that point. We will also bring animals along from the holding facility and try to promote the facility and get those animals adopted on the day. Also, since 2010 we have been running what we call our Happy Cat Desexing Program where we have offered residents a \$50 contribution from council to assist with the cost of getting cats desexed. As funding has permitted over the past few years council has offered free group on-lead dog obedience training to Holroyd residents. We hope by offering this training we are providing an opportunity to improve dog behaviour that may otherwise have resulted in the abandonment of some dogs as well as minimising complaints associated with dog behaviour, particularly in public places.

Every year in December we hold an annual Christmas Pet Food Drive to collect food and toys for companion animals. These items are collected by council and then handed out to local animal welfare organisations that actively support council and the Blacktown Animal Holding Facility. We see this as an opportunity to support these groups that have assisted us every year. At Christmastime we also like to make a financial donation to those organisations through money that we have been able to collect through a gold coin donation at our PetFest event.

Implementing the low kill policy does come at a cost, particularly holding animals longer than the mandatory period. Council has spent approximately \$1.36 million over the past five years in animal management programs including impounding animals and implementing our low kill policy. Council's efforts through necessity and statutory requirement are largely focused on reactive measures to manage the large number of animals introduced each year. Therefore, council supports measures that will proactively reduce the number of abandoned and unwanted animals. As outlined in our submission to the Committee, council supports measures such as those being considered by the Committee to reduce the supply side of the equation. Licensing breeders, banning the sale of dogs and cats in pet shops and other such measures to help residents fully consider the time and effort required to be responsible pet owners are welcomed by the council. We do not believe that this impinges the right of our community to own pets but rather supports them in making informed, well thought through decisions about pet ownership.

Mr McGLYNN: On behalf of Wingecarribee Shire Council, to put it in context we are a shire of about 44,000 people. We have approximately 22,000 identified dogs and over 6,000 identified cats but, like most local government authorities, we believe the actual numbers are far greater than that. For example, 95 per cent of the cats that enter the Wingecarribee Animal Shelter are not permanently identified, they are not microchipped. Council made a submission to the inquiry in an effort to acknowledge and address the supply and demand in terms of unwanted, abandoned and stray animals and the ability for the shire to rehome those animals. Council believes that the incidental breeding of companion animals throughout the community also contributes to the high numbers of animals entering the shelter and, ultimately, those that are also subject to euthanasia albeit the council also has a minimal euthanasia policy.

CHAIR: The Committee has heard evidence both in submissions and orally that one of the solutions to these problems confronting the State could be that local government take on a larger role and be given some authority to enforce the Prevention of Cruelty to Animals Act [POCTA] as well as enforce the current breeding code of practice. The Committee would be very interested in your three councils' views about saying to local government that you now have responsibilities in this space as well as the other organisations that are currently responsible.

Mr CURLEY: I guess initially my thoughts would be that, judging by my personal experience, local government has been increasingly stretched in terms of resources over the past 10 or 15 years. Things have generally got tougher and tougher for local government. Certainly there has been quite a change with devolution of responsibility to local government over the past 10 or 15 years. The initial thoughts are that the responsibilities for enforcement of POCTA rest with the RSPCA and the Animal Welfare League. Those organisations have established a high degree of expertise and experience in enforcing those responsibilities. In terms of local government taking it on, it is always possible but obviously it would need to be properly resourced. That is the key issue for local government: having the resources and the capacity to take it on.

CHAIR: The capacity is definitely a concern that has been raised by other local councils, particularly the rural councils that we have heard from. But if that were to happen—and I only say "were", because there are all sorts of options—the other issue is how it would be potentially funded. How would you cover the cost of that

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extra responsibility? I do not know whether you have had any thoughts on that in responding to that potential proposal.

Mr CURLEY: I guess traditionally with devolution of responsibility to local government from the State they tended to provide mechanisms through order notice fees, application fees or penalty provisions or licence fees, et cetera. They used those tools to provide some resourcing for local government. My experience from that exercise is that more often than not, even though those mechanisms are there in addition, local government tends to incur costs as an extra burden anyway. An excellent recent example would be the Swimming Pools Act and the introduction of an inspection program. Our recent experience is that initially we anticipated we could recover 100 per cent of the cost of that program but at the moment we are finding that we are well behind the eight ball in recovering the necessary funds to finance the program. That is to the extent that at the moment with the inspection program we have got going we are of the order of \$80,000 per annum behind what we expected to receive. On the surface, yes, there are mechanisms to recover those costs but in reality there is often a burden that comes with it ultimately when it is implemented.

CHAIR: I assume that the other councils have a similar view?

Mr GOVERS: I could only echo those comments that cost recovery is very difficult. The \$1.36 million I talked about was excluding staff costs and staff time. As Mr Curley was saying, any fees that are levied or a licence scheme if there is not a penalty provision for non-payment of those fees—we do have a large percentage of people, particularly the people who would probably be caught up under the Act, who would not be paying those fees. Then the debt recovery methods are extremely difficult and often council would just write that off as bad debt.

Mr McGLYNN: And in fact the administration of the Companion Animals Act itself is probably the most relevant example of the cost recovery basis not meeting the entire operational budget for local government in the administration of that regulatory framework.

CHAIR: I turn to a planning issue. Have any of the three councils ever dealt with development applications for companion animal breeding facilities? If so, how did you deal with that? Did you apply the breeding code of practice in developing any consent conditions? To give you background to this question, we have heard evidence that in a lot of instances these facilities do not have any development consent. They are either exempt development or they simply do not get approval in the first place, and that creates issues from a planning perspective in a lot of local government areas. Could you inform the committee of any experience any of your councils have had in this space?

Mr GOVERS: From Holroyd Council's perspective, being a highly urbanised area, I certainly am not aware of any particular facilities. If there was a backyard situation, that would generate the complaints that would come in through the noise issue and would quickly draw our attention to that issue.

Mr CURLEY: I echo those comments. In terms of Campbelltown's experience, we have not assessed a development application [DA] in the last 10 years relating to a companion animal breeding facility. However, obviously through this process we have become aware of the code of practice. It is timely that we are reviewing our development control plan [DCP] at the present time. Through this process we have made arrangements for changes to be implemented in the proposed DCP to require the code of practice to be consulted in the assessment of future applications.

Mr McGLYNN: Certainly Wingecarribee is a more peri-urban environment. I am aware that council assessed a development application last year for an animal boarding or training establishment which was approved. The consent conditions for that development relied heavily on the relevant codes for the operation of that. But again, like most local government areas, we do not necessarily have visibility about the breeding, other than if triggered by a development application to council. Again, it is information from the community and residents which would trigger our awareness of those situations.

CHAIR: Finally, Mr McGlynn, given that consent has been granted to that facility, how does the council view its role in enforcing those consent conditions? We have heard it is a murky area. You have given development consent, you have applied codes that are established by a different entity—in this case, the State Government—and there is responsibility for government agencies to enforce that code. At what point does your council believe it has satisfied its duties under the planning requirements and expect other agencies to then enforce other requirements such as the breeding code of practice?

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Mr McGLYNN: In relation to any development consent that is applied, if the council is made aware that there is activity occurring that is contrary to that development consent, we would exercise certain functions under the Environmental Planning and Assessment Act in relation to the development not in accordance with consent. It is not my understanding that we would forward that consent to any other relevant agencies at the time of approval, and we would work with the applicant in terms of ensuring that they are compliant with the development consent under the environmental planning and assessment [EPA] provisions.

It is important to note that, within the definition of the local environmental plan, animal boarding or training establishments can be difficult because they include a commercial element. It is very difficult for councils to establish that element when we are dealing with incidental breeding or members of organisations who may breed a litter from time to time ancillary to that membership. Council is unable to establish that commercial element or commercial purpose. By definition, they are not advertising openly, they do not have business numbers and so forth, so it is very difficult to trigger that "development without consent" process through the Environmental Planning and Assessment Act.

The Hon. MICK VEITCH: What is each council's system for euthanasia?

Mr McGLYNN: Wingecarribee Shire Council has recently adopted an alternatives to euthanasia policy in accordance with provisions in the Companion Animals Act. Those animals that are identified for euthanasia are done through an external contract provider. They are euthanased by a vet.

Mr GOVERS: We utilise the Blacktown holding facility, so the policies of that facility apply to the euthanasia process.

Mr CURLEY: Our euthanasia is performed by lethal injection administered by a vet.

The Hon. MICK VEITCH: Thank you. With regards to microchipping, we have heard testimony that there is capacity to enhance the information that is collected or retained with a microchip. From a council's perspective, what information is currently lacking from the microchipping process that you would like to see collected?

Mr GOVERS: Probably the biggest issue we have with the microchipping is the follow-up registration that happens. That is often the delay. Each year before our PetFest we send out hundreds, sometimes thousands, of letters to people in our local area who have had animals that have had the microchip in the last several years that have not followed through with registrations, just to remind them we are offering the service at that PetFest and to come along or come to council to register the animal and keep that information up to date. That way we can return the animal if we collect it and do not have to put it into the pound system.

Mr McGLYNN: From Wingecarribee's perspective it is about the currency of the information that is held on the Companion Animals Register as well as the second step of the two-step process not being undertaken. It is important to note that the Companion Animals Register is in fact a register of companion animals, so we can only search generally for the animal. It is not necessarily a register of owners or breeders. It is important to note that it is a register of animals. Whilst we can search for a property, it is primarily for the purpose of identifying an animal that is kept at that property.

Mr CURLEY: I support the remarks regarding the two-step process. I think that is a significant issue that I urge the committee to look at. In our case, a lot of resources are put into following up owners that have microchipped and failed to register because of the two-step process. The only other issue I raise is with the lifetime registration form. It does not have provision for the owner's contact details in terms of phone number et cetera. If a microchip is not recorded correctly or the Companion Animals Register records are out of date, it is very difficult to track back or contact the owner that submitted the form. That is an issue that we have had to deal with in more recent times as well, which we bring to the committee's attention.

The Hon. MICK VEITCH: My last question relates to responsible pet ownership. Do any of your councils conduct education programs around responsible pet ownership amongst your residents? If you do, what sorts of programs do you run? We have heard extensively from Holroyd.

Mr McGLYNN: Again with Wingecarribee we have implemented an annual event similar to what was described. I think a lot of local governments will undertake that sort of event once a year to promote responsible

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pet ownership. We utilise marketing and advertising particularly through social media. I would also like to add, in answer to your previous question, there is a disconnect between people accessing registration for animals and the sterilisation of companion animals. A lot of owners hold off on registering their animals until they are able to desex the animal in order to access the cheaper registration rate—at least that is what we are informed when we speak with the owners because the animal is unregistered. We are informed that a lot of the time that is on veterinary advice not to desex the animal prior to six months of age, which is the time from which the Companion Animals Act requires registration.

Mr CURLEY: We do a lot of responsible pet ownership promotion through, obviously, our website and media releases. We are also actively involved in subsidised desexing programs. We have two running presently, one jointly with the RSPCA called the Companion Animal Welfare Scheme [CAWS] program. We do a lot of face-to-face community education with the participants through that program. Basically it offers subsidised desexing to low income earners or pensioners. It has been quite successful and we have run it over the past three years.

Mr SCOT MacDONALD: I address my questions to Wingecarribee. I notice in your submission under "other matters" you addressed a point that I do not think other people have spoken about, and that is the impact on the environment. As a peri-urban council, can you describe what unlicensed, unregistered—homeless, I suppose—cats and dogs are potentially doing to the environment?

Mr McGLYNN: Regarding abandoned and stray cats, council is contacted almost on a daily basis by residents about cats that are straying onto their properties. We have a high incidence in the towns of Bowral, Mittagong and Moss Vale—not to the extent of colonies—of those stray and abandoned cats. As I have mentioned, up to 95 per cent of cats that are entering the animal shelter are not permanently identified. Being a peri-urban environment, there are a number of native bushland areas that are adjacent to our residential areas.

Mr SCOT MacDONALD: If you have had success removing feral cats or feral dogs, have you seen a change in the environment?

Mr McGLYNN: The definition of "feral" is very difficult in the environment. I think it is a term that is overly applied. By definition, a feral cat has no reliance on human interaction. I do not believe we see a lot of that within our shire. I believe most of the cats that enter are abandoned or stray. We have considered removing animals from that environment and neutering and releasing them back in order to maintain that territory for the animal. We have considered that process, because we believe that, once the animals are removed, new territories are established by entire animals. We do not have any study or data to support the impact on native fauna within the areas.

Mr SCOT MacDONALD: Thank you.

ACTING-CHAIR (The Hon. Mick Veitch): The Chair has had to leave due to family reasons, so I will now take over.

The Hon. MARK PEARSON: I welcome that "trap, desex, return" initiative. Coming back to the microchip, there is the issue of the responsibility of the owner and of the breeder releasing the animal to make sure the animal is microchipped. They both have to make sure the animal is microchipped, and then there is another step where you have to register the animal. There could be an automatic system that followed upon the microchip being placed and all the paperwork being done, wherever the paperwork for the microchip is registered. We are wondering whether we should also have the information about the source of the animal—where it was bred—on the microchip.

Is it then possible, if the system was in place where there is an automatic notification of the information to the relevant council and with part of the funding to pay for the microchip identification also going to that council, to then be able to set up your Companion Animals Register so you know who owns the animal and that the animal exists in your local government area rather than the second step as seems there is a gap where the traceability of animals and their owners is lost yet there is a microchip register somewhere which has all that information and maybe it will have more? Would something like that help?

Mr McGLYNN: There is an existing report—the Companion Animals Register does produce a list of all the animals that are identified within a certain period that are residing in that local government authority and who are less than six months of age. We automatically issue—it is a requirement under the Act—a certificate of

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identification to the owner and that is printed and posted out. The Office of Local Government provides a bright little sticker to stick onto that certificate to remind people that they have to register their animal at six months of age. Again, we also issue a notice under section 10B of the Act at six months of age requiring people to register their animals. It was after the Companion Animals Taskforce that time period was reduced to two weeks. Even with all those mechanisms in place we still find though that owners fail to register and take up that second step of registering their animal.

The Hon. MARK PEARSON: Do you think it might be because they think that in a sense they have already registered and what is the point of re-registering?

Mr McGLYNN: In our experience there is certainly an element of confusion. Even when a penalty notice is issued for failing to register the animal or failing to comply with the notice to register the animal, the owners believe that that amount is for the registration when, in fact, it is not just for the penalty of failing to register but the registration is still outstanding. So there are already a number of mechanisms in place but they are not taken up by the owners. We also receive a significant number of change of ownership detail forms on a weekly basis for new owners of companion animals where the breeders have failed to sign off and change over the ownership details or change the microchip details. When I speak to a lot of residents it is very similar to the process of vehicle registration and processing and the blue slip in that the old owner is responsible for handing in that paperwork, but unfortunately there is a lot of confusion out there with the two-step process.

Mr SCOT MacDONALD: Again, Wingecarribee—I am not picking on you but I am just interested in your last suggestion for any legislative changes that may be required. You are suggesting removing the element of commercial purposes from the definition of animal boarding or trading establishments currently found within the State EP instrument. What is behind that?

Mr McGLYNN: Again, as I mentioned previously, it is very difficult to establish a commercial purpose for a—

Mr SCOT MacDONALD: Or a non-commercial establishment. The lines are blurred, are they not?

Mr McGLYNN: Yes. So whilst we understand that there are a number of animals, that it looks like a duck and talks like a duck, we are unable to establish that the activity is being conducted for a commercial purpose, so it does not trigger any action under the Environmental Planning and Assessment Act. We would refer those cases to our regional RSPCA inspector to follow up on the codes of practice.

Mr SCOT MacDONALD: If you had your way you would be making your judgements more on quantity and quality, and those sorts of things, would you?

Mr McGLYNN: In other jurisdictions, such as the Australian Capital Territory, there are requirements for people to apply to keep more than four animals.

Mr SCOT MacDONALD: A certain number.

Mr McGLYNN: Yes. So that would be the trigger. It is a strict liability then and it takes away any issue to deal with whether or not it is for breeding; it is based purely on the number of animals that are at a premise.

Mr SCOT MacDONALD: Can you tell me, with your interaction with the Australian Capital Territory—and it sounds like you have had a bit of interaction—whether that is successful?

Mr McGLYNN: I came from a Western Australian jurisdiction and there were similar provisions in Western Australia—

Mr SCOT MacDONALD: A number.

Mr McGLYNN: A number—four or more, that is correct.

Mr SCOT MacDONALD: Did they find that workable?

Mr McGLYNN: Yes, it was quite workable.

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ACTING-CHAIR (The Hon. Mick Veitch): Do each of the councils here have a similar ordinance where you restrict the number of animals, like dogs or cats, at a residence?

Mr CURLEY: From Campbelltown's perspective, no. The reason for that is there is provision under the Local Government Act, under the notice and orders provision, to control the number of animals kept at a premise if we need to. Because those powers are there we do not feel there is a need to impose a blanket number for the purpose of controlling the way animals are kept.

Mr GOVERS: Holroyd council went down the track several years ago of looking at a local orders policy and looking then at putting a number on them in our local area. Certainly what was talked about from other jurisdictions would be something I think the Committee should look at. Our legal advice was that it was very difficult for the council to have a blanket number across the entire local government area; you really needed to look at each situation on its merits. But certainly Holroyd, like other councils from time to time, has a problem with animal hoarders.

Mr ALISTER HENSKENS: I am very impressed with the statistics from Holroyd council being able to reduce its euthanasia rates of dogs from 64 per cent to 7 per cent, and I commend you for that outcome. Has your program been duplicated by other councils? Have you advertised that program so that it is something that is done on a more widespread basis throughout the State?

Mr GOVERS: I am sure that most councils are aware of the work. We do not try to reinvent the wheel across the industry and we will pick the best parts of each program from each other. I cannot speak on behalf of the other councils, but I am aware of what Mr McGlynn spoke about.

Mr ALISTER HENSKENS: Do the other councils have a similar result or have you been able to achieve a similar result to that?

Mr CURLEY: In Campbelltown's case we have implemented a number of initiatives over probably the past three to five years and we have reduced our dog euthanasia rate from 50 per cent to about 20 per cent. I guess Campbelltown has a demographic challenge in that it receives a large number of surrendered animals as well and we receive a large number of staffordshire terrier type breeds, mixed breeds, and we have a challenge in trying to get those rehomed. It is simply an oversupply. We work with 25 rescue groups which assist us greatly and has been the main factor in getting that euthanasia rate down from 50 per cent to 20 per cent for dogs.

Mr GREISS: Thirteen per cent.

Mr CURLEY: My colleague is saying it is now down to 13 per cent with the current figures. He wanted to get that plug in. But, generally speaking, it is 20 per cent and it is improving all the time, and largely a lot of that success is due to the assistance we get from 25 rescue groups that are actively helping us.

Mr GOVERS: I echo those comments. The rescue groups are really coming to the rescue in that situation and that is why we support them so heavily every year.

Mr ALISTER HENSKENS: Would it be fair to say that by reason of the measures that you have put in place to get those reductions in euthanasia rates that those measures have probably funded themselves in the other costs that you have saved or has it been a net financial impost on the council?

Mr GOVERS: It goes with significant cost. Holding an animal in a pound for a period has a significant cost to it. We do not run a facility; we utilise a facility and their charges are always going up to maintain that facility. I understand, from dealing with colleagues at Blacktown council, that it is an old facility; it is upward of 40 years old now so it will be in dire need of renovation soon. They are always improving the facility but any facility that is as heavily used as that is will need a makeover at one point or another and I would see that that time is coming soon.

ACTING-CHAIR (The Hon. Mick Veitch): I have one last question which relates to the entry of the information onto the database. Any idea how much that would cost each of the councils, off the top of your head?

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Mr GOVERS: I have a full-time staff member who looks after that. I am just trying to think how much of her time would be taken up.

ACTING-CHAIR (The Hon. Mick Veitch): Could you take it on notice and come back to us as to how much it costs you as an individual council to undertake that task?

Mr GOVERS: Yes.

Mr ADAM CROUCH: To follow up Mr Veitch's question: Should an electronic system be introduced such as with car registration where you can do it online as that would obviously be of benefit to council cost-wise to take the burden off your staff members, would it not?

Mr McGLYNN: I think it would also be more effective to encourage owners to maintain the currency of the animal details as well—

Mr ADAM CROUCH: Rather than having to come to council.

Mr McGLYNN: —and ultimately improve rehoming.

Mr ADAM CROUCH: With regard to breeders, if a breeder microchips a particular animal and if at the same time the registration was done by the breeder with the particular council—okay, the dog or cat may transfer to a different area—it then becomes the breeder's responsibility to follow up with the purchaser that they have done the right thing and transferred the registration; so putting the onus back on the responsible breeder. Obviously pet shops would be doing that sort of thing anyway, but if you are going to a breeder to buy a dog or a cat, if you bought it from Holroyd City Council, for instance, the dog is microchipped and registered under Holroyd at the time of its sale, then it becomes the breeder's responsibility to follow up with the purchaser that they have transferred their registration to whichever council in the area they live in. Would that be something that could also be beneficial?

Mr GOVERS: The only comment I would make along those lines is that then we would need to still encourage the desexing of the animal.

Mr ADAM CROUCH: Yes, absolutely. So the six-month period—obviously there is that gap at the moment, but at the moment that gap seems to be causing an issue where registration is not being done. So in this way at least the registration is started and then it becomes the onus of the breeder to say, "You have got to get your dog desexed and we will follow up with you to make sure you have done it with whichever council, otherwise we will report you to your council."

Mr ALISTER HENSKENS: One proposal on desexing was that you need to build into the price a voucher, for example, that you can use to go and get the animal desexed. So if the breeder then had to buy that voucher that could be taken to a vet to desex the animal, it is part of the price and it would be unlawful to sell it otherwise, and that would deal with the desexing issue.

Mr CURLEY: As part of the sale price of the dog or cat, we would support it.

Ms JULIA FINN: I think a lot of Dogs NSW breeders sell puppies and somehow it is in the contract of sale that the puppies must be desexed.

ACTING-CHAIR (The Hon. Mick Veitch): Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing—I know you have taken some questions on notice as well—the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply within three business days to any further questions?

Mr CURLEY: Yes.

(The witnesses withdrew)

(Short adjournment)

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SCOTT HANSEN, Director General of NSW Department of Primary Industries,

BRUCE MORGAN CHRISTIE, Deputy Director General, Biosecurity and Food Safety, NSW Department of Primary Industries,

STEVEN JONATHAN ORR, Deputy Chief Executive, Office of Local Government, and

GRANT WILLIAM ASTILL, Acting Manager Program Delivery, Office of Local Government, sworn and examined:

SUZANNE MARIE ROBINSON, Senior Manager, Animal Welfare, NSW Department of Primary Industries, and

KEITH WILLIAM BAXTER, Manager of Policy, Office of Local Government, affirmed and examined:

ACTING-CHAIR (The Hon. Mick Veitch): In what capacity do you appear before this Committee?

Mr HANSEN: As Director General of the Department of Primary Industries.

Mr CHRISTIE: As Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries.

Ms ROBINSON: As Senior Manager, Animal Welfare, Department of Primary Industries.

Mr ORR: As Deputy Chief Executive of the Office of Local Government.

Mr ASTILL: As Acting Manager Program Delivery, responsible for Companion Animals and Responsible Pet Ownership Program at the Office of Local Government.

Mr BAXTER: As Manager Policy of the Office of Local Government.

ACTING-CHAIR (The Hon. Mick Veitch): Do you have any questions concerning the procedural information that was sent to you in relation to witnesses and the hearing processes?

Mr HANSEN: No.

Mr ORR: No.

ACTING-CHAIR (The Hon. Mick Veitch): Do you want to make a brief opening statement before questions?

Mr HANSEN: Animal welfare is an issue the Department of Primary Industries takes seriously. The department welcomes this Committee's inquiry into companion animal breeding practices which we see complements and builds on the Government's work to date through the Companion Animals Taskforce. We support any initiatives that strengthen our current measures and contribute to the ongoing development of a robust legislative and policy framework, supporting animal welfare and the care and management of companion animals. We work closely with industry and enforcement agencies: RSPCA NSW, Animal Welfare League NSW and NSW Police. We operate under a robust system to deal with the mistreatment of companion animals under the Prevention of Cruelty to Animals Act 1979. Under the Act, fines of up to \$110,000 or two years imprisonment apply for the mistreatment of animals.

The enforceable standards relevant to this inquiry that apply to companion animals are the Animal Welfare Code of Practice: Breeding Dogs and Cats and the Animal Welfare Code of Practice: Animals in Pet Shops. The codes provide for both mandated standards and best practice guidelines. Breach of a mandated standard carries with it a statutory penalty. The breeding code applies to anyone breeding cats and dogs and provides requirements for responsibility and competency of staff, quality management systems, animal housing, environment, security, animal management, food and water, cleaning and disinfection, transport, animal health, veterinary care, humane destruction, transfer of ownership, breeding and rearing. It requires that breeding females not have more than two litters in any two-year period, unless with written approval of a veterinary

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practitioner, that puppies not be separated from their litter or lactating mother until they are seven weeks of age and that all dogs re-homed must be microchipped prior to release.

The pet shop code applies to a shop or place used for the conduct of a business in which an animal is kept for sale, which includes markets. It covers dogs, cats, rabbits, guinea pigs, rats, mice, birds, fish and other vertebrate species for sale. The identification and registration of dogs and cats, how they are managed and the duties and responsibilities of their owners in New South Wales come under the Companion Animals Act 1998 [CAA] and the Companion Animals Regulation 2008. This legislation is administered by the Minister for Local Government and the Office of Local Government and enforced by local councils and the NSW Police Force. New South Wales has stringent legislation concerning animal welfare and cruelty to animals, and the Department of Primary Industries is committed to promoting companion animal welfare and assisting the Government in stamping out illegal breeding practices and operations.

Mr ORR: To reflect the comments of my colleague, we certainly welcome the opportunity to appear before this Committee and appreciate the opportunity earlier to give a briefing to the Committee. In terms of the companion animals regulatory framework in New South Wales, we have the Companion Animals Act 1998 as well as the Companion Animals Regulation 2000. I am happy to provide that documentation to the Committee. Those documents provide the framework for the identification and registration of dogs and cats in New South Wales reuniting, the way and means of reuniting owners and their pets, the establishment of the Companion Animals Fund, how dogs and cats are managed in the community and the framework, importantly, for managing dangerous dogs, as well as the roles and responsibilities for pet cat and dog owners, administered by the Minister for Local Government and the Office of Local Government, and we provide guidelines to councils in the way in which they exercise their functions in relation to that.

Enforcement is undertaken by local councils and the NSW Police Force. In terms of the Companion Animals Taskforce, just quickly, it was established by the Minister for Local Government and the Minister for Primary Industries in 2011 and deals with a whole range of issues associated with both responsible pet ownership and companion animal management, as well as broader issues surrounding dangerous dogs. They released a discussion paper for community consultation and received a large number of responses, 1,400 submissions, which demonstrated a broad interest in these issues amongst the community. The final report was issued in October 2012 and from that the Government developed its response. Before the Government finalised its response, it put that report out and received a very large number of submissions—5,500—again demonstrating the interest in the issues which the taskforce was dealing with.

In terms of the key recommendations from the taskforce, there was the establishment of a grants program for councils targeting microchipping, registration and desexing to reduce overpopulation, the expansion of existing primary school pet safety education programs to preschools and prenatal programs, the program known as We Are Family, the redesign of the Companion Animals Register—which, no doubt, will arise in proceedings today—amendments to codes of practice to require the display of microchip numbers in all advertisements for the sale of cats and dogs, removal of exemptions that allow breeders to sell unmicrochipped cats and dogs to pet shops, annual indexation of registration fees, a revised framework for dangerous dog management, and a commitment to implement discounted registration for cats and dogs from pounds and shelters. Many of those recommendations have been implemented and we are still working on the others with a view to improving responsible pet ownership throughout New South Wales.

ACTING-CHAIR (The Hon. Mick Veitch): The Committee has received a great deal of testimony around microchipping. When someone microchips an animal, its information is recorded at the local government level. The Committee has heard evidence that it may be better if that information were centralised and maintained by a central agency. Some people have suggested the Department of Primary Industries. Mr Hansen, what are your views on whether that is an appropriate place for the database and information to be maintained?

Mr HANSEN: I certainly think once the records are made electronically, the where or how they are stored becomes a much simpler question than the system we currently have to face, which are hard-copy records, paper-based record transactions. Once you take the first step of moving this to electronic recording, then where it is stored becomes a much simpler conversation, especially if changes are made that enable access by all the relevant agencies to those centralised records. I certainly think that making it centrally stored would make sense, especially if you then follow that with ensuring that everyone who needed access to it is able to access it for their respective purposes, whether that be rehoming or compliance activities.

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ACTING-CHAIR (The Hon. Mick Veitch): Should that be the Department of Primary Industries or the Office of Local Government?

Mr HANSEN: That is the beauty of data: once it is electronic it does not take much these days to be able to store it, and, provided access is given to it by the relevant agencies, I think who holds it is really a good question.

Mr ORR: If I could just clarify, it is centrally stored at the moment. There is a distinction here between the chipping and the registration process and the things that surround all that and the storage of the data. Currently, there is a central store of all the data in terms of registration of cats and dogs in New South Wales. Just to clarify, there is that central store. Naturally, we are working on improving the whole registration process within New South Wales. We are working hard at the moment to redevelop the register, to bring the register in line with more modern practice with respect to the registration process, and we intend to have a new registration system operational by June-July 2016.

Mr ALISTER HENSKENS: Who is doing that? Does the Department of Primary Industries have control over that?

Mr ORR: No. If I could just clarify, the register sits under the Companion Animals Act, which is administered by the Minister for Local Government and it sits within the Office of Local Government.

ACTING-CHAIR (The Hon. Mick Veitch): The Committee has also heard testimony around the types of information that are being collected. What are your views on the additional information that would assist with your roles which should be collected but is not currently being collected?

Mr ORR: The redesign of the register is about making a number of shifts in the way in which the registration process currently works at the moment. As Mr Hansen referred to, there is quite a paper-based system that exists which is both cumbersome and costly to administer. We want to move away from that system, simplify the registration process, take it online and ensure that the quality of data is improved. That is generally the intent and we have commenced work on the redesign of the system. In the area of information, the register serves a number of purposes. Its main purpose is to identify animals and their location. It is fair to say that over time the role of the register has been expanded to deal with other issues, most notably issues surrounding dangerous dogs. Additional functions have been included in the register to deal with dangerous dogs.

The other issue we are considering as part of the register redesign process is registration of breeders and the ability to capture where they are and to get a sense of breeding practices and the number of puppies they are producing. The intention is to have a registration system that gives us additional information about where they are. Obviously, the other question that sits within that is who that information can be shared with. The Committee is familiar with some of the shortcomings with regard to sharing the information on the register. That needs to be addressed so that other enforcement agencies such as the Department of Primary Industries, the RSPCA and so on can access the data to assist in fulfilling their roles.

ACTING-CHAIR (The Hon. Mick Veitch): Mr Hansen, is there anything you would like to see collected that is not now being collected?

Mr HANSEN: I support what Mr Orr said. At the moment the register is animal centric; it is designed primarily around the identification of the animal. We should make it to be more person centric to enable traceability from birth and to identify the hands through which the animal passes. We would obviously be keen to take advice from our enforcement agencies about what kind of additional information would strengthen their capacity not only to implement the right risk-management approach but also to enforce the legislation while at the same time reducing the complexity of the registration process.

Mr ALISTER HENSKENS: Has that been part of the process to date? Have you been speaking with the RSPCA and other agencies about the sort of information that would assist them in their prosecutorial role, or is your development of the new system not that advanced?

Mr ORR: We have a responsible pet ownership reference group that has a number of members, including the RSPCA. Our initial discussions within that group dealt with redesigning the system, and we sought different views. Once we are clearer about the design, we will seek views from other stakeholders,

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including the RSPCA, the Department of Primary Industries, the NSW Police Force and others to ensure we have a robust enough system to meet their needs.

Mr ALISTER HENSKENS: Will your development timeframes enable you to take account of any recommendations made by this Committee?

Mr ORR: Certainly. It is fair to say that we are in the early days of the design process. We have done a lot of work to date and we are trying to arrive at some broad principles. We are working on that, but it is certainly not too late to consider this Committee's recommendations.

Mr ALISTER HENSKENS: Dogs NSW has suggested that it could for a relatively small fee provide a computerised registration system for breeders across the State. Are you aware of that and have you factored it into how it could operate within your system?

Mr ORR: A number of organisations have proposed systems. It must be kept in mind that New South Wales is the only State that has a legislated registration system. There are other systems and other organisations have come to us and said that they have systems that could be useful. We are mindful of those options. Our needs and the broader public interest are clear, and we must manage them in the development process. Dogs NSW has raised issues, as have other organisations. It is important that we are clear about the purpose and objectives of the system. If they can help and provide support through that process, we are willing to consider what they have to offer.

Mr ALISTER HENSKENS: Mr Hansen, you mentioned the Companion Animals Taskforce. I am unclear about the animal welfare and pet shop codes. Can they be updated and are they reviewed from time to time? Is the Companion Animals Taskforce the body that does that?

Mr HANSEN: We have the 2008-09 versions of both codes, and the taskforce has looked at their appropriateness. There is a mechanism through which we carry out regular reviews to ensure that the codes are contemporary and are still meeting the community's and the industry's needs and expectations. The ideal time for us to conduct a review would be after the taskforce and the Committee have made recommendations.

Mr ALISTER HENSKENS: Some people have recommended changes to the codes. I am always reluctant to support such recommendations when all stakeholders have not been consulted. Is there a mechanism that the Committee could recommend that would provide for someone to look at these proposals and suggestions?

Ms ROBINSON: Any review process includes consultation with key stakeholders to get feedback and to look at any regulatory impact issues. That is the standard process when we do these reviews.

Mr ALISTER HENSKENS: That would be through the Department of Primary Industries?

Ms ROBINSON: Yes.

Mr HANSEN: That would also take into account any relevant changes made to the standards by our peers across the States and Territories and examine where they are heading to ensure that we align to get standardisation.

Mr ALISTER HENSKENS: The Committee has heard that the codes are very good, but that the guidelines should be made enforceable standards. Do you have a view on that?

Mr HANSEN: At the moment the standards are the outcomes that must be met for compliance. The guidelines are there to provide for best practice to deliver against those standards. The challenge is always having guidelines that do not stymie innovation or industries and businesses finding their own way to meet standards as a result of improved technology, knowledge and so on. If the Committee were to mandate the guidelines, we would need to do a considerable amount of work on regulatory impact statements because they are prescriptive. It would not make sense to mandate some issues. For example, there are guidelines about when to seek veterinary assistance, including when an animal is not eating. That would have to be considered in terms of whether it was something we wanted to mandate or to enforce. Should they simply be guidelines for breeders in meeting standards with regard to adequate conditions of care?

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ACTING-CHAIR (The Hon. Mick Veitch): Is there a schematic diagram detailing the life of a dog and the owner's responsibilities from the time it is born? For example, how old must a dog be before it can be removed from its mother, and when must it be microchipped and registered? There appears to be confusion about microchipping and registration. Is there some simple information that people can access about being a responsible pet owner?

Mr HANSEN: We have had a go at it, and I have tried to work it out myself. We would like to share that with our partners. Once we are happy with the wording and are sure that we have not missed anything, we will table it.

ACTING-CHAIR (The Hon. Mick Veitch): I am happy for that to happen. As a responsible pet owner, it would be helpful to have that information.

Mr ADAM CROUCH: The Committee has heard that the three bodies that implement the POCTA legislation do not currently have the ability to communicate electronically. That weakness has been highlighted for the Committee. I assume that that is the responsibility of the Department of Primary Industries. Local government does not execute the POCTA. The Committee has been told that local rangers, especially those in rural areas, are on the ground and they can react quickly. Unfortunately, it can take 24 hours for the RSPCA and to a lesser extent the Animal Welfare League to respond.

Could council rangers be given powers under the POCTA to respond? At the moment they are not included, and it could be beneficial. Local government authorities issue development applications for properties. When approval is given to people who intend to breed dogs, that information is not provided to the RSPCA, the Animal Welfare League or the NSW Police Force. Providing that information to the POCTA agencies could be beneficial. At the moment they have no idea that these places exist. If they had that information they could be proactive rather than reactive.

Mr ORR: A couple of issues come to mind when considering the question of sharing information between the three peak bodies. You are right in respect of the POCTA. Obviously local council rangers do not have powers under the Act, and that has been the case for a long time. Everything can be considered. I would suggest to the Committee that it carefully consider the question of capacity and ability to do the work. Taking on a POCTA role requires different skills and abilities. It is a different role from a welfare role, and that would need to be considered. Equally, councils—particularly those in rural and regional New South Wales—have limited resources.

What is their capacity to take on that additional role? Councils have obligations under the Companion Animals Act and they take a variety of approaches based on their capacity. Giving them an additional role should be considered carefully in light of their capacities, skills and ability, as well as their financial resources to make it happen. That would be an additional role. If the Committee decides to take that path, we must consider how that is transitioned and the councils' capacity to perform that role broadly in light of their other obligations. Yes, it can be considered, but we would ask the Committee to take into account their current role and their capacity, skills and ability to take it on.

The development application question and the location of breeding facilities were also mentioned. As was flagged for the Committee previously, the breeder might not go through a development application process. Some of these premises are not breeding facilities. They can be backyard operations that do not require a development application, so no-one would know what was going on. I need to come back to the Committee in regard to a council's capacity to provide information legally to another agency in the context of a breeding facility being built. We need to seek guidance and report back to the Committee about the legality of doing that.

The Hon. BRONNIE TAYLOR: I understand what you said about capacity because I come from local government. We are looking at the welfare of animals and we know that local government is the closest level of government to the community. Surely it would be beneficial if we allowed local people on the ground who have established relationships in the community to take action more quickly than happens now in respect of the POCTA.

Mr ORR: It is a valid point in regard to the resources which are out there if it is a resourcing problem. All I am flagging with the Committee, if the question is our resourcing and responsiveness and how quickly we can respond to these issues, is that the best way forward in using local rangers to do that? If the Committee forms the view that it is potentially the best way forward, in light of other options, whatever options there may

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be, what are the issues that need to be overcome to enable it to happen and enable it to happen properly? How does it get implemented? How does it get resourced? How do people get trained and maintained in their skill set, because it is a different skill set that you are looking at? We are certainly not pushing back and saying do not do it. The guidance is think carefully about it, which no doubt you will, and think carefully about how it would get implemented. No doubt you would also need to consider and have discussions with the peak body representing councils, Local Government NSW, about some of the consequences and the issues which would arise.

The Hon. BRONNIE TAYLOR: But the issues that you speak about are able to be overcome.

Mr ORR: Any issue can be overcome. I understand that.

The Hon. MARK PEARSON: My question is for the Department of Primary Industries. It has been talked about quite a bit that rather than the regulators, such as the RSPCA, the Animal Welfare League and police, being reactive because of their resources and the nature of the way these matters arise, considering it is called the Prevention of Cruelty to Animals Act, perhaps we should try to set up a system that is proactive, which will then in time prevent more and more reactive complaints, et cetera. Once the DPI did have prescribed officers under the Act.

I am wondering whether some officers could be appointed under DPI to be notified of any facility that is set up, which then has a number of animals, which might be a marker that needs to be watched and that those officers have the power from time to time to do a spot inspection, not as a consequence of a complaint or whatever but because a facility is on an alert level. History shows that problems could develop at the facility. If these facilities are aware that there could be a proactive unannounced inspection we may be able to prevent some of these issues that have brought us to this table. I am wondering whether that is something the Department of Primary Industries and a department within it could look at.

Mr HANSEN: The short answer is yes. The more expanded version is that one of the exciting things about the modernisation of the register and the availability of this data and moving from animal-centric to person-centric recordings is what it allows us to do in partnership with our enforcement agencies in developing a sort of risk register in identifying what the risk profile of breeding companion animals looks like in the State. Once we start to get that we move away from the trigger for us knowing something is wrong and it is already too late to be able to say, "Given these risks, how do we use the resources we currently have more effectively and how do we also look at deploying additional resources in that whole continuum from education all the way through to compliance?"

What is the role for and for whom in continuing to build on communication, awareness of the community about their responsibilities and their obligations and targeting individuals who we now know about because of the register being able to be interrogated properly? How do you tailor communication to them? How do you enable them to be aware of what industry is doing in its own right in developing voluntary standards, guidelines and practices, whatever they may be? I think it provides an exciting opportunity not only to more effectively use the resources we have in the compliance base; it gives us a tool and a footprint in that pre-compliance of the education and emerging issues arena for us, which is putting us back on the front foot.

ACTING-CHAIR (The Hon. Mick Veitch): With regard to the education up front prior to the compliance regime being put in place, we heard from the veterinarians association yesterday a suggestion that commercial dog breeders should be required to complete a type of certificate II qualification in animal studies as a way of assisting in improving the welfare of animals in their facilities. Would you have a view about that? Do you think DPI has a role in assisting in that up-front position?

Mr HANSEN: Did they have a view on what an animal breeder was?

ACTING-CHAIR (The Hon. Mick Veitch): Essentially with regard to commercial dog breeding, registered breeders.

Mr ADAM CROUCH: So you would have a certificate II to do the registration?

ACTING-CHAIR (The Hon. Mick Veitch): Yes.

Ms ROBINSON: I believe it was recommended in the Companion Animals Taskforce recommendations and the Government response was not to support it due to the impact on industry and people. I

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guess it has been looked at through that Companion Animals Taskforce process and the Government response in regard to that in mandating a training level.

ACTING-CHAIR (The Hon. Mick Veitch): Does it have to be mandated? Could it be a suggested course of action before registration?

Ms ROBINSON: It is in the guidelines at the moment but in regard to a recommendation to mandate it, it was looked at through the Companion Animals Taskforce and it was not supported.

The Hon. MARK PEARSON: Could that be reviewed? It would be captured when a person makes an application for a breeding certification number and then part of that application is a requirement to do this course and provide the paperwork that you have done so. That is just what has been suggested. The question is: Could it be reviewed?

Ms ROBINSON: You can always review it, yes.

Ms JULIA FINN: It was also suggested to us yesterday that it might be helpful to licence pet shops and implement changes to increase the level of knowledge and skills of people who run pet shops because it is variable across the industry. How would you feel about that, particularly as one or other agency would probably end up running that process?

Ms ROBINSON: In regard to the mandated standard, to have certificate level training, it was as well. It was across both the codes.

Ms JULIA FINN: But a licence as well to operate a pet shop?

Ms ROBINSON: I do not recall that licensing pet shops was involved.

Mr BAXTER: The issue of training staff within pet shops was involved but not the issue of licensing pet stores. I think the challenge with that issue will be where you define it. What you have at the moment is that the marketplace is changing. It is going to be a lot more internet based and environments like that and it gets much more complex to regulate both from a companion animals registration process basis and a welfare basis to try to manage that process. Licences will capture the industry and some people, but you need to make sure that you are not just putting in regulatory burdens for what might be 90 per cent of the market. You will be doing a disservice for the 90 per cent that are good and you still will not capture the 5 per cent or 10 per cent, who are the bad people. That is the challenge that will come across in a lot of these areas.

The Hon. BRONNIE TAYLOR: Following on again with local government, earlier Mr Henskens mentioned some fantastic results with pounds in reducing their euthanasia rates, particularly with dogs. There are pretty phenomenal results from Holroyd and I know down south as well we have had some fantastic results because the councils have worked closely with the RSPCA. That is good stuff and that is what local government does so well. Are those sorts of results fairly widespread across New South Wales councils?

Mr ORR: Certainly, one of the challenges that we are dealing with as an organisation is the capacity to transition councils more into the sorts of things you are doing. Certainly, part of the grants program we run is designed to provide some funding, a small amount of funding, to encourage councils to run those types of programs. More broadly, though, I think councils invest a lot of resources in just maintaining the current registration system. If you think of what actually happens—having to maintain a paper-based registration system—there are a lot of resources which councils use to maintain that.

Ultimately, through a new registration system, we want to be able to free those resources to spend more time doing what we call responsible pet ownership. Whether they are programs within pounds, programs about microchipping, or educating pet owners about good practice, it does not matter, but we want to get a shift away from an administrative role into a role that is more proactive in doing positive programs. Certainly, the grants program which we run does that. In regard to whether the practices are widespread, I think you will find that it is varied in what councils actually do. Some see themselves playing a very proactive role because it is a big issue for their community; others, less so. Generally, the trend which we want to strike over time is more resources and effort going into those types of issues.

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Mr ADAM CROUCH: Evidence was given to us yesterday about taking a proactive role with regard to breeders, so I assume this would come under DPI. I am talking about setting up a star rating system for breeders, three being the absolute base standard and then benefits going up from there. Would DPI view as favourable the setting up of that sort of system?

Mr HANSEN: I think the merit of the system versus then whether it is a role for government versus a role for industry. That is probably two questions. You can certainly see merit in the system. Whether that should be a role for government to be mandating anything other than what is the minimum standard which we require for the care of companion animals in a breeding environment, I tend to think it is more likely to be the role for industry to come up with varying levels of assurance that they can then build into those systems to provide benefits through to the customer in the level of comfort they can take. What we should have in this State is that everyone is comfortable that there is a minimum standard being applied across the board, that is being enforced and that provides a guarantee about the welfare of the animals they are purchasing.

Mr ALISTER HENSKENS: Following on from Mrs Taylor's question, I assume it is the case presently that local councils are not required to report to the Office of Local Government their euthanasia rates with regard to cats and dogs. Is that correct?

Mr ORR: In regard to pounds?

Mr ALISTER HENSKENS: Yes.

Mr ORR: We have the pound data.

Mr ALISTER HENSKENS: So you would be able to look at different local government areas and say one local council is doing particularly well on euthanasia rates and another is not.

Mr ORR: We look at it from a pound perspective. Not all councils operate in that environment but we could certainly look at it from a pound perspective, yes.

Mr ALISTER HENSKENS: Holroyd seems to be doing a particularly good job but other local government areas may not be doing as good a job as maybe they should be. I am wondering if there is any visibility and discipline on councils to be doing better about their euthanasia rates.

Mr ORR: In regard to where we are going and the broader response of what councils are doing in a proactive sense to promote responsible pet ownership within their community, it is very much part of that. We have data about euthanasia rates within council pounds. Certainly, that data is available—I think we still have it up on our website. That information is available to the broader public and people can draw their conclusions from that. As was mentioned before, the desire is that councils are more proactive in promoting responsible pet ownership practices.

You can see that in the example of Holroyd in what they are doing, and there are many other examples, particularly the examples which we picked up and funded through our grants program of what councils are doing to encourage microchipping of animals, and so it goes on. There are lots of things happening. The data is available and comparisons can be drawn from that in regard to differing euthanasia rates. Equally, as I said, the intention is to push councils more down the lines of promoting practices and being proactive about responsible pet ownership as opposed to spending a lot of time, effort and energy on administering registration systems.

Mr ALISTER HENSKENS: Do you have any system at the moment, for example, for identifying X council as having a very high euthanasia rate? You could then say, "You should be doing what Holroyd council is doing," and proactively encourage them to lift their game.

Mr ORR: Certainly that is what the grants program is designed to do. When we look at funding grants programs we are mindful of the circumstances within the council. So if they do have very high euthanasia rates and they want to do something about it then that is certainly a factor which is considered in their application and the assessment of that application.

Mr ALISTER HENSKENS: I suppose the grant is the carrot. Is there any stick you can wield if they do not lift their game?

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Mr BAXTER: The issue of euthanasia is quite complex. On the whole, dog euthanasia rates are declining across the State because there is a marketplace for dogs. Cat euthanasia rates are much more complex. I believe you spoke to the Cat Protection Society yesterday. It is a much more complex issue. What tends to happen is that community feedback to the council manages that. So there have been issues with some councils. High euthanasia rates become an issue for the council and the council then takes action. That has been our view of intervention.

As you go further west in the State, the issue of euthanasia rates becomes more complex. Often there is not a marketplace or a shelter group to pick up the animals. It may be a four, six or eight hour drive to pick up the animal from the pound, and there is no-one else to purchase the animal. All that needs to be considered when looking at the euthanasia rates. Generally euthanasia rates are declining, especially for dogs. The policy issues around cats are still significant. I am sure the Cat Protection Society yesterday explained in some detail why it is such a challenging issue.

Mr ADAM CROUCH: When we are talking about pound euthanasia rates, are those the dogs and cats that are euthanased at that particular local council's pound? For instance, if a council subcontracts the euthanasing to someone outside the pound then those numbers are not being recorded. They are not part of that data.

Mr ASTILL: That is essentially true, yes. Animals can be shifted to the RSPCA and they may be euthanased by the RSPCA as part of the end process if they are deemed unsuitable for rehoming or if they cannot be rehomed.

Mr ADAM CROUCH: So effectively only animals euthanased at a council pound are collected in that data. If the council subcontracts then those numbers are not included?

Mr ASTILL: Yes. There is no requirement for a private agency to report those numbers.

Mr ADAM CROUCH: A number of the councils who appeared before us today subcontract to a private agency. So those numbers are not really accurate.

Mr ALISTER HENSKENS: Well, they are not telling the full story. They are accurate but they are not telling the full story.

Mr ORR: We could come back to the Committee on that particular matter in regard to how it may happen and the connection back to the council. We will come back to you to clarify that matter

ACTING-CHAIR (The Hon. MICK VEITCH): We would appreciate it. Just before I have to head off, how much does each agency spend on education programs around responsible pet ownership? Do you do any work at all in the broader community around encouraging responsible pet ownership?

Mr ORR: Part of the Companion Animals Taskforce recommendations was that we need to be more proactive in promoting that and in providing councils with tools and resources. Currently there are a lot of brochures and material which councils can access. We have been doing some work with an agency to identify where we need to move to in promoting good practice when it comes to the management of cats and dogs. So we have been working along the lines of renewing the way in which we communicate and providing tools to councils to assist them with their communication efforts.

Mr ASTILL: We also do some work in this space under the We Are Family program, which is a government-supported initiative with about \$7.5 million worth of programs running in preschools, early childhood centres, and prenatal and postnatal services. We are looking at responsible pet ownership in relation to the family, because a lot of the dog attack statistics that we come across relate to young children and how they interact with family pets. So there is a lot of work being done in that space. Also there is the Government's initiative in relation to responsible pet ownership for dogs, with a 50 per cent discount for taking an animal from a shelter facility and rehoming it. So there is a discount on registration for that animal.

We have a large stakeholder community who we speak to regularly. That includes the Australian Veterinary Association, Dogs NSW, the Animal Welfare League and the RSPCA. So we work through those agencies to try to get an alignment of messaging around responsible pet ownership. They do a lot of work for us and we are sort of the silent partner in that process. So we are engaged in the space of community education.

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Can more be done? I am sure it can. It is a matter for this Committee to make any recommendations in relation to the communication aspects of breeder licensing or breeder regulation as it sees fit.

Mr HANSEN: The only thing I would add is that obviously the Government recently announced \$2 million in funding over the next four years for the RSPCA for infrastructure around their education centre.

Mr ALISTER HENSKENS: I imagine, Mr Hansen, the fact that you had to get a timeline done about the obligations with regard to the life of a dog means that there is no website from the NSW Government which gives you all that information.

Mr HANSEN: There are multiple websites available from which to get that information.

Mr ALISTER HENSKENS: But there is not simply one website with all the information? Presumably you would not have needed to prepare your table if there was.

Mr HANSEN: No, that is right.

Mr ALISTER HENSKENS: That is an obvious thing that should be addressed, is it not?

Mr HANSEN: The information is there. It is about how it is presented to make it as simple as possible.

Mr ALISTER HENSKENS: That is what I mean. If you Google "buying a dog", there should be a New South Wales Government homepage which runs through the obligations; what to consider when buying a dog; and the legal obligations with regard to registration, microchipping and the like—and something similar for cats. If we made a recommendation along those lines, I assume you would have no opposition to it.

Mr ORR: There would certainly be no opposition. There are obviously some crossover issues across both agencies. The potential is there for a more whole of government response.

Mr ALISTER HENSKENS: From my point of view, given the lines of responsibility between your two government departments and the overlap, there needs to be some coordination around education. At the moment is it the Office of Local Government that has more of an educative role?

Mr ORR: We certainly have a role in educating people about their obligations in the whole registration process, the microchipping process and the like. A lot of that also happens at a local council level in the programs which they actually run. When it comes to the welfare of the animal, that issue sits more with the Department of Primary Industries. But broadly, in regard to how we can bring together messages about all of those subjects, that would certainly be something we could work on more effectively together.

Ms JULIA FINN: I have a question for the Department of Primary Industries. Some people have suggested that there is a bit of a disconnect between code compliance and the Prevention of Cruelty to Animals Act. When the RSPCA inspectors go out looking at breaches under the Prevention of Cruelty to Animals Act, code issues might come up as well. You said that you work closely with the RSPCA. How does that actually work when they come back and say, "There were no cruelty issues but they do not comply with the code"? How do you start initiating things under the code at the same time as they are dealing with cruelty separately to that?

Mr HANSEN: Not complying with the code is a breach under the Prevention of Cruelty to Animals Act. So there is never going to be an occasion when inspectors come back and say someone does not comply with the standards of the code but it is not in breach of the Act—because there will be. In regard to how they come back with that information and the connection I will leave it up to Ms Robinson to comment further.

Ms ROBINSON: Sometimes people talk about an Act breach when they are talking about an aggravated cruelty or cruelty case versus a code breach, and generally the code is more about the care and management side of things. The standards in the code are mandated under the Prevention of Cruelty to Animals Act. So if they do not meet the standards then they are in breach of the Prevention of Cruelty to Animals Act. In regard to not meeting the standards in the code, that is a breach of the Prevention of Cruelty to Animals Act. I guess you could say it is a lower offence rating than one of aggravated cruelty or something like that. We generally have an open relationship with our enforcement agencies. We work closely with them. If they do have issues with how things are working then they can bring that to us. We do look occasionally at amending the

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Prevention of Cruelty to Animals Act or standards as appropriate to deal with those issues and to make things work better.

Ms JULIA FINN: Do you send out inspectors at any stage or do you rely purely on the RSPCA?

Ms ROBINSON: We do not enforce the Prevention of Cruelty to Animals Act. It is the RSPCA.

Ms JULIA FINN: Even for the code compliance aspects?

Ms ROBINSON: No, because that is still enforcement under the Prevention of Cruelty to Animals Act. The codes are part of the prevention of cruelty to animals legislation.

Mr HANSEN: The opportunity that the enhancement of the register provides is this movement to a proactive position and a proactive stance where we can sit down with the enforcement agencies and say, "A future program targeting the high risk or medium risk in this area should include these components." That is where we can start getting proactive and structured enforcement rather than the reactive form of waiting for a phone call from a neighbour.

ACTING-CHAIR (Mr Scot Macdonald): I will ask a couple of questions. At page 8 of the submission it says:

Currently RSPCA NSW and AWL NSW are limited in their use of the Register's data ...

And it says that might change. Will that need legislative enactment to give other agencies or bodies access to that register?

Mr HANSEN: Yes, our understanding is that it will.

Mr ORR: We need to be very mindful of what the register is used for currently. What the register is used for currently is largely as a rehoming tool, as well as to keep information with respect to dangerous dogs. So that is what its current role is. We are also going to include within there the capacity to register breeders. That is the other role in relation to the new register as we move forward. In order to give capacity to other agencies to access the information obviously it would require some legislative changes, which I outlined earlier. It is not just about that because ultimately you are going from a tool which is used to capture where dogs and cats effectively live through a registration system to a system which is quite different—potentially to enable the enforcement of the Prevention of Cruelty to Animals Act.

So we need to be very careful and clear about that change. If that is where it all heads then we need to ensure that legislatively it actually stacks up. I guess understanding where the breeders are is one thing. Equally having the resources, the capacity and the like to do what needs to be done in whatever the inspection requirements are or whatever the case may be is another thing. That is really more a matter for the Department of Primary Industries.

ACTING-CHAIR (Mr Scot Macdonald): Mr Orr, are you prepared to come back to us with a little more flesh on the bone on that in regard to the likely recommendation we have to make—even if it is not specific but just covers the principles you are talking about there.

Mr ORR: Yes, sure. We can certainly provide guidance to the Committee about changes. I guess all I would flag for the Committee is that we need to be really clear about the purpose of the registration system, because we are talking about quite a significant shift from what its current use is and what people are aware the register is there for to something which is potentially quite different. For example, if you are a registered breeder then you have to understand that that, by virtue of the fact you are registered breeder, in turn could trigger an inspector showing up from the RSPCA. I think we need to be very mindful of that shift. I am not saying where the line is there but I think it is something which needs to be carefully considered. I guess the other point I would make is that a registration system is not the panacea for all these issues; it simply provides some data. Potentially there is a whole range of other issues which will need to be considered if it is to be used effectively if that ultimately is where it goes.

ACTING-CHAIR (Mr Scot Macdonald): On the next page the submission talks about removing exemptions from the requirement for microchipping. The thing that jumps out at me there is the case of working

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dogs. So there is a recommendation that working dogs in future be included. But is there a regulatory impact perspective on that?

Mr ASTILL: It is my understanding that a working dog should be microchipped. It should be identified by the time it reaches 12 weeks of age. It is a companion animal and it should be microchipped for identity purposes. The issue is its exemption from registration.

ACTING-CHAIR (Mr Scot Macdonald): So there is no recommendation then around working dogs? They will continue to be microchipped but there is no recommendation that they be registered?

Mr ASTILL: The reality about microchipping working dogs is that most of them do not ever leave the farm. The fact that owners do not actually microchip their animals is different to the fact that there is a requirement for them to do so.

Mr ALISTER HENSKENS: What is the purpose of microchipping if there is no registration? I thought that was the purpose of the microchip.

Mr ASTILL: The microchip actually identifies the animal. The microchip provides a unique 16-digit number that identifies that animal as being owned by a person.

The Hon. BRONNIE TAYLOR: But if there is no registration of that animal that has been microchipped there is no record.

Mr ASTILL: No, under the current system we have two steps.

The Hon. BRONNIE TAYLOR: I understand that. I just do not understand the other link that you just spoke about.

Mr ASTILL: For the registration we are talking about a fee payment. We pay a registration fee based on whether the animal is a certain category of animal. Owned, working dog, dog in the service of the State, those things are exempt from registration fees. If you have a dog that is desexed it pays a lesser registration fee. That is the registration aspect of it.

Mr ALISTER HENSKENS: So at the time it is microchipped Joe Bloggs of a certain address owns the animal. If it is a working dog there is no obligation to register it. If the working dog is sold or given to a property next door, is there a capacity to record the new ownership details short of registration?

Mr ASTILL: Yes, indeed. Owners have the responsibility under the Act to notify councils of a change of certain circumstances and one of them is change of ownership or change of address.

Mr ADAM CROUCH: If a working dog is bred and born on a farm, as Mr Henskens just said, and then transferred to the farm next door it has to be microchipped but not registered. They have to notify council to change the details on the microchip saying that the dog has changed residences. We are talking about changing the registration process at the moment to a digitised format but they are not necessarily linked with the microchip. At the moment the big issue is that there is a six-month gap with dog registration versus microchipping. Is there any reason why the dog could not be registered at the time of microchipping and that registration, being digitised, could then be transferred to the new owner?

Mr ASTILL: That is exactly what we are moving to at this point in time.

ACTING-CHAIR (Mr Scot MacDonald): We took a bit of evidence about the word "commercial". I do not want to verbal them but a local government witness said that they would prefer to move away from descriptions such as commercial to a number. In Western Australia and the Australian Capital Territory there was a certain number and once you had hit that number you had to register. I just notice you have still used the word "commercial". Is that your preference?

Mr ORR: In terms of?

ACTING-CHAIR (Mr Scot MacDonald): These puppy farms, basically. You say:

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The NSW Government would consider any immediate and effective cost neutral measures that are consistent with welfare objectives and responsive to identifiable areas of high risk. For instance it may be feasible to implement a change to POCTA to require any large scale, intensive commercial breeder ...

I think the local government people were saying that they would prefer there not be a qualification around commercial or not commercial because they found it difficult to work out who was commercial and who was not.

Mr ORR: I think there are two issues. One is the definition of "commercial" under the Prevention of Cruelty to Animals Act [POCTA] and one is in terms of the breeder registration system, what defines a breeder under a breeder registration system. The answer to that question we have not defined yet based on the build of the new companion animal registration system. We have not come to a firm view. Equally, as I said, there is a "commercial" definition under POCTA, which Mr Hanson is best placed to answer.

Mr HANSEN: I do not see any problem with us removing that word "commercial".

Ms ROBINSON: The current code applies to anyone breeding dogs for sale. It is not actually commercial operators like any big size or anything. It does cover everyone. Currently that code applies to anyone breeding. It is not just for commercial.

Mr HANSEN: And I think as you build the risk profile it is not going to be whether they are commercial or not, whatever definition you want to use for that. Your risk profile is going to change around the number of animals within care.

ACTING-CHAIR (Mr Scot MacDonald): That seemed to be the local government preference. Down the bottom you say that it will need some sort of national coordinating microchip database. Is there an appetite for that? Is that being talked about maybe not at the Council of Australian Governments level but at the primary industries ministerial meeting level?

Mr BAXTER: The thing with a lot of the databases is that they are private market databases in the other States, but there is work that was being done federally and also with the other databases to look at better sharing of information and better coordination of the databases.

ACTING-CHAIR (Mr Scot MacDonald): Is that possible without a lot of cost?

Mr ORR: I think it depends on what your purpose is, why you want to share information with other States. I think we would need to consider that context in terms of what we are doing and keep in mind, as I said before, that New South Wales is the only State where we have this mandatory registration system through a register. Our questions would be what is the benefit and what are we getting out of all this. We have to be quite clear about that because, as you say, there are significant costs associated with the integration of data in databases.

Mr ALISTER HENSKENS: There was some suggestion in evidence we heard yesterday that because of the non-uniformity of legislation around Australia in fact puppy factories were moving to the most compliant jurisdiction from their point of view. Have there been any moves to try to give States more uniform legislation in this area?

Mr ORR: I think you are seeing different States respond in different ways and no doubt this Committee will have its views in terms of where it believes New South Wales should head. We are mindful of what has been happening in Victoria and the like in terms of their views and their processes. We have got a certain direction in front of us within New South Wales in terms of our breeding registration system. Naturally, this Committee will have a view on that and that could well be considered as part of the broader system. In terms of a more national perspective on this issue, from a POCTA perspective the Department of Primary Industries may wish to comment. I mean, we are mindful of what is happening in other States but that broader coordination is not happening per se.

ACTING-CHAIR (Mr Scot MacDonald): Thank you for appearing before the Joint Select Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to reply within three business days to further questions? I will take those nods as a yes.

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That concludes our public hearings. Again, I place on record my thanks on behalf of the Chair, Mr Adam Marshall, to all witnesses who have appeared today. I also thank Committee members for their contributions and our parliamentary staff, whose work makes the hearings possible.

(The witnesses withdrew)

The Committee adjourned at 12.52 p.m.