

REPORT OF PROCEEDINGS BEFORE

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

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

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**At Armidale on Tuesday 14 July 2015**

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**The Committee met at 11.34 a.m.**

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**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  
Mr G. M. Piper

## CORRECTED

**CHAIR:** Good morning everyone, and thank you for attending the first public hearing of the Joint Select Committee on Companion Animal Breeding Practices in New South Wales. I apologise for the delay, but unfortunately, as is invariably the case at this time of year, the flight coming from Sydney was delayed. I am honoured to have been asked to chair this joint select committee on an important subject not only for people in this region but also right across the State. That is exemplified by the huge number of submissions and the amount of correspondence we have received. Later today we will hear from Armidale Dumaresq Council. First we will hear from private citizens involved in companion animal breeding. We will be hearing from people involved in animal rescue as well as animal welfare advocacy. At the outset I thank all the witnesses who have taken the time to appear before the Committee today and for making themselves available. We really appreciate the time that you have taken out of your businesses and your lives to provide us with expanded evidence on your submissions.

The Committee will also hold two further public hearings this week, tomorrow and on Thursday in Sydney. At those hearings we will be hearing from a range of stakeholders from animal breeding and protection, retailing advocacy, professional organisations and some of the regulators such as the RSPCA, Animal Welfare League, local government authorities and various New South Wales government agencies including the Department of Primary Industries. On that note, I declare the Committee officially open. I remind everyone to turn off their mobile phones as they can interfere with Hansard's recording equipment. Members of the media are more than welcome to film proceedings and to take photographs.

## **CORRECTED**

**JUDITH COSTELLO**, private citizen, sworn and examined:

**CHAIR:** In what capacity are you appearing before the Committee today?

**Ms COSTELLO:** I am a semi-retired farmer, I breed purebred dogs, and I am appearing as a citizen.

**CHAIR:** Would you like to make an opening statement before we commence questions?

**Ms COSTELLO:** Yes, I would, thank you. If you don't mind, I will read it, just so I don't forget things.

**CHAIR:** Certainly, that is fine.

**Ms COSTELLO:** To introduce myself, I am an experienced breeder of purebred dogs, already regulated by my breed societies who have their own code of ethics with which their members comply. I would also like to let the Committee know that a lot of the breeders I know through showing, and other breeders, did not know they could put in submissions to this Committee and they did not know there was a closing date. It was well advertised that it was on, but they did not know that they could put in submissions, so that might be something to take on board. From your terms of reference, I believe the systems introduced into Victoria and Queensland were too restrictive for purebred dog breeders. What purebred dog breeders do not need is more paperwork, more costs and more restrictions. As breeders, our energy should be put into breeding and caring for our animals, not sitting in the office or worrying if the dog police are coming to call. Our dogs are already able to be traced back to us and our costs are already significant.

**Mr SCOT MacDONALD:** Ms Costello, are you reading your submission?

**Ms COSTELLO:** Partially. I have added to it, though.

**Mr SCOT MacDONALD:** Are you aware you can just file that, if you like? You will use up a lot of your time. I am just thinking from that perspective.

**Ms COSTELLO:** Well, I think my submission is probably different to the other speakers you have today.

**CHAIR:** Proceed.

**Ms COSTELLO:** I do not necessarily believe that spaying and desexing of purebred dogs should be compulsory, because the jury is still out on the health issues of spaying and desexing. If we choose to keep our old bitches because they are very special to us, I do not see why we should not be allowed to do that. I think controlling numbers is counterproductive to the genetic side of breeding. We already have very good breed societies and Dogs NSW which regulate the numbers. Limiting the numbers of breeding animals is not the answer. This would create several serious issues. If it is absolutely necessary to restrict the numbers of puppies produced, it would be far more sensible to restrict the number of litters per year. Restricting numbers would mean breeders would need to breed each bitch more frequently and at a younger age to achieve their needs. This in itself is not something that I would want to do for various reasons. Allowing breeders to have more bitches and dogs means that they are not bred every year. It would also mean not mating them before they reach maturity and that older bitches can stay.

I have a rarer breed with limited bloodlines in this country, so restricting the numbers means that I am reliant on others for my genetics, which does not always suit my program. To keep my pedigrees how I want them I need to run several families concurrently, and I do not want to make my pedigrees a mishmash by being forced to use outside bloodlines that do not suit me. As I am trying to breed from my best bitches, it is sometimes advantageous to run more than one on from a litter to see how they develop. I am proud to breed very good quality and healthy dogs. Every litter is planned genetically as well as for characteristics. Good breeders are always striving for improvement. My dogs do very well at show level, particularly under specialty judges. In fact, one of my dogs won best in show specialty at New South Wales Specialty last year under a renowned judge from the United Kingdom. Numbers are already controlled to a large extent in suburban areas by council regulations. People who want more have to spend the money and buy out of town.

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As far as licensing is concerned, I believe those who already belong to breed societies are working within the code of ethics and practice and do not need any further regulation. Those breeding unregistered and crossbred dogs certainly do need regulation. The breed societies would need to have a code of ethics to which their breeders must comply to be exempt from further regulation. Breed societies have registered stud prefixes for all their breeders. Dogs NSW, for example, has a strict procedure in place for those applying to be breeders. In fact, now you have to do an exam to become eligible to become a breeder. The purebred dog societies such as the Working Kelpie Council, the Sheepdog Workers Association and Australian Working Koolies all do that with their members, so they really keep an eye on what you are doing and how you do it.

I am certainly in favour of banning pet shops from selling dogs and cats. Good breeders should be—and generally are—very careful checking out prospective buyers so puppies and dogs go to suitable and caring homes. Pet shops sell to whoever walks into the shop, with no control. Our purebred dogs, I do not know anyone who has ever had one that has been surrendered because we all tell people that if anything happens those dogs come back to us to be rehomed, and we are very particular about that. If you are going to licence this there needs to be a really good regulatory thing with funding and with education for the public. It is really important that you educate the public that they do not buy dogs from people who do not take care in breeding them, because there are so many different things that you can look for and avoid if you are a really careful breeder. In fact, I think you will find in the Dogs NSW submission quite a nice table of the differences between registered dog breeders, purebred dog breeders and the rest.

The regulations you produce will never be 100 per cent effective, as you know with everything else, and I think overregulation can be counterproductive to those already doing the right thing. It is important that the inquiry has outcomes that regulate only those who are at present uncontrolled. I believe my lifetime experience in livestock breeding and production, breeding horses, purebred cattle, sheep, poultry and dogs as well as studying animal production and genetics for my Bachelor of Science degree has given me a great understanding of animal husbandry and genetics and I hope that adds credence to my points. Breeding purebred animals should mean you are always trying to improve the quality of your animals rather than producing large numbers of also-rans. Many backyard breeders and puppy farmers have no concern for improvement and they do not screen their animals for health, physical and temperament problems. They also almost never get hold of quality breeding stock because no registered purebred breeders will sell them anything with the idea of breeding unregistered or crossbred puppies, so they tend to source their animals from people like themselves or illicitly from other people.

Breeders selling to pet shops go to great lengths to hide their identity. To me that is just so wrong and it is the total opposite to what we do. We replace anything that has major faults later on. As I said before, I think public education is really important in this program so that you can tell buyers the problems of buying from the wrong people, because at this stage a lot of them have no idea. I think the RSPCA's definition of puppy farming is quite good: "An intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs." That pretty much sums up what we do not want animals to be reared in.

**CHAIR:** Thank you, Ms Costello. Are you happy to take some questions now from Committee members?

**Ms COSTELLO:** Yes, I am.

**CHAIR:** Obviously as a registered breeder espousing the benefits of purebred breeds and standards, would you consider it an option that the Dogs NSW registration system be extended to all dog breeders across the State?

**Ms COSTELLO:** I do not think Dogs NSW would be happy to do that. I cannot speak for them but—

**CHAIR:** The system that they use.

**Ms COSTELLO:** The system they use is quite restrictive and in some cases it needs to have slight variances, which we can do with veterinary advice. But, yes, I think that type of system would be satisfactory. I have no problems with the Dogs NSW code of ethics.

**CHAIR:** Good. I note in your submission that you have been a breeder of purebred dogs but also companion dogs and working dogs. Currently there are exemptions for working dogs from microchipping and

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registration. Is it your view that those exemptions should continue, or should they be encompassed in any potential changes as well?

**Ms COSTELLO:** I have no problem with microchipping. Since it came in all my working dogs have always been microchipped, so I do not have a problem with that. I do not know whether you would get everybody to comply. The breeders would but I do not know that everybody else would. But that is the same with anything.

**Mr GREG PIPER:** Are all your dogs microchipped as they depart?

**Ms COSTELLO:** Everything.

**CHAIR:** With your commercial breeding facility, what approvals or consent were you required to obtain from local council or your breeding register?

**Ms COSTELLO:** I did not have to do anything.

**CHAIR:** At all?

**Ms COSTELLO:** No. If I had had a boarding kennel or something I would have, but as I stand I did not have to do anything.

**Ms JULIA FINN:** How big is your facility? How many dogs do you have and what is the facility like?

**Ms COSTELLO:** At the moment I think I have about 15 bitches and six dogs, but I have others that are younger or older that I am not using in the stud because I do not get rid of my favourite old dogs. I live out of town and they all live within my house yard and they are all cared for at night inside in a heated room.

**The Hon. MICK VEITCH:** How many litters per annum, for instance, do you have from your bitches?

**Ms COSTELLO:** I would have maybe between two and, I think, six litters is about all I have ever had in one year. One year I had only two litters.

**The Hon. MICK VEITCH:** When you talk about your backyard, could you give us an idea about the space that the dogs have?

**Ms COSTELLO:** My garden is about 4½ acres and I have it sort of divided. I am also a gardener so my garden is divided up into sections. I have a couple of runs that would be about as big as this room. I also use my tennis court as a dog yard. But they all rotate. Any bitches having puppies come inside; they whelp next to my bed. They are always heated until they are old enough to go outside. With my kelpies, they all live in sheds at night. Every run has kennels or cubbyhouses or something in them for them to shelter in hot or cold weather.

**The Hon. MICK VEITCH:** When you sell your pups how do you advertise them for sale? What are the mechanisms that you use?

**Ms COSTELLO:** I do not actually advertise. I have a website that is my kennel website and I do not advertise on it really at all, but I get enough inquiries coming through that sell my litters without any trouble at all.

**The Hon. MICK VEITCH:** Word of mouth more or less?

**Ms COSTELLO:** No, people just google it. When it comes up they like the look of my website so they ask me for a pup.

**The Hon. MICK VEITCH:** On your website do you have your breeder registration details and the like?

**Ms COSTELLO:** No, it just says that I am a member of Dogs NSW and the Working Kelpie Council.

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**The Hon. MICK VEITCH:** My last question relates to working dogs, which are currently exempt. In answer to the Chair's question you indicated that you did not envisage there would be much of a problem but you did question how many people would register.

**Ms COSTELLO:** I do not think you would have a problem with anything that is breed registered because you could get the breed societies to. I mean, with our kelpies currently, I have not bred a litter for a few years. We used to tattoo them rather than microchip them to identify them. So I do not think you would have a huge problem putting it into the code of ethics of those breeding groups—the regulated ones that are proper ones. I do not know about the other things that I have had nothing to do with but I do not think it would be a problem to them to have microchip numbers in their registrations. I cannot imagine that would be a great problem.

**Mr ADAM CROUCH:** One of the comments you made earlier was about banning the sale of dogs in pet shops. If they were recorded through registered breeders what would your opinion be on that?

**Ms COSTELLO:** No, I do not agree at all because we really filter all the people that we sell puppies to. There is no way I would put a puppy up there like a packet of cornflakes and let anybody buy it—no, absolutely not. You have to talk to these people; you learn to get them to talk about all sorts of things just so you can get an idea of their personalities and their situation. They must all think I am a total chatterbox but you just try and talk to them to try to get to know them, and if they can come to your place all the better.

**CHAIR:** In your experience have you ever refused to sell someone a puppy because of your screening and you have said, "I don't think you are desirable"?

**Ms COSTELLO:** Absolutely, and I have refused them after I thought they were all right. I have then found out something about them that I did not care for, not that they would neglect it or anything. Recently someone wanted an older bitch that I have and I found out, after they had been talking to me for a while, they were not going to bring her inside and she was one that needed to be an inside-outside dog. I just said, "Well, I can't let her go to you."

**CHAIR:** Is that something that just you do or you know that other breeders do?

**Ms COSTELLO:** I do not think so. I think all the good breeders do it.

**CHAIR:** As part of your purebred membership is that something about which there are guidelines that your association put out—that is, there are questions that you should be asking potential buyers of pups—or is it just something you have done of your own volition?

**Ms COSTELLO:** I don't know.

**CHAIR:** We will ask them when they come to give evidence later.

**Ms COSTELLO:** I am not sure, but you are supposed to vet your buyers; that is just the right thing to do.

**Mr ALISTER HENSKENS:** You mentioned that one of your concerns with the licensing system is that it would impose a regulatory burden upon you. What is the current state of your burden as far as regulation is concerned and what are your concerns about adding to them?

**Ms COSTELLO:** It is not so much the regulations; personally I find the paperwork is a burden. I suffer from depression and that is where it comes out with me—I do not deal with paperwork as well as I should. I find that really tests me out to get everything how it should be. But with other regulations in Queensland and Victoria—I am not going to even try to quote what they are—they are quite restrictive in what they have to do. I think one of them may have had to put in a return each year as well. That sort of thing I just could not deal with.

**Mr ALISTER HENSKENS:** One of your concerns with regard to the limitation of numbers is the effect that that would have on the genetic quality of the animals.

**Ms COSTELLO:** I am very particular about that.

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**Mr ALISTER HENSKENS:** Can you give me an idea of how, if there were a restriction on numbers, you think that would impact upon you? It does not seem from your description of your own situation that you are running a facility with a huge number of dogs that people might be concerned about.

**Ms COSTELLO:** Well I hope nobody is concerned about it, but I think we have to allow a bit of room for people. If I want 20 bitches, as I said, the regulation says five litters in their whole lifetime so nobody ever has more than five litters. Most of them might only have two or three litters, but if they are bitches I have shown that they get under your skin and they become your favourites. I do not want to rehome them with somebody else and I do not particularly want to spay them because I do not believe that is necessarily good for their health. So yes, I want them to be able to stay. Also, on the other end of it, I do not want to breed from my bitches until they are mature.

But with the genetics of it, my breed is not a very populous breed in Australia and a lot of modern breeders—well, the ones in our breed—do not think perhaps the same as I do in the way you put a pedigree together. At the moment there are not very many dogs in Australia that I would want to use because it just mishmashes what I am doing with my bloodlines. We also have in cairn terriers. I do not know whether you know anything about racehorses but when they started they did families of females and they did lines of males, and we do the same thing in our breed. So you try to keep several families of bitches as well as sort of not genetically close relatives in the actual pedigree side of things. Then you can breed down a bit and cross them back to that one quite successfully without getting any bad genes in there that you do not want.

If you outcross you inevitably pick up something you do not want, so you then have to be really careful with how you outcross. But it is really important to me. Breeding is probably what I like doing best; I love breeding. It does not matter whether it is livestock or dogs; I get a real buzz out of producing something fantastic.

**Mr ALISTER HENSKENS:** Are you suggesting that a maximum of, say, five litters per bitch would limit the genetic pool?

**Ms COSTELLO:** No, I am suggesting that if I cannot have 20 bitches and you restricted it to, say, 10 bitches, I would find that I could not pick the pedigrees that I wanted but with 20 I sort of can. But, no, five is fine. With some of my bitches I might only breed two litters. It just depends which genetics and which phenotypes I am trying to get into that one pedigree to produce what I want.

**CHAIR:** The Committee received a submission from the Government which suggests or proposes that large-scale intensive breeders with 25 or more breeding bitches be required to notify enforcement agencies of their location and the extent and scale of their operation. Do you have any views on that? You started talking about numbers.

**Ms COSTELLO:** So is the number 25?

**CHAIR:** It is 25. If you had 25 or above you would be required to notify the relevant agencies of who you are, where you are and the extent and scale of the operation.

**Ms COSTELLO:** Which are the relevant agencies?

**CHAIR:** In this case the Department of Primary Industries.

**Ms COSTELLO:** As I said in my submission, I do not think controlling numbers is what it is about. I think you should control the number of litters produced. I have been thinking about it ever since it came to the fore, but so far as registered breeders go, as I said, six is probably the most that I have had. But I can foresee that if there was a market I could perhaps get to 10. I would say maybe 15 to 20 would be the uppermost limit you would set that at. But I do not think controlling the actual numbers is what you should be looking at.

**CHAIR:** It is the litters.

**Ms COSTELLO:** It is litters, not numbers, because any of your puppy farming type people do not want to feed dogs from which they cannot produce, if you know what I mean. They do not want all the spare

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ones like I do; they only want productive animals. I think if you restricted the litters you would restrict their numbers.

**Mr SCOT MacDONALD:** You said that these days a lot of the vetting is done through websites on the internet. I think it would be difficult to vet people if you had only been sent an email. If people do not come to your place to pick up a puppy for sale what is the normal procedure you would go through to transport them or sell them?

**Ms COSTELLO:** I will not sell to anyone that I do not speak to. I have to speak to them and, as I said, I waffle on and talk about all sorts of things to try to get a feel for those people. I try to communicate with them from the point where they ask for a puppy onwards. In fact I have some very good friends out of it that I have never met—friends that I have had for 15 years who have become really close friends.

**Mr SCOT MacDONALD:** You satisfy yourself with that personal interaction. How are puppies transported once they are sold if the buyers are not coming to your farm?

**Ms COSTELLO:** If they are not coming to us you put them on a plane. I will not send them by road transport.

**Mr SCOT MacDONALD:** You are against the sale of pets through pet shops—there are different viewpoints in the submissions—but how do you reconcile that vetting? One would think that at a pet shop in High Street it is one-on-one or there is face-to-face interaction.

**Ms COSTELLO:** I do not think they care whether there is interaction of some sort or other; they just sell to whoever wants to buy. But I make a great deal of effort to get to know these people at the other end of the phone. They send me pictures of their old dogs and pictures of their backyard. I get photos of all those pups sent back to me. I have a Facebook page for my members, my clients, only, and they put stuff on there sometimes every day about what their dog is doing. So I get very good feedback about where my dogs are and what they are doing. The only one I ever got back was a bitch that was 9½ years old. Her owner got a new boyfriend who would not have the dog. So she came back to me and she has now been rehomed in Brisbane, and I think I see a picture of her every day.

**Mr ALISTER HENSKENS:** If you were a pet shop owner and you went through the same vetting process for those people who were buying dogs do you accept that it would be no different from what you are doing now as a breeder?

**Ms COSTELLO:** I just do not believe that they would, sorry. First, they do not have the time to do it and, secondly, I do not think they would. Maybe they would but I do not know. As far as I am concerned you can walk into a pet shop and buy one like a packet of cornflakes.

**The Hon. BRONNIE TAYLOR:** A commonality throughout the submissions the Committee has received is the education program that you mentioned. Do you see that education program as operating within industry or population wide?

**Ms COSTELLO:** No, I think it has to be population wide and it has to be done by whatever regulatory system is set up. But it needs to be out there. Just recently someone rang up and wanted two puppies, a bitch and a dog, and they really wanted to breed a litter of puppies for their children. When we finished the conversation, without me being rude to them, they were going to get one puppy now and one when the mother went back to work, and they would not be breeding a litter of puppies. They just did not understand the repercussions of when you have the puppies how do you sell them? How do you do the registrations? How do you cope with caesareans at 2 o'clock in the morning if that is what is required? She just said, "I had no idea that it was so involved."

**The Hon. BRONNIE TAYLOR:** You talked about educating people if they wanted to have a litter. What about more generally?

**Ms COSTELLO:** I said in my submission that we must educate people so they know what sort of breed to get. I think at the moment a lot of unsuitable breeds are being used as companion animals, especially in town where there is no room for them. They are not getting the exercise and they certainly do not get the discipline that some of those breeds need. But I think you have to educate the general public, first, in relation to



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selecting suitable breeds for their situation; secondly, providing information about looking after them; and, thirdly, where they buy their dogs from. If you look at the Dogs NSW website you will find that they have a two-sided table which sums it up pretty well. It is a really good and well set out table.

We need to educate the general public to think about what they are doing and to get some background information on the different types of animals that they can purchase and how that fits into their situation. I will not sell a dog for a Christmas present, for instance. If they want it for a Christmas present it waits until after Christmas. I will not sell a dog as a Christmas present. I will not sell a dog so that you can give it to your son for a Christmas present. I have to speak to the person that is getting the animal.

**The Hon. MARK PEARSON:** Are you also concerned about the housing of animals in pet shops until they are sold as opposed to the environment you are providing for them before they are sold?

**Ms COSTELLO:** I cannot speak for how they house them other than when you see them in the little cages in the window, so I really have no comment on that. I am sure they are probably looked after but I doubt whether they get very much freedom. My pups at that age would be in quite a big run with a really good kennel. I would let them out a couple of times a day, walk around the garden with them and definitely play with them so that they learn to be tipped upside down, they learn to cope with things better and they are also socialised with people who I know are dog-hygienic so they are not bringing diseases into my place.

**The Hon. MARK PEARSON:** I refer to pure breeding and ask you to turn your mind to that issue. What is your response to the views of many veterinarians who claim that the main problem with dogs that they have to treat, deal with or manage is as a consequence of pure breeding?

**Ms COSTELLO:** I would argue that but I know there are some breeds that have problems that are due to the show ring. I absolutely agree with you there. But as far as any sorts of figures that you will be reading, there is no record of the cross-bred dog; there is a record of a pure-bred dog. The statistics of many have snuffly noses are recorded only for identifiable breeds, so that mucks up your statistics considerably. But the thing that you must understand with a lot of the cross-bred dogs is that they are not bred from good quality dogs in the first place. None of us will sell healthy, good quality pure-bred dogs to those who want to breed cross-breeds or backyard dogs. So there is no screening of the dogs that they are using as parents and very few of them would screen any of their puppies for genetic diseases, which is what we do.

**The Hon. MARK PEARSON:** I understand that and I think that is important.

**Ms COSTELLO:** Everyone may not be like me. I get very passionate about things, as you have gathered.

**The Hon. MARK PEARSON:** And I can see that you really do love your dogs and hold them in high value.

**Ms COSTELLO:** I do love my dogs.

**The Hon. MARK PEARSON:** Have you ever turned your mind to the fact that many hundreds of dogs that are not loved—totally healthy dogs that could have lived happy lives—are being killed every week in pounds across New South Wales? At the same time this industry, if you want to call it that, is selling pure-bred dogs.

**Ms COSTELLO:** I think that is complete rubbish in the sense that we all have a choice about what we want. I do not want to own a bitser or somebody's else's cast-out dog. At times I have been given working dogs and things that people did not want to look after. I do not have a problem with anyone else going to the pound and getting rescue dogs. Good on them; that is great. But there is a big population that do not want rescue dogs; they want pure bred dogs for a specific reason—they want breed characteristics. Also, where were all those dogs that you are talking about bred? They were all bred in facilities unlike mine. They were all bred in backyards or in puppy factories. There may well be people in Dogs NSW that have dogs that end up in there, I do not know. But the people I know who are probably showing their dogs as well, none of their dogs end up in care—none of them. We are not creating that problem and that is what you have to stop. You have to stop those dogs being thrown away and put into pounds. You have to stop them being produced.

**Mr GREG PIPER:** Did you say earlier that you had 15 bitches?

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**Ms COSTELLO:** No, I have not counted them just immediately.

**Mr GREG PIPER:** But you do not have a particularly large number?

**Ms COSTELLO:** I do not have 150, no.

**Mr GREG PIPER:** You are breeding only a relatively few dogs at any one time. What are your views about supply and demand? It seems to me that you do not respond to demand; you are more interested in looking after your bloodlines and things like that.

**Ms COSTELLO:** You tend to respond to demand in the negative sense. One year I had only two litters and it was really hard to sell puppies, so you do not breed any more for that year. Just recently I had a number of litters and I had the whole lot sold just like that. I could have sold another two or three litters but I have not got them at the moment. It is very up and down; you cannot predict it.

**Mr GREG PIPER:** Is that across the board? I think you referred to puppy farms, a term I dislike as I think it should be puppy mills or factories. It is too romantic to talk about puppy farms.

**Ms COSTELLO:** Yes, whatever you call them.

**Mr GREG PIPER:** Obviously they are not interested in demand; they seem to concentrate on supply and saturating the market, which is not what you are interested in.

**Ms COSTELLO:** No.

**Mr GREG PIPER:** You obviously restrict your breeding?

**Ms COSTELLO:** Yes.

**Mr GREG PIPER:** You do so to ensure that you are maintaining your bloodlines and the quality of your pups?

**Ms COSTELLO:** You are always striving to breed the one that is just a little bit better and the one that will win everything in the show. You want the best dog in the country.

**Mr GREG PIPER:** You seem to have communication with and regard for like breeders.

**Ms COSTELLO:** Yes.

**Mr GREG PIPER:** Do you have much information about errant or rogue breeders?

**Ms COSTELLO:** I personally do not have any knowledge of them. I am sure they are there, but I do not know any. I know all of the cairn terrier breeders in Australia, because that is my breed. I am friendly with the people who show purebred dogs and people with working dogs, which are agility dogs. All the people I know are using their dogs; they do not do it to make money. Do not get me wrong, we have to make money because our expenses are extremely high. However, we do not do it to make money. That is just a side issue that is necessary to pay the bills.

**Ms JULIA FINN:** You are concerned more about the number of litters rather than the number of dogs. However, some submissions suggest that we have a staff-to-dog ratio rather than a set maximum number of dogs. Do you have any staff and do you have any views about the number of staff required at large-scale operations?

**Ms COSTELLO:** I do not know. It depends whether that is all they do and the quality of their facilities. I do not have any staff. That would be entirely up to the energy of the person doing it. I have been dealing with large numbers of animals all my life, not necessarily dogs. I am used to looking after a lot of animals, so it does not faze me. If you did not have that animal husbandry background, I am sure it would be a lot more difficult. When I have house sitters they sometimes think it is a bit much.

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**CHAIR:** Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing. The replies to those questions will form part of the evidence to the inquiry. Would you be happy to provide further written replies?

**Ms COSTELLO:** Yes. If anyone wants to talk to me later about anything, particularly the genetic side of it—that is very important—I will be around somewhere.

**CHAIR:** Thank you very much and thank you again for your time.

**(The witness withdrew)**

## **CORRECTED**

**GEOFFREY NORMAN JOHNSON**, private citizen, and

**PATRICIA ANN CARMODY**, private citizen, sworn and examined:

**CHAIR:** Welcome. Thank you for appearing before the Committee. Do you have any questions concerning any of the procedural information sent to you by the Committee staff?

**Ms CARMODY:** No.

**CHAIR:** Would either of you like to make an opening statement?

**Ms CARMODY:** As you would have read in my submission, we have been breeders, owners, trainers and members of the RSPCA, and I am a registered microchipper. I am here to answer your questions. That is all in my resume. However, before I do, I take issue with something the Chair said about working dogs. This is a small bone of contention for me and it relates to the Office of Local Government. I have provided a supplementary submission this morning. Members will find on page 3 a statement recently provided by the department to a client of mine. It states that his working dogs do not have to be microchipped. As I said, I am a microchipper. In early 2004, the same department sent me a memo stating that all dogs must be microchipped but working dogs are exempt from registration. On the Office of Local Government web page, under "Companion Animal Act" and "Working Dog Alliance", it states that they all have to be microchipped.

The Office of Local Government refers to the Companion Animal Act 1998, which has had more amendments than you can poke a stick at. Despite that, we are never provided with the amendments. I can never get a straight answer out of the department. It is the most useless department in this State. I bring that to the Committee's attention because it was mentioned earlier. Do they have to be microchipped or do they not have to be microchipped? That is a good question. Ask downstairs and see if you get an answer.

**CHAIR:** You have provided a supplementary submission to the Committee staff. Are you formally tabling it?

**Ms CARMODY:** Yes.

**CHAIR:** Is that the document to which you referred?

**Ms CARMODY:** Yes.

**CHAIR:** That will be circulated.

**Mr SCOT MacDONALD:** You referred to working dogs. Will it not also be contingent upon whether those dogs are living in town or on a property?

**Ms CARMODY:** No. If you read that statement you will see that it states that unless you live in the far west of the State—the area that has no local government authority—they must be microchipped but do not need to be registered. How hard would it be for a farmer to spend \$20 to put a microchip in his dog so you know whose dog it is when it attacks sheep?

**CHAIR:** We will clarify that.

**Ms CARMODY:** It costs them nothing else. That is what it states.

**The Hon. MARK PEARSON:** You said that if the working dog is not in an area that has no local government—that is, in the far west of New South Wales—it does not need to be microchipped. Is that what you said?

**Ms CARMODY:** That is what it states.

**Mr JOHNSON:** We are talking about the Broken Hill area.

## CORRECTED

**Ms CARMODY:** Far western New South Wales does not come under the authority of any local government.

**Ms JULIA FINN:** Is there a part of New South Wales that does not have local government?

**Ms CARMODY:** Yes, near the South Australian border or in the middle of the desert.

**CHAIR:** It is called the "unincorporated area".

**Ms CARMODY:** Yes.

**CHAIR:** It is north of Broken Hill.

**Ms CARMODY:** It does not mean west of the Great Dividing Range.

**CHAIR:** Yes.

**Ms CARMODY:** I have this argument constantly with people.

**CHAIR:** As I said earlier, I enjoyed reading your submission; it is very practical. You referred to the current code and state that there are some inconsistencies and changes that need to be made because, in your view, at the moment there are some loopholes.

**Ms CARMODY:** As it stands, the code of practice is quite good. I feel for the people you are dealing with. It consists of an actual code of practice, which is perhaps three pages long, and the rest is recommendations and everybody else's thoughts on what should and should not happen. But they are not the standards of the code.

**CHAIR:** That is the guideline components.

**Ms CARMODY:** Yes.

**CHAIR:** That is not enforceable.

**Ms CARMODY:** The code of practice should be the standard in one book or on one page. It can have a supplement, but the codes must be in black and white for everybody to understand. We do not want everybody else's interpretation of what should and should not happen. Each inspector who goes to each different property has a different standard. One inspector says this is the standard and the next one says it is something different. Everybody has their own interpretation; there is no uniformity. I also have an issue with the RSPCA's policing. That is a major issue because, first, the RSPCA inspectors are not trained in the application of this standard. They are also not trained in regard to the size of kennels or any of that. Their main priority is cruelty to animals, not the condition they are in, how many are in the paddock, what is going on, where the veterinarian bill went, or where the pup went when it was sold. What does that have to do with the RSPCA?

**CHAIR:** It is the responsibility of the Department of Primary Industries to enforce the code of practice and the RSPCA is one of the enforcement agencies under the Prevention of Cruelty to Animals Act [POCTA]. I am interested in teasing out what you are saying. You have seen a blurring of the lines.

**Ms CARMODY:** I have never seen a Department of Primary Industries inspector.

**CHAIR:** That is what I am getting to. You are saying that RSPCA officers are trying to implement a code about which they have had no training. What is your experience with that?

**Ms CARMODY:** Two years ago I wanted to get the code of practice and I did go to a DPI office and I asked and they said, "Yeah, I think we have one. Hang on and I'll have to look it up on the computer." It took me three weeks to get hold of one. The DPI had no idea what I was talking about. That is what it is. The RSPCA, why are they enforcing the paperwork that is involved with the code of practice? It has nothing to do with it. I probably should not mention this but I will. My partner had a phone call this morning at 7.30 from a local vet in Inverell because he knew we were coming to this and he asked us to mention it. He had the occasion last week to be harassed and threatened by an RSPCA inspector at a property as to what he was doing there;

## CORRECTED

why didn't he know how much they were selling the pups for and everything else. The inspector, in his words, told him to watch his back because he will get him. This is a vet.

**CHAIR:** So in your experience you have never seen a DPI representative at your facility?

**Ms CARMODY:** Never.

**Mr JOHNSON:** Well, we have had—

**Ms CARMODY:** Even when we were breeding greyhounds—I had up to 300 greyhounds on the property—I never saw a council officer in that time. Truthfully, there is a lot of talk about this and that and finding them and all the rest of it. I was sitting there—apart from the greyhound racing authority, I doubt very much if any local could have told you where we were. The best that you would get when somebody was looking for us was the guy at the garage would say, "There's a bloke down the road there. He's got greyhounds." That would be it. And we had 300 dogs.

**Mr ADAM CROUCH:** Are you saying that peak bodies such as the greyhound association are not that good at policing their own methods?

**Ms CARMODY:** The greyhound association, yes. RSPCA, I am saying, should not be the police for this. For a start, back in 2004 when I was in the RSPCA at that stage they had 13 metropolitan inspectors and 12 regional inspectors, and I think that number has dropped significantly since then. They had 12 inspectors for the State of New South Wales. You will not find puppy farms sitting in the middle of Sydney, but 12 inspectors for the State of New South Wales is stupidity. You will never cover the area. This area alone has had how many puppy farms uncovered in the last six months? And I have absolutely no doubt that when these particular organisations—Oscar's Law and Dogs Without Borders—move onto another area they will be exactly the same. It is systemic throughout the countryside.

Personally, as far as the refuge and these puppy factories or puppy farms as you like to call them, we have no problem with them. We do not get their dogs. They do not palm off their dogs. Our problem is back yard breeders. I have not yet met one puppy farmer who did not start as a back yard breeder. I can give you a classic example. Just in my local township alone one gentleman, late last year, bred his little fluffy thing to the dog next door which was another little fluffy thing. He got six pups. He brought them out to my place and I microchipped them for him. They went to the pet shop. He got \$350 each for them. Within 12 months that man now has seven bitches because it was easy money. That is how every puppy farm starts. If you get a puppy farm that is run properly, that is run as a business, that is registered as a business, that has a DA and everything else to go with it, if they are up to the code of practice, I cannot see how you can limit the number of dogs they have. Isn't that a restriction of trade? Is it?

**CHAIR:** That is exactly what our Committee is considering, those sorts of issues.

**Ms CARMODY:** Isn't that a restriction of trade? And isn't it a restriction of trade to tell a pet shop that they cannot sell a dog? Truthfully, I do not have problems with the ones the pet shops sell. Pet shops ones are at least microchipped, vaccinated, have been through the whole thing. The back yard guy does not get a microchip, does not get them vaccinated, next minute it has parvae, and he is the one who sells three and dumps the other four or five out in the scrub. If you want to control this industry, you have to control them first because they are the start. They are the babies of the industry. If you took a puppy farm at the moment that is running, for instance, 100 dogs, 100 breeding bitches, and you said, "You are only allowed to have 10", within two or three months you will have that farm with 10 and 10 others with 10 because now there is a market and they will get into it. That is exactly what will happen. I see it every day of the week with what I do.

**CHAIR:** I will refer to your submission and then I will open it up. You make some very good suggestions in relation to amending the code to introduce new laws about existing facilities, given a period of 90 days to register for the DPI. Can you take the Committee through that? Can you talk about the issue of working microchip scanners, the requirement—I think it is a valid suggestion—for people to live onsite, to be present and those things?

**Ms CARMODY:** The onsite bit is easy. In my experience—and I have experienced it—people will go out, buy a property of 100 acres, 200 acres. They set it up. They will run dogs on it. They do not actually live there, but that is their dog place. Nobody knows where it is; it is in the scrub somewhere. We will go out once a

## CORRECTED

day and feed and water them and that is it. So I really feel it needs to have an onsite residence on the property. That is one thing I did put in the submission. I did say in my submission about registering breeders. Since then I have had the occasion to talk with dozens of them who have been in just the last couple of months getting dogs microchipped.

It is my belief that it will not work because they will not get a licence. I had three guys come on the weekend, drove in in their four-wheel drive to get their pups microchipped. They have not even got a drivers licence so what the hell chance do you have of getting them to get a breeders licence? Not a hope in hell. So I had a thought about it. In that second submission which I have tabled this morning I have suggested a licence to sell and advertise. Advertising is where you will control them because if they cannot advertise them without a licence they cannot sell them and they will not breed them. That is where it all comes down to.

If you bring in a licence to advertise—I mean everywhere, and I have had it said to me about social media. It is the law that a licence number must be displayed for the sale of any animal or the advertisement of any animal. How long do you reckon it would take before you have these other groups, Oscar's Law and Dogs Without Borders, jumping on the bandwagon saying, "That ad hasn't got a licence number."? They would be on to it within five minutes. All you need to do is bring about a register of current licence numbers that is readily available to everybody, which the Department of Local Government should be able to do. It was my view on the DPI inspectors, upon investigation there is not enough of those either for the problem in hand. So I have thought about it and I have brought it down and every single shire council has a council ordinance officer. It is not so far, the travelling is not so immense. The council ordinance officer has a much greater idea of where everybody and everything is in his area.

If you put in the licencing fee for the sale or advertising you immediately have their address and their phone number. He can inspect them. They need to be. Any puppy farm, even up to standard, needs to be inspected every three months. Because you are up to standard today does not mean to say they will not rush out and buy another 50 dogs tomorrow and be way overstocked again. You need to have an inspection every three months. You need the DPI inspectors to do an inspection every 12 months at least just for the mates' rates deals that go on in local councils. I hate to say it but it does. You are all right because you are my best friend. It goes on. So you need somebody who is overseeing that. You need the RSPCA to come in immediately there is a cruelty complaint. My beef with it at the moment is that the RSPCA is so busy running around with puppy farms and everything else, I can put in a cruelty complaint and I cannot even get a return phone call from them.

I had a dog six weeks ago that was shot in the head and left to die on the side of the road. It was brought out to my establishment, we took it to the vet, we got it seen to, it did not die. It was just left for dead. That is the trouble, they never bothered to make sure it was dead. I could tell them who owned the dog. It was microchipped. I could tell them who owned the dog, everything else. It was brought in on a Friday night. We took it to the vet on the Saturday morning. On the Saturday morning before we left home I rang the chief inspector of the RSPCA. He returned our call half way to Inverell from where we are and he said, "What are you doing?" Jeff said, "We're on our way to have it x-rayed now." He said, "That's good." We have since put in two phone calls about it being microchipped and what the story was but we have not got a return phone call on it. I have given up and since rehomed that dog. I can put in a dozen complaints a week and I will not get a return phone call. Anybody who you ask about the RSPCA, particularly in the bush, is exactly the same. You cannot get them. If it is one dog on a chain dying, not interested. If it is a puppy farm, publicity, interested.

**The Hon. BRONNIE TAYLOR:** You just talked about ringing the RSPCA. Can you give a more accurate number of how many times you have rung in the last month and you have not had a response?

**Ms CARMODY:** I have only rung them on that issue twice. I have been through this for probably six years of ringing and no response, ringing and no response, and ringing and no response.

**The Hon. BRONNIE TAYLOR:** Recently?

**Ms CARMODY:** Recently for that dog, twice.

**The Hon. BRONNIE TAYLOR:** And no response?

**Ms CARMODY:** No response. You just don't even get a phone call back. As I said, I used be an RSPCA member. I know how it runs. I know how it works. When we were in the RSPCA whenever we put in a complaint about anywhere the standard issue response that you would get is, "If it has food, water and shelter

## CORRECTED

there is nothing we can do about it. Goodbye." That was what we used to get. That is why I am not in the RSPCA now.

**The Hon. MARK PEARSON:** You have had a think about this idea of registering every breeder as soon as they start to breed dogs.

**Ms CARMODY:** No, not breeding at all. Only for sale.

**The Hon. MARK PEARSON:** I will come to that in a moment. Our issue is that a lot of animals are sold online remotely, as you might have heard. Some are flown across Australia and some may be flown to Taiwan. If the animal starts to develop disease or musculoskeletal problems, for instance, there is an issue of wanting to trace where that animal came from right down to the breeder. One of the issues we are grappling with is how we can ensure that we can trace that animal. I wonder if it covers the field that if when somebody goes into the breeding business they must register to be a breeder and when they sell via whatever modality the registration number is displayed on the advertisement and that the microchip in the animal carries the identification of the breeder as well. That is a scenario we are grappling with. I am wondering what your thoughts are on that.

**Ms CARMODY:** Yes, the microchip may be able to carry the breeder. You would have to get special microchips made that would cost an absolute fortune, which would have all of your little purebred breeders screaming blue bloody murder because it is going to cost them extra. You are talking faults. Faults are predominantly purebred lines. That is why they breed crossbreds, to breed the faults out. I don't know of too many crossbred dogs that have these faults that do not generate from the purebred lines. I sat in the back before and listened to a lady who is obviously quite a good purebred breeder, but there are some that are not.

I have in my care at the moment four purebred shar pei dogs that have come from a purebred breeder. These are ex-breeding bitches. One out of the four is microchipped. They are all over six years old. They all have papers. They've been at our place for six weeks and it took us four weeks to actually get the worms under control that were in the dogs. That is how bad they were. This morning as we were sitting outside I got a phone call from my local council informing me that the transfer form that I had for the microchip for the one purebred bitch that was microchipped is not in her name. She has never transferred the ownership. So I am going to have to sort right back to who originally bred that bitch to get a transfer of ownership.

**The Hon. MARK PEARSON:** I notice that you were breeding a lot of greyhounds at one stage and now you have a sort of sanctuary for dogs. Why the change of mind?

**Ms CARMODY:** No change of mind whatsoever. When our greyhound business was breeding predominantly distance dogs that were highly sought in the United States we used to fly pups from here to the United States frequently. Our major buyer over there was somebody you probably know, Danny DeVito. He was our major buyer over there. It is a big industry in the United States. But as soon as 9/11 hit it became very, very difficult to fly them internally in the United States. The checks on security came to the stage of instead of a pup leaving here and being in Texas in 48 hours it was four weeks. It would get from Australia to the first port of call in the United States but then it would take weeks getting through.

So we gave up greyhounds completely. We were thinking of retiring anyway. We gave that away. Truthfully, we joined the RSPCA local branch. We were the local branch coordinators, which gave us an insight into the workings of the RSPCA. We lasted about six months in that and thought, "No, thank you very much." We started our own refuge mainly because of how discriminatory the RSPCA were on what dogs they would and would not take.

**Mr ALISTER HENSKENS:** I would like some information about your refuge. How long have you been operating?

**Mr JOHNSON:** Around 10 years.

**Mr ALISTER HENSKENS:** How many dogs do you have in the refuge?

**Mr JOHNSON:** There would be 100 odd at the moment. There are always around 100 to 120, something like that.



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**Mr ALISTER HENSKENS:** Where do most of the dogs come from? What is the source of people giving them to your refuge and for what cause?

**Mr JOHNSON:** The Glen Innes pound is one. We get a few there. People dump dogs and people going into nursing homes that cannot take their dogs anymore and things like that. We rehome around 500 a year, plus cats.

**Mr ALISTER HENSKENS:** Do you keep any records or do you have some sort of intuitive understanding of what proportion of the dogs that come through your refuge are from what different sources?

**Mr JOHNSON:** We know where they come from, yes.

**Mr ALISTER HENSKENS:** Are most of them dumped?

**Mr JOHNSON:** Yes. Like the pig dog chaps that breed them, yesterday they wanted to bring 13 pups from Moree. We just can't take them. But what they do is they breed a litter and they are going to keep one themselves and they are going to sell all the others. Then when they can't sell them they dump them out the road. I'm always blueing it, calling them grubs and everything like that but what can you do? We just got a dog last Friday from Moonie in Queensland. It was dumped on the side of the road in a bad state. The ladies coming through to Inverell brought it down. We cannot even track it down. It is not microchipped. We have it on Facebook trying to find who owns it but you can't find out.

**Mr ALISTER HENSKENS:** Are most of the dogs dumped and then people bring them to your refuge or do some people come to your refuge and just say, "Look, we've got this dog but we can't look after it anymore"?

**Mr JOHNSON:** Some do that and some of them have got circumstances happen. But most of them are dumped. Just recently we had nine little pups dumped down at a truck site at around two weeks of age that we had to bottle feed. They are around four or five months old now. We've got three left. They are beautiful dogs but we rehomed them. I heard that other lady say, "How do you rehome them if you can't check them?" Well, I ask a lot of questions and they put their foot in it. I have had people come from Sydney with photos saying that this is what the kennel is going to be like. I say, "What's your address? I'll go and google that up." I haven't got a bloody clue how to google it up but then they will say, "That's the new kennel. We've left there now." You catch them out. I ask, "What's your feeding program?" They'll say, "A can of Pal will last it a week." Well, they just don't get dogs. As far as I am concerned they can all stay there.

**Mr ALISTER HENSKENS:** We can teach you how to google in the lunch break. There are plenty of people here who know how to do that.

**Ms CARMODY:** Sir, just on what you said about the microchip and the breeder, when you fill in a microchip form on your permanent identification, which is supposed to be done by the breeder to take the pups to sell, he has got to get them their original microchipping. It is all there—his name, his address, who it is, everything.

**The Hon. MARK PEARSON:** On the paperwork?

**Ms CARMODY:** It is on the paperwork, which is immediately punched into the computer. That is what I have got to track back with this particular bitch. I'm going to have to go right back to the original breeder to find out who she sold it to and what name it is now in. Also, the Privacy Act restricts them from telling you who it is.

**Mr JOHNSON:** We can't tell where the dog has gone or anything like that.

**Ms CARMODY:** Even as a microchipper I am now in a bit of an odd situation because I'm stuck in that void of I have now got to ring my local council and my local council has got to ring the person whom that dog is microchipped to and then try and get them to ring me because they can't give me the information. It makes it so I am reliant on whoever it was back then actually taking the time to ring me.

**Mr ALISTER HENSKENS:** Do people have to give you some form of identification such as a driver licence or something for you to do the microchipping?

## CORRECTED

**Ms CARMODY:** Yes, and they have got to be over 18. I don't know how many I would microchip in a year but there is a hell of a lot.

**Mr ALISTER HENSKENS:** That is all I wanted to know. There is some integrity in the system.

**Ms CARMODY:** Yes, but my problem is 90 per cent of the dogs that I would microchip have come in from somebody that has bred them and sold them and they are not microchipped.

**The Hon. MICK VEITCH:** For the microchipping you verify the person via their driver licence or some other means. How do you verify that the address provided is the—

**Mr JOHNSON:** It is on their driver licence.

**The Hon. MICK VEITCH:** But people can move.

**Mr JOHNSON:** Yes, that is something you can't verify if they move.

**Ms CARMODY:** You can't verify it. And, apart from that fact, basically I hand that paperwork to the council and I have basically no idea how the council goes from there. They feed it into a computer. After that there is no verification on the signature. It is fed into a computer. I can sign it Joe Blow to transfer it as long as I know whose name it was in originally.

**The Hon. MICK VEITCH:** What you are saying is that there is capacity to manipulate or rort the microchipping?

**Ms CARMODY:** Yes, but not a hell of a lot. There is another problem with microchips that most people don't realise. I always tell anybody that I chip for if they are looking like they are going close to a border or interstate to take their paperwork and get them registered on the national database. That is because a Queensland microchip registered on the Queensland database shows up as what they class down here in New South Wales as a dead microchip, which means nobody owns the dog.

**Mr JOHNSON:** So they put the dog down.

**Ms CARMODY:** It is the same in every other State. If I get a dog with a microchip that shows as a dead microchip come into the refuge I have actually got to sit and physically ring each State and find out if that microchip registers on their computers. We get quite a few found out at Copeton Dam because people travelling through have camped out there and the dog has got lost in a thunderstorm or something like that. I have had people come back from Mildura to pick up their dog. It was not handed into us; we rescued it out of the pound because it was due for euthanasia but it was obvious that it was a purebred dog and it was obvious that it had been well looked after. I think it took us three days to track that one down.

**Mr ADAM CROUCH:** Because there is no cross-communication?

**Ms CARMODY:** None whatsoever.

**Mr JOHNSON:** But when you go into the desk it is only a press of the button so why can't they put them all on the national database?

**The Hon. MICK VEITCH:** Obviously you put a lot of time and effort into making sure the microchipping information is accurate.

**Ms CARMODY:** Yes.

**The Hon. MICK VEITCH:** Do other microchippers put in as much time?

**Ms CARMODY:** Yes. You legally have to hold all that paperwork for x number of years. Every microchipper in the State can tell you everything like that. But every shire council would have it all there on the computer. The person in charge of registrations here, give them any microchip number and they should be able to pin that in and see exactly who owns that dog.

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**The Hon. MICK VEITCH:** Thank you.

**CHAIR:** Any further questions?

**Mr ADAM CROUCH:** Were the three or four shar peis that you mentioned all from the same breeder?

**Ms CARMODY:** Yes.

**Mr ADAM CROUCH:** So one of the dogs was microchipped, the other three were not microchipped, and this was from a breeder?

**Ms CARMODY:** That is what I said. All of the purebred breeders with their fancy little purebred clubs and so on are not all necessarily goody-goodies either. There are the bad ones in those too. As I said, there is good and there is bad in everything. There is good and there is bad in the puppy farming. The point is, if you are going to make a rule, you are going to have to make it across the board for everyone, whether it is a purebred breeder, a puppy farmer or a pig dog breeder.

**Mr ADAM CROUCH:** What you are saying is that some of these self-regulatory groups are not necessarily following—

**Ms CARMODY:** As self-regulatory as they make out they are. They are very good at saying how good they are, I know. I have a lady near me who breeds chihuahuas. She is a very, very good breeder. She is in the chihuahua association. And she told me that when she first started breeding they were out there frequently, and she has not seen them for four years.

**Mr ADAM CROUCH:** That leads me to a quick follow-on question. In your submission you state that you rehome about 500 dogs a year.

**Mr JOHNSON:** On average.

**Mr ADAM CROUCH:** As a rough percentage, how many of those dogs are purebred versus crossbred?

**Ms CARMODY:** Purebred probably 1:40 or 1:50.

**Mr ADAM CROUCH:** Okay.

**Ms CARMODY:** Maybe one purebred dog to 40 or 50 of the others in the refuge. But that is the average of what is sold too and what people buy. The only other thing that I had an issue with was the size, and that is the extra submission that I tabled—just the advantage of it, which is plain for everybody to see.

**CHAIR:** That is very clearly articulated. Thank you.

**Mr GREG PIPER:** We have been talking about dogs, but you and Geoff are looking after rehoming dogs and cats. I was wondering, what is the breakdown by percentage? I am assuming it is overwhelmingly dogs as opposed to cats.

**Ms CARMODY:** With ours it is, only because it is near impossible with the sheer volume of cats and the disease that goes through cats. We are very reluctant to take kittens at any stage at the moment because there is so much of the feline enteritis around and too much of feline AIDS. You have no guarantee that a litter of kittens with one or more parents being three-part feral has not got feline AIDS. You do not really want to hang onto a kitten for six months before you can rehome it to find out if it has got feline AIDS or not, or it is going to cost you a fortune at the vets getting everything tested first. So we try and avoid kittens. I will give you a classic example. A few years back I had 56 kittens come in in one week—one week over Christmas.

**Mr GREG PIPER:** You are the first witnesses we have spoken to that have experience of both dogs and cats. I asked the previous witnesses about their observational knowledge of bad practices in puppy mills, factories, farms or whatever within the region. I am once again assuming that you have a pretty good network.

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**Mr JOHNSON:** Well, we get a lot of good help.

**Mr GREG PIPER:** And you obviously talk to people, so you would have good anecdotal evidence if not actual evidence of—

**Ms CARMODY:** The bush telegraph works very well. It is still very efficient. I'll be honest with you, if the RSPCA inspector goes to Copeton Dam, I hear about it before he has even got on the property.

**Mr JOHNSON:** Or if he goes to the vet.

**Ms CARMODY:** At one stage when I was chasing him in Inverell, he rang me up and said, "I'm running late." I said, "I know. You were at the vet's 15 minutes ago. You were supposed to be there an hour ago." You know, the bush telegraph works like you wouldn't believe. So, yes, you do hear all about it; you do know all about them. It is the tip of the iceberg.

**Mr JOHNSON:** But the housing of the dogs too is what they meant.

**Mr GREG PIPER:** Whilst not specific to our terms of reference, what is your relationship with the different councils and authorities? I have heard what you had to say about problems with the RSPCA. Obviously you work across a number of council areas. Is there consistency in their response? Are they helpful? Your website says you have been given some assistance with microchips.

**Ms CARMODY:** As a rule, I have found councils are probably one of your worst offenders, very indifferent: "Don't want to know. It's too much drama and we're not really interested." That is their interest in it. "Unless we're going to get into trouble for it, we don't want to know about it. It's too hard work. Just push that to the back corner." As far as anything to do with animal cruelty or something like that, it is: "Oh, yeah," until something happens. I know for a fact there was a puppy farm out around Copeton Dam that fell between the Inverell shire and the Gwydir shire. Apparently all the dogs are on the Gwydir shire side, so Inverell shire said, "Yours." And since then, the Gwydir shire has gone absolutely berserk. They have just about been knocking on doors house to house in Warialda checking on microchips and registrations. They have just gone mental on policing it. As for Inverell, I don't think they have crawled out of the office yet, if you know what I mean. And that is sort of their attitude.

**Mr JOHNSON:** Some of the councils have to get their act together too, because some of the council pounds—I've seen better pig traps. Another one in the Gwydir shire—I won't name it—hasn't even got a cat pound. They just shoot the cats.

**Ms CARMODY:** Local councils tend not to want to know about anything to do with animal behaviour or animal cruelty. That gets put in the too difficult basket: "We don't want to have to do it." They are going to carry on something terrible about that second proposal that I have put in because they might have to do something. But that should be self-funding. With what I have put down there, if they have six puppy farms in their area all applying for licences, that should self-generate a year's wages for somebody to go and have a look at them. That should generate overall. And it seems tough on what I call the occasional breeder, which is the backyard breeder.

He is going to breed the first litter and he is going to sell them to his mates. He is not going to have to advertise them and he won't get a licence. And he might do that with the second. But he is going to run out of mates fairly shortly and he is going to need to advertise them. Then he is going to have to go and get a licence, and he is only entitled to one of those a year. Then he is going to start thinking, "Hang on. It's going to be a lot cheaper and easier for me to just get this bitch desexed than to keep breeding." That, basically, would be the ultimate aim: get them desexed rather than breed. But at the moment it is: "Oh, I'll just breed them and sell them for \$300, \$400 or \$500 and shove it in my back pocket, and that's good easy money." And that is what happens.

**Mr JOHNSON:** It is a biosecurity threat, because none of them are vaccinated.

**Ms CARMODY:** None are vaccinated, none are microchipped. At least the ones that go to pet shops are vaccinated and microchipped. At least that is some under control, but the backyard ones aren't. There would be one in 10 that is. I don't know what has happened, but I have noticed in the last fortnight—under a fortnight—on my local Facebook pages on the "buys, swaps and sells" and the pet ones and so forth, all of them in the last week have started saying, "We will not advertise unless you advertise your pups microchipped and

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vaccinated." In saying that, I noticed in the next two posts after that that they were not vaccinated or microchipped.

**Mr JOHNSON:** Yeah, so they give up on them.

**Ms CARMODY:** Yeah, but if you put a rule there, you have got all of these other people, these Oscar's Law and these Dogs Without Borders. If it has not got a licence number, they will be onto it straight away. If you have got a register at the local council or a register statewide, it would have to be a statewide register. Because if you take a licence out with this council it does not necessarily mean that you are not going to advertise them in that council over there. It would also have to have all of those with suspended registrations, because as soon as you register somebody you find they are not up to code. If they have got a licence for advertising for 12 months, if they are not up to code then suspend the licence immediately. You need to have that suspension in red for suspended licences. If you have got their hands tied—where they are not up to code, they can't advertise, they can't sell—it is not going to take them very long to get up to code because it is costing them money every single day. And that is what it all boils down to: the money value.

**CHAIR:** Ms Carmody and Mr Johnson, thank you very much for your time and your evidence this morning. It has been most enlightening for the Committee members. We appreciate your time. In the event that we send you some follow-up questions, are you comfortable with responding to those in writing and having them incorporated as evidence to this inquiry?

**Mr JOHNSON:** Not a problem.

**Ms CARMODY:** Not a problem.

**CHAIR:** Thank you very much.

**(The witnesses withdrew)**

**(Luncheon adjournment)**

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**JUDY GAI SCRIVENER**, private citizen, solicitor and Family and Community Services child protection worker, sworn and examined:

**CHAIR:** Thank you for appearing before the Committee. We appreciate your giving us your time and your expertise. Do you have any questions about any of the procedural material you have been sent prior to the hearing today?

**Ms SCRIVENER:** No.

**CHAIR:** Would you like to make an opening statement before we commence with questions?

**Ms SCRIVENER:** Not really. I do not follow a script particularly well, so I am happy to just go with the flow.

**CHAIR:** We have read your submission. The Committee staff is handing around a document. Is this a document you wish to table to the Committee?

**Ms SCRIVENER:** Yes.

**CHAIR:** Rather than giving an opening statement, you might care to explain this document.

**Mr GREG PIPER:** It is two years ago, in fact.

**Ms SCRIVENER:** Yes. That particular document is in relation to a puppy farm that the RSPCA attended on a property and that is what they found on attendance at the property. That particular property, as you can note, had a number of dogs euthanased—there were dogs seized. Moving forward from that, we did a further investigation and we called upon a Victorian group to come up and photograph for us when we find farms in this region. That team found particularly horrid situations and dead pregnant dogs there. So we again initiated the RSPCA to attend, which they did and seized, I believe, a further 40 dogs from that property.

That property is still operating. I attended that farm last Wednesday and spoke with the owner of the puppy farm—albeit she was not aware it was me she was speaking to. I viewed one litter of puppies of which the entire litter was going to one man, which to me indicated probably a pet shop. Two litters were due this weekend, so I am hopeful—because the investigation we did into that property we saw little puppies in temperatures of minus four and minus five, frost everywhere—that the two litters due this weekend gone were somewhat more attended to in the correct fashion. I believe our approximate count is 65 dogs are still present on that property.

**CHAIR:** Your submission is incredibly detailed. Obviously you have a very strong passion for this, and thank you very much for this additional evidence as well. It caused be in my own mind to think—and maybe it is quite a large question—in your mind what do you consider a proper or well-established breeding facility should look like?

**Ms SCRIVENER:** To be honest, I have never thought of what a proper breeding facility should look like simply because I view dogs clearly in a different sense to farm animals, as in cattle, sheep, whatever. My husband is a veterinarian, so I am very used to seeing and being exposed to multiple animals—as I said they are sheep and cattle primarily. But if I had to answer that, I believe a breeding facility with dogs should have a very low number of breeding dogs, the reason being dogs by their very nature and their use in our culture and our society are intelligent creatures. In just about every area of our life we can call upon a dog, from police to armed services dogs to seeing eye dogs and companion animal dogs, right across the board, working dogs. So not to have more than a small number—and I will loosely say 10—breeding, the reason being they require time to be spent with them, they require interaction; it is socialisation, it is what we give to our animals freely every time we go home and we pat our dog.

That was brought home to me with graphic evidence of the removal of those things. I purchased a little cocker spaniel from a puppy farmer in Inverell. I purchased it again undercover because I knew where the dog was coming from because I had been trying to find this woman's property for almost 12 months and I knew it was a particularly horrid facility. This little dog, when I touched it, dropped to the ground. I have never seen a living being with eyes so dead. I have seen lots of dead animals and lots of animals my husband has had cause to

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put down. This little dog was just devoid of anything. I paid the lady for the dog. I took it immediately to a rescue in Gunnedah and said to the rescue lady, "Straight to the vet". We would need that vet report fairly hot on the tail of picking the dog up so as to allow no room for error and to say that the dog, if it had any injuries or illnesses, had not acquired that during the time it was with me or with the rescue. I was told the dog was four years old; the vet noted it was 7½ to eight years old. It had to have teeth removed, its ears were discharging horrid matter and it had eye problems.

He was one. There were 16 further dogs removed from that property; they all had varying areas of illness and injury, from mammary glands that had exploded due to continual breeding to uterine problems. One vet noted to me when they gave the dog a worm tablet a number of teeth fell out. These are all noted. The RSPCA has informed me they are following this up further, which I do not let go; I continually send emails and prompts, "What are you doing? Where are you up to?"

**CHAIR:** If I can take you to your submission? You talk about a breeders licensing system. In your submission you support wholeheartedly the RSPCA's position in that they believe that people who are engaged in breeding dogs should be required to register as a dog breeder with their local council. In your experience in dealing with a number of councils across our region do you think that councils, particularly in country areas, have the capacity to be responsible for not only holding the register of the breeders but also undertaking monitoring and inspections?

**Ms SCRIVENER:** No. I will give an example. This last puppy farm that we found at Nullamanna, none of those dogs were registered. Last week, by default, I found out when I was in council that the owner of that property had been in and registered 103, 104 dogs. I said that cannot be possible, with the understanding she had shown membership to Dogs NSW. I was shocked because I am aware of Dogs NSW. Yesterday I had an extensive phone conversation with the chairman of the board and also the CEO of Dogs NSW. So I went home and I called Dogs NSW and I said, "How can this woman, who has just been raided on 5 May"—I sent the newspaper article that identified and listed the numerous illnesses and injuries the dog has had—"how can you have granted her membership so recently?" which was in the last three to four weeks.

The CEO noted to me that she was unaware of this woman's history. I expressed concern both to the chairman of the board and to her that I found this a very distressing thing, coming this close to the inquiry, that Dogs NSW registered this woman who had just been raided, with no checks and balances. What did they do to ascertain that she was a genuine person presenting in her application as being true? Clearly, I would argue, nothing. I have supported Dogs NSW in most of my media releases and certainly in how they do monitoring of their breeders. However, that caused in me a genuine concern that something needs to tighten up there.

With council, I rang the general manager and said, "Do you think it would not have been somewhat prudent for that worker, when presented with 100 dogs to be registered and membership to Dogs NSW, to say something is not adding up here? This woman was just raided. The RSPCA is attending the property again and again and we go out with them at times to do a little bit of checking. Ring Dogs NSW." There would have been no breach in confidentiality due to the fact that they had her membership there with her number and they needed to ascertain if this was true and correct. Council failed dismally there. It would have taken a phone call, five minutes of time. As it stands now, this woman, according to Dogs NSW, will now front an inquiry and certainly her membership will be terminated. Council could have done that; it didn't.

With the farm at Onus Road, it was quite correct. Inverell council rang me and Paul Henry said, "No, it's not in our shire." I said, "Whose shire?" He said, "Gwydir". I phoned Gwydir shire and I said, "You have 345 dogs there and I believe the bulk of them are not registered." I know this general manager quite well, and I know one of his motivating factors. I could smell the smoke off his calculator as I told him, "What's your fee for an unregistered dog with a non-registered breeder?" It is \$288. He did the maths and followed through.

**CHAIR:** They suddenly became very interested?

**Ms SCRIVENER:** Yes, most definitely. Again, the issue with council is a resounding no. When I reported the Nullamanna property I was told by the head ordinance officer, "We don't want to put her in hardship." I thought, hardship, well your job is to enforce what you are meant to enforce. If you don't pay rates, if you don't pay for your water or whatever we face consequences. These are living, breathing animals and you don't want to put her in hardship. I am sorry, you do your job. You get paid, you do your job: it is that simple. I was astounded and really distressed. Since then I have met stumbling block after stumbling block with the council where I live. They are very closed down, even though I reported that particular property to council. They

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will not disclose anything to me, which I find interesting because different councils will give you information and other councils won't. So this self-regulating annoys me no end.

I do believe there is too much discretion allowed with rangers. I think we should remove all the shoulds, coulds, maybes. You must. You can't drive a car unless you have a licence. You must have a licence. You have got to remove the discretion of councils if they are going to come on board with this because you cannot have the RSPCA—with respect, yes they certainly do some good. However, if they did really, really well we would not probably be sitting here. The reality is there are 32 inspectors across the State. There is a massive area, I think, for regional New South Wales. It is approximately one inspector every 27,000 kilometres. It is too big, too much. But I would argue, my understanding is they get significant funding. Where is it going? What are they doing with the funds? If they are the policing body for animal cruelty in New South Wales, what are they doing? Why is it failing so dismally?

Why is it left to community members—and I don't like the term "vigilantes"; I prefer, I am an animal lover—who see wrong to report it or to follow it and establish that it is truly correct and then report it. We are doing the job of the RSPCA a big portion of the time and then they will jump, and quite correctly, when media is involved or it is clear that it will be targeted in a negative sense. So then it steps up. The reality is if you don't have agencies across the board working together with no discretion—legislation must come in and it must be set in concrete. If you don't have it we will be back here one year, two years from now doing the same thing because discretion allows: "I'll let you go with that. It's not too bad". And the other person may say, "No, that's absolutely wrong." It has got to be removed.

**CHAIR:** You have highlighted in your submission and your evidence that it is a convoluted space because we have a code of practice that is to be enforced by the Department of Primary Industries. The Committee has heard evidence that the RSPCA is one of three enforcement agencies under the Prevention of Cruelty to Animals Act, along with the Animal Welfare League and the NSW Police Force. On evidence the Committee has taken, they are starting to stray into the area of trying to enforce the code—and I am interested in your thoughts on this—presumably because no-one else is enforcing the code. I am also interested in your thoughts on how the other two agencies, NSW Police Force and the Animal Welfare League—correct me if I am wrong—perform their duties of enforcement under the Prevention of Cruelty to Animals Act? It is not only the RSPCA that has the authority but also the NSW Police Force and the Animal Welfare League.

**Ms SCRIVENER:** I cannot comment at all on the Animal Welfare League. I am aware of them, of course, however, I have no dealings whatsoever with them. As to police, I would almost put council and police in the same boat in that they do not want to know really, not interested. Police will tell you, "It's not our job. You need to ring the RSPCA." I have chased matters in Queensland where no RSPCA are present, and a different area kicks in—

**CHAIR:** I apologise for interrupting. You say that in the past you have spoken to police?

**Ms SCRIVENER:** Yes.

**CHAIR:** To report issues under the Prevention of Cruelty to Animals Act and they have point blank said, "It is not our responsibility, talk to the RSPCA"?

**Ms SCRIVENER:** Yes, absolutely. The same with Queensland. There were three dogs tied up that were near death in Queensland. They had pigging gear on, those vest and neck things, and they were so starved down. So I rang the police station, after checking the correct area of legislation for that State, and I said, "You need to act. It is what you are meant to do when there are no RSPCA or others around." "No, it's not our job." I said, "I just need to get your name because I'll be following this up with your superiors. I'm sorry, what's your name again?" I pushed it and they went out and they seized the dogs. I think the dogs were put down because they were too far gone. NSW Police is very hesitant to become involved. They will attend a property to put down a sick animal—a cow, an injured horse or whatever—if you can't get a vet. But on the whole, no, they are not interested. The Animal Welfare League I have never seen nor heard in this area.

**CHAIR:** What about the code of practice and the enforcement of the code versus responsibilities under the Prevention of Cruelty to Animals Act. The Committee has heard evidence that they are getting very blurred and as to whether there is enough enforcement of the code of practice.



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**Ms SCRIVENER:** The code of practice again is too loose, in my opinion. It needs to be tightened. Everything in there must be mandatory, again removing room for people to choose to do this or not to choose to do that. When the RSPCA attends properties, more often than not they will find problems with the code areas only. Interestingly, if there is enough, they can slip that across under the Prevention of Cruelty to Animals Act and go for a prosecution. The reality is the RSPCA is very hesitant to do that except for large matters and matters that they feel they will have a high chance of success. That is quite sad because for a lot of them, if argued correctly, absolute success, no problems at all—but they are in the too hard basket a lot of the time. They will argue to you that it is pulling on their resources, it is taking too much away from the services they need to focus on under the Prevention of Cruelty to Animals Act and they will slap on code issues. In reality, there are many, many times they could act and go for a prosecution but they don't.

**The Hon. MARK PEARSON:** Under the Prevention of Cruelty to Animals Act the three administrators are the RSPCA, the Animal Welfare League and the NSW Police Force, as you know, but the RSPCA and the Animal Welfare League are charitable organisations so there they do not have the same, shall I say, transparency and accountability as does the Police Force. You have raised some important points and certainly areas that I have been interested in with the Police Force in the past. But there is movement, particularly through the Assistant Police Commissioner for Rural Crime, Geoff McKechnie, who is taking a particular interest in this issue and where police have taken a hands-off attitude: "We are administering 172 Acts. Here is one Act we don't have to", et cetera.

Of course, because animal protection is becoming a far more reported and serious issue of community concern, the police are moving to a position of much more interest. It is being considered that a specific police officer at every station be given the charter of particularly overseeing animal cruelty matters. Of course, all police would need to as well, but by having an officer there it changes the mindset and approach to the issue. The other side of that is it is in the police department, which is transparent and accountable and which has the usual resources to do those so-called difficult cases that the RSPCA may be hesitant to deal with because of lack of resources, will or maybe other problems. Do you consider if the police being everywhere were more proactive and had a specific officer assigned that that would help all these issues that you have seen over time?

**Ms SCRIVENER:** Only time will tell how effective they are in reality. People can be designated to do something, and they can do that in a very aggressive and strong manner and follow through, or they can choose to be a little bit less that way. I would like to think that it would make a difference. I assume they would attend a property and find whatever was reported, but who would they then call in to remove or seize the animals—the RSPCA? If you start down that track and the police have total power, the officer might see 30 dogs that are near to death. Can he make the call? Who would he call to come and collect the dogs?

**The Hon. MARK PEARSON:** That answer would have to be grappled with when we moved in that direction. However, the RSPCA would not lose function; it would continue to have function. If the police were to have that power, one of the functions of the RSPCA may well be to look after seized animals.

**Ms SCRIVENER:** That would be good.

**The Hon. MARK PEARSON:** From what you are saying and what other people have said, monitoring is difficult when there are vast areas and many animals are kept in numerous sheds. Is there an issue of critical animal welfare concern once a certain number or more animals are housed in a facility—be it dogs, cats or other species? Is there a trigger indicating that it is becoming a critical animal welfare concern and things could go wrong and if they do the situation is very bad?

**Ms SCRIVENER:** Yes. Interestingly, much of that depends on the abilities of the individuals. Some people have good coping, management, record-keeping and follow-up skills but others do not. More importantly, they do not care. If you include farmers with sheep and cattle, you would see the same thing. There are farmers who are diligent about worming and rotating their animals off crop and paddock areas. Dogs are the used, silent part of these commercial enterprises. Cattle and sheep are monitored and we have laws relating to them. We have dogs in huge commercial breeding enterprises and they are under the Companion Animals Act. I find that interesting because they are being used as a commercial product. What I have seen here has distressed me greatly. I cannot deal with dogs stacked in cages. I do not like it; it makes me feel sick to see that. There is no need to do that. The chip should have everything. If that includes a driver licence number, so be it.

One of the puppy farmers is a certified microchipper. When we scanned the little dog I picked up, it had a non-existent address. I informed the council and I was told that it must have been a slip of the pen. Her

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last name was not the same. Was that another slip of the pen involving probably eight letters? I rang the Office of Local Government and I was told that it was not its business. I said, "Is anyone interested in this woman falsifying government documents?" I could not get anywhere. It horrifies me. We must tighten this up. We will probably have people with 10 dogs here, another 10 somewhere else or registered to cousins, aunts, brothers, sisters, uncles and so on. It needs to be tightly monitored. The microchip should have the mother's details and the number of litters she has had so the system will produce alerts, much the same as happens with probation and parole or wherever. It is not difficult; our computers have the capability to do that. In the end, it will save a lot of work for a lot of people.

**The Hon. MICK VEITCH:** What enhancements do you want to be made to the microchipping regime?

**Ms SCRIVENER:** The chip should have the owner's name. I do not believe that addresses should be included, because they change and they can be falsified. As I found out with this person, many things can go wrong. I would include more concrete information such as a driver licence number. Today most adults have a driver licence. I would also include the bitch's details and the number of puppies so that it is flagged. If we set the number of litters at five, it will be flagged. If there is a discrepancy showing, we can track the breeder. We should make the penalties harsher. She should either lose the dog or it must be desexed on the spot—no option. We should no longer be nice and gentle. These dogs are not treated nicely nor gently. Someone has to say, "If you do not follow the rules, sorry, you lose."

**The Hon. MICK VEITCH:** Your submission suggests that those sorts of things should be prescribed in legislation.

**Ms SCRIVENER:** If we do not cement things in law—that is, make them mandatory—people have too much freedom to do what they want how they want and to play the system. If we go along this track and implement legislation providing for 10 bitches and stating the requirements, a number of people will probably try to buck the system and work their way around it. Like anything when it is first implemented, there will be teething problems. They may be substantial. However, ultimately, if it is consistent and followed through and people no longer have room to move, it will succeed. But it has to be done with clear legislation stating musts, not maybes.

**The Hon. MICK VEITCH:** Do you think local government is the correct authority to maintain the database or should it be a statewide database maintained by a State authority that local government could access?

**Ms SCRIVENER:** It would be good to have an Australia-wide system so that we can cross-reference with other States because dogs do not always come only from New South Wales. I am very hesitant to put anything on local government. I am being blunt and honest, but I have great concerns. They struggle with the situation now and they argue and dig in their heels. Because they self-regulate other issues may kick in. I do not know whether we should establish a separate entity. I know that Dogs NSW has put its hand up to run the database. The chairman of the board said yesterday that she is very interested in doing it and she said her organisation has the capacity to do it. I do not have a problem with that.

There is a possible conflict of interest with a council being involved in some areas and in other areas they may be monitoring themselves. I see some issues there. I would prefer an independent body to do this. We have a wealth of people in the community and large unpaid groups. They do this because they care. I believe strongly that the Committee needs to recognise and respect those people. I have rehomed 48 dogs in the past four months. I have driven to Coffs Harbour so many times that people probably think I am a local. I do it with my credit card, which now laughs at me when I open my wallet. We do it very regularly. The informal part of society does far more than the formal part—the agencies, both government and non-government agencies.

**Mr ALISTER HENSKENS:** Do you think it would be feasible to limit the right to microchip to vets and local councils so that at least there is a degree of independence and integrity in the system? Would that be a practical proposal?

**Ms SCRIVENER:** In some ways it would be practical. However, there are very genuine and respected people in the community, such as the lady who appeared earlier. She is a microchipper. In my opinion, their facility is without equal. It would not be reasonable to stop her microchipping. Who can be a microchipper should be much more closely monitored. I am still very concerned that apparently no-one is interested that the

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woman I referred to microchipped using either her maiden name or a previous married name and included a non-existent address. I have concerns about the calibre of some people. The system needs to be tightened. People who microchip must be at the coalface of a reputable business. Why would a person in the community want to become a microchipper? Given that she is a puppy farmer and had 123 dogs, I believe I know why.

**Mr SCOT MacDONALD:** I am a bit confused about the right of entry. You have gone into a bit of detail, which is good. Is the process effective and can you make any suggestions?

**Ms SCRIVENER:** I have serious concerns about the RSPCA following up matters. The report you have in front of you sat for 12 months before it got to that level, and it then took another 12 months before we went in and filmed and followed through with what the RSPCA should have done.

**Mr SCOT MacDONALD:** Let me ask the question in another way. Are the current regulations, the current laws, acting as a barrier to compliance agencies, the RSPCA or anybody? Is anybody saying to you that it is too hard to get a warrant, it is too time consuming or it is too difficult or too murky in terms of the evidence that you need before entering premises or asking for a warrant?

**Ms SCRIVENER:** No, I have not heard that. I have to be honest; I have not heard that. I do know there are some issues with local councils going onto properties. There have been some issues.

**Mr SCOT MacDONALD:** Hesitancy?

**Ms SCRIVENER:** Concern on the part of residents that council workers can just walk on and take a dog off a property, things such as that. That is a concern. But I have not heard any issues around warrants or whatever.

**The Hon. BRONNIE TAYLOR:** I will follow on from Mr Hensken's questions to you about microchipping. I agree that the people who gave evidence before you run what appears to be an outstanding and very admirable facility. Obviously they care about what they are doing, so having someone like that individual microchipping is a good thing. Removing that personal relationship and how you feel about it—your evidence and everything in your answer to that question—do you think that having someone responsible for that data and the information you can get off the microchip, maybe potentially following a dog's history, as we do with the cattle identification system, and ensuring that people do not provide an alias to an official infrastructure site, might be something you would consider, together with a professional such as a vet doing the microchipping?

**Ms SCRIVENER:** If you remove the personal relationship—for example, if I did not know Pat, who was a microchipper—the thing I believe needs to happen is that it needs to go back to the point of who and how do you become a certified microchipper. In my opinion, you have to be somebody who is reputable, who is involved somehow in the industry. So when an application goes in—much the same as I said in the beginning with Dogs NSW, with that woman going for membership—what checks are done? What are we doing to ascertain that this person is fully reputable? We know a veterinarian; we can track a vet.

**The Hon. BRONNIE TAYLOR:** That is my point.

**Ms SCRIVENER:** There is a real problem. Again, I can understand what you are saying because that can be coloured if it is not checked correctly. It can be falsified still, incorrect addresses can be given or whatever. A lot of things can go wrong when people give information is what I am saying. It is a good question and it is a challenging one because, as I said, it is difficult when you know someone who is reputable.

**The Hon. BRONNIE TAYLOR:** I understand and that is why I tried to divorce that from it.

**Mr ALISTER HENSKENS:** On pages 10 to 12 of your submission you summarise the different positions on pet shops, whether they should or should not be able to sell puppies, and ultimately you come to the conclusion that pet shops should not be able to sell puppies. Can you give us the reasons for why you came to that view? Obviously there are arguments both ways on it.

**Ms SCRIVENER:** There are. My local pet shop owner has been a tremendous help in a lot of the things I have been doing. She also was greatly distressed to hear that pet shops would stop selling puppies because she noted to me that she only purchases dogs from reputable breeders. I contacted her probably six weeks ago and told her that the particular little dogs that she had in her store at that time, I was about to do a

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check on the property because I was shown photographs of the living conditions. I showed her the photographs. They were horrendous. So the reality is again we get back to the human factor, how people convey information to you. You can present to a pet shop that you are a reputable breeder, whatever. You can do all the right things, look all the right way in regard to breeding and details, history, and you can go home.

I noted a number of annexures in here that I did not have room to include, but I could send photographs of a place of a woman who is a top shower in Australia. I have never been anywhere that even equals this. My argument as to why puppies should not be sold in pet shops is because you do not really know where they are coming from. Albeit pet shops are a minor part of the sale of puppies, the biggest sellers are Gumtree, Trading Post, Facebook sites. They are everywhere. Pet shops sell a minor number, but the reality is they contribute. Again, we cannot look at any one area in isolation. If you are looking at things for the good and the positive outcome, you must factor in all the factors that contribute to the sale of puppies from puppy farms. It is difficult.

**Mr ALISTER HENSKENS:** Can it be argued that, whereas backyard operators are much more ephemeral, at least a pet shop is there and if you have rigour around your system at least it is a point of contact where you can send it back if there are problems? If you have a robust and improved system, that would enhance the system rather than work against it.

**Ms SCRIVENER:** To track it back still does not mean you know where the dog came from. It can come with a name. You rarely get onto your puppy farms with the owners. They generally do not let you in there. It is very difficult for me but I have attended two properties here and I had to go undercover to do so. The reality is that one in particular was horrid, really cruel, really horrid—you can read the report. Yet that does not meet with this dear lady who can present as a nice happy granny lady selling puppies and "I've only got a few". You do not know if you do not go to the property. In all honesty you do not know where they are coming from. There is no way you can check it back to the owner.

What happened in Western Australia recently with a sick dog and then the puppy store, there was a big protest over there recently. I rang that pet shop owner at five o'clock in the morning and I spoke with her and I asked her did she know where the puppies came from and she said, "Yes but she is not a puppy farmer. She is a lovely lady, salt-of-the-earth lady". She spoke very highly of the lady. The difficulty is that it does not take away that she is a nice lady. What she is doing is not so nice. That is the problem. These people in Perth or Sydney or where those little puppies went last week or this coming week from the last farm I visited on Wednesday, nobody will know. You can read that and see where the parents live, how the parents live, how they die. It is horrendous. It is so sanitised and I find that disturbing. People see a cute little puppy that jumps up on a perspex or in a cage in a pet store and yaps and wags its little tail. The fact is that the mother can barely stand, her mammary glands are dragging on the ground from continual pregnancies, she is in a tiny place, she cannot get out and walk around. I believe some puppy farmers are unaware of how other puppy farmers operate.

That is the thing that is missing here. It is sanitised so the community and people do not see the real horror that happens. We can read things. I believe you are going to a facility this afternoon that is of good standing, a good place, a good breeding facility. My question to you is: Why aren't you going to one that is not? Why aren't you going to one of the puppy farms and see what you really need to see? Spit and polish and whatever is fine but the reality is in life. You want to see things as they really are; you need to go to the coalface. You cannot sanitise this. It does not matter how much people argue, the fact is that there are dogs that live their entire lives in cages, that spin around because they have no touch, no stimulation, no anything, that live their lives in broken down bits of shelter. Go and look at that cute little puppy. But if you want the truth go and look at the mother. That is where you will find the truth.

**CHAIR:** Thank you for your time. It is not usual for us simply to address the issue. Obviously, we did wish to take the course of action that you suggested but we cannot, as you well know, without the owner's consent.

**Ms SCRIVENER:** It speaks volumes.

**CHAIR:** We are bound by the law just as much as you are or anyone else in this room.

**Ms SCRIVENER:** I appreciate you telling me that.

**CHAIR:** Again, thank you for your time. The Committee may write to you with additional questions. Are you comfortable for your written replies to those questions to be incorporated as part of our evidence?

**CORRECTED**

**Ms SCRIVENER:** Yes.

**(The witness withdrew)**

## **CORRECTED**

**PHILLIP ANDREW EVANS**, affirmed and examined:

**CHAIR:** Thank you for appearing before the Committee this afternoon. We appreciate your time and your expertise, and we look forward to hearing your evidence. Do you have any questions about the procedural material that you received prior to the hearing?

**Mr EVANS:** No.

**CHAIR:** Would you like to make an opening statement before we ask questions?

**Mr EVANS:** I guess I would. I made my submission on the basis that over a long period of time as a dog trainer and shelter facility worker I have always been concerned that large-scale puppy-producing facilities have an underlying issue with breeding practices, with the manner in which they go about their business in producing the puppies in that it is similar to the problems that we face from hoarders and backyard breeders in that they make no allowance or not sufficient allowance for the animal's temperament when it is being produced and placing it into people's homes, thereby creating a danger in some respects. As a shelter worker, we see these animals recycled sometimes time and time again. They are unsuitable for placement. Their lack of social cohesion, their temperamental instability sometimes, means that they go from one family to the next; they have never settled into a situation that is comfortable for them.

Often they come in and we assess their temperament as being unsuitable to be placed into somebody else's home and we draw the curtain down on that particular dog. That is a dreadful shame, and for the families that are involved it is heartbreaking. That was the basis of my submission—the fact that there is not sufficient allowance made by large-scale breeders, hoarders and backyard breeders for the proper management of their breeding programs, selection, making sure that their dogs are sound, making sure that they are temperamentally sound and that their health will make it a good pup.

**CHAIR:** I and probably Mr MacDonald know very well the facility you manage and the fact that it is regarded as one of the best, if not the best in country New South Wales and all of New South Wales. You are to be commended for that. For the benefit of the Committee are you able to briefly state the typical breeds, ages and health levels of the animals that are in the facility at any one time?

**Mr EVANS:** Our facility services two councils, so we would be regarded as a small- to medium-sized facility. I suppose on a 10-year average we would deal with about 550 to 600 animals a year through there. As for age, we deal with everything. For the type of dog we get, certainly like most regional councils we see our fair proportion of hunting-type breeds that have been placed. They are usually bred as working dogs for hunters. Often these dogs are surplus to the requirements of the breeder and so they are placed into homes as pets often at very low cost. We see them come into the shelter and rarely reclaimed. They are not regarded as having any value because of the low cost associated with obtaining them. Those sorts of dogs we see a lot of.

We see working dogs for the same reasons. We see a farmer who produces a litter of pups because he wants a pup of his own. A common theme amongst people who come to reclaim unmicrochipped working-type dogs from the shelter is that the farmer was going to put a bullet in the dog if somebody did not take it off his hands. So they take the dog but often it is unsuitable for a domestic situation. They are often high-drive animals that are looking for work so when placed into a domestic situation they soon run amok around the house. They are rough with the kids and they have too much energy so they finish up on the street and back with us again. We see quite a lot of those. We rarely see dogs of—to use the term "value" does not seem right but pedigree dogs we see very, very few of, and usually owners are right behind them. More often than not they are microchipped and we can return them to their owners pretty quickly.

**CHAIR:** What proportions of those animals are microchipped versus not microchipped?

**Mr EVANS:** I have not got those statistics with me but coming through the gates at the shelter very, very few come through microchipped because our policy at this council is if the dog is microchipped it is returned to its owner. The only reason it would come to the shelter if it is microchipped is if the owner was not able to be located. Then they come to us.

**The Hon. MICK VEITCH:** Do you keep those statistics?

## CORRECTED

**Mr EVANS:** We do keep the statistics. I just don't have them with me.

**The Hon. MICK VEITCH:** Are you able to take that on notice and get back to us?

**Mr EVANS:** Absolutely.

**CHAIR:** For the Committee's benefit, what is the euthanasia rate at your facility?

**Mr EVANS:** For instance, over the last 12 months we took in just under 500 animals. The euthanasia rate over those about 479 or 480 animals was that 79 dogs were euthanased. Out of those 79 dogs we include animals that have been hit by cars that are identifiable with a microchip and animals that have been found near death and have been euthanased as a result of illness. There are a variety of different reasons, including animals that are euthanased because they are unsuitable to be placed into new homes. From our statistics there were certainly less than 20 animals that went through the shelter that were suitable for rehoming that were not able to find homes.

**CHAIR:** Given your background and involvement, in your opinion what possible legislative changes could we recommend that would crack down on rogue breeders and dramatically reduce the number of animals that are coming your way?

**Mr EVANS:** Licensing breeders who currently fall outside of the purebred dog registers that are already governed by registration within organisations like Dogs NSW is a must. People must be accountable for the animals that they produce. We need a registration system that can capture those, that can be targeted towards people who often do not consider themselves as breeders. We have quite a number in the Armidale and Uralla areas who would produce two or three litters in a year who do not consider themselves to be breeders. They are backyard people who, again through poor husbandry, not understanding the husbandry of the animal, will produce a litter two or three times a year from their pets. These are the animals that are released into the community at low or no cost to other people who have no idea of husbandry practices and so that problem just recycles.

They are the same people who tend to not be interested in microchipping their animals so shelters and pounds act like filters for those animals. They come through and our job is to try to rehome them but the perpetrator goes off and the same thing occurs again in 12 months time. We can identify the litters as they come through. The practice often in our location is that one animal will turn up usually at around the age of 10 weeks and we will know that there is about to be a bit of an influx of the same type of animal. There is a practice where people will drive around town and drop one pup here and one pup there that they were not able to rehome and they will drift in over a period of a week or so. Capturing those people in the community who do not consider themselves necessarily as breeders, as well as the hoarders, as well as the people who are producing large-scale pups that are often unsuitable to be placed into people's homes and gaining financial advantage out of that—capturing those so that they can be tracked and controlled has to be the answer.

**Mr SCOT MacDONALD:** I think I can appreciate what you are saying about wanting to capture the backyard breeders who are not in the purebred system, but surely all you are going to do is drive that more underground. Will they just get more cunning? Instead of dropping pups around town over a week, will they do it over two weeks and get smarter and cleverer about it?

**Mr EVANS:** You will never capture them all but is that a reason to not capture some?

**Mr SCOT MacDONALD:** I have not got the answer to that. Do you think on balance there would be greater good to come out of that?

**Mr EVANS:** I believe the mere fact that there are repercussions for their actions will turn many of them off the idea of doing it and will encourage them to desex their animals.

**Mr SCOT MacDONALD:** What sort of penalty or public shaming would you suggest to make the community get right behind licensing of that lower tier?

**Mr EVANS:** Certainly, a monetary penalty for the people who are most likely to be captured in that is of little value simply because most of them are not going to be able to afford to respond to a penalty anyway.

## CORRECTED

But perhaps losing the right to be able to produce the animals and losing their ability to be registered is one way that there could be consequences for that.

**The Hon. MICK VEITCH:** Does the shelter take cats?

**Mr EVANS:** Yes, it does.

**The Hon. MICK VEITCH:** What are the numbers for cats?

**Mr EVANS:** We deal with about 80 to 100 cats in a year. The numbers are much less. The Companion Animals Act is a little fussy when it comes to the notion of a stray cat. We make it an obligation on people who seize them to make a reasonable attempt to try to find an owner before they bring the animal to the shelter where we then have to deal with it. That is usually complied with quite well. We did a survey in about 1999 or 2000 not long after the introduction of the Companion Animals Act. We found that of 30 people who attended the shelter with a cat that they believed was unowned, when asked to go and do a simple doorknock in their local area 28 out of the 30 managed to find the owner. It was a pretty reasonable result.

**The Hon. MICK VEITCH:** Do you have much to do with hoarding?

**Mr EVANS:** Occasionally. It would only be a half a dozen cases. In the 15-odd years I have been here there have been probably half a dozen cases. In most of those cases we have been able to work with the welfare agencies to offer assistance for short-term housing and even some ongoing guidance for the owners to encourage them to desex the remaining animals. In fact, out of that half a dozen we have not had anybody who has subsequently become an issue for us.

**The Hon. MICK VEITCH:** Have you had many issues with tracing invalid information through microchips?

**Mr EVANS:** There is a low level of frustration with details being out of date occasionally but I would not rate it as a major problem. I would say two or three times a week we will be unable to contact an owner because the details are not up to date on the microchip but usually we are able to resolve that. It is a time factor in chasing it up but we are usually able to get around that. Some of the social media avenues are great for us. We use social media extensively and if we are frustrated by not being able to contact an owner we often post the animal on our Facebook page or our website. Peer pressure works wonders. People will soon let the owner know that their animal is up on the shelter's Facebook page and encourage them to come and get it.

**CHAIR:** In the Government's submission we saw that the Office of Local Government is moving to an online digital register that would allow people who are not able to physically come to council with a change of address to be able to possibly update the address online. Do you think that would address many of the issues that you face?

**Mr EVANS:** Yes, I would strongly support that.

**Mr ALISTER HENSKENS:** You were asked some questions a moment ago about the cats in your shelter. Are you aware of any practices where cats are bred on a large scale similar to puppies?

**Mr EVANS:** I am not personally aware of any, no.

**Mr ALISTER HENSKENS:** You started your statement today speaking about some of the behavioural issues and the inappropriate placement of dogs in a domestic environment because it is inconsistent with their temperament. Is there a relationship between cause and effect in the way in which they have been bred and their temperament?

**Mr EVANS:** Yes, there is. There are a number of factors that will shape the animal. Genetics plays a role in it and the environment plays a role in it but the lack of development by the breeder in preparing the animal to go into a family home—it is during that socialisation and pairing the animal that the breeder will learn whether the animal is suitable to be a pet for somebody. Conscientious breeders will know that instinctively because they are spending time with the animals, whereas large-scale breeders and people who just allow their animal to breed without supervision and without planning inevitably finish up with animals that do not meet those requirements.



## CORRECTED

**Mr SCOT MacDONALD:** Is the microchipping and registration exemption for working dogs a problem for you?

**Mr EVANS:** Yes, it is. That is the short answer. We have a large number of dogs that come through the shelter throughout the year that are clearly working dogs and not microchipped. We have had confrontational situations with property owners who feel slighted by the fact that in the case of a dog that is running down the street in Armidale with a chain three foot long that has been attached to the back of the ute somebody has taken the time to pick the dog up and bring it out and they have learned they have got to be charged a fee to have the animal returned. There is an attitude of exclusion from everybody else that is not helpful in some ways.

**Mr ADAM CROUCH:** You mention that only a very small number of animals that are microchipped come through the facilities.

**Mr EVANS:** Yes.

**Mr ADAM CROUCH:** Anecdotally we have heard of dead chips. Have you found that you get chips that do not have any reading at all coming through the facility?

**Mr EVANS:** No, I have not experienced that.

**Mr ADAM CROUCH:** If you have a dog from interstate, for instance?

**Mr EVANS:** I cannot remember an occasion in the years since microchipping has been introduced. There may be the odd occasion where a scanner has malfunctioned, but generally our animals are scanned by the rangers when they pick them up, they are scanned again when they arrive at the shelter, and they might be scanned once or twice during the period of time that they are there if we have not already located one. The animals come out of the cages and are physically examined daily, and they have a scanner run over them if they have not been identified with a chip anyway just as a matter of routine. So I cannot say that I have ever had the situation where a chip has been implanted in the animal and is still in there—you may get the occasional case where a chip has ejected shortly after. We have never had the case where a chip has not been found that has subsequently been shown to be in the animal.

**Mr ADAM CROUCH:** Does that include dogs from other States?

**Mr EVANS:** Yes.

**Ms JULIA FINN:** You talked about lots of the dogs in your facility being bred by backyard breeders. Do you think any of them coming through your facility are from the large-scale puppy farms in the area?

**Mr EVANS:** I would not suggest that. Similarly, we do not have a lot coming through from pet shops or from the designer breeders.

**Ms JULIA FINN:** Is that simply judged on the breeds that they are—that they are working dogs and pig dogs?

**Mr EVANS:** Often with the large-scale puppy farmers it would be difficult to identify them coming through. There may have been some go through. Unless they are microchipped and the owner subsequently advises us that that is where they got the dog from, it would be almost impossible for us to say.

**Mr SCOT MacDONALD:** With the working dogs that you end up with in the shelter, have they come from people in town or are they from properties?

**Mr EVANS:** There is a fair amount of both. Often a farmer will come into town to do business and the dog is on the back of the ute and it escapes or somebody lets it off.

**CHAIR:** Thank you very much, Mr Evans. We appreciate your time. The Committee may write to you with some further follow-up questions. Would you be comfortable with your written replies being incorporated as evidence for the Committee?

**CORRECTED**

**Mr EVANS:** Yes, no problem.

**CHAIR:** Thank you very much again.

**(The witness withdrew)**

**(Evidence continued in camera)**

**(At the conclusion of the evidence in camera  
the public hearing resumed)**

## **CORRECTED**

**JANINE CARSON**, private citizen, affirmed and examined:

**GREG MEYERS**, private citizen, sworn and examined:

**CHAIR:** Would you like to make a brief opening statement?

**Mr MEYERS:** The council made a short submission focusing on two components: first, the potential impact on the council of any additional regulatory functions; and, secondly, the concern about some of the requirements that may fall back to registered breeders who are probably generally doing the right thing. Unregistered breeders are probably the issue. I listened to the evidence given earlier. The council provides a full regulatory service across the local government area. We deal with companion animals, stock, nuisances, the environment, parking and litter. That service runs at a \$235,000 loss against income generated through registration, fines, fees and charges. We have only five staff and run a very good animal shelter. However, the cost to ratepayers this financial year is \$235,000. Therefore, any additional regulatory responsibility without offsetting funds is a concern. I have been in local government for 30 years and I have seen what happens with new registration, new microchipping, septic tank issues and other added regulatory responsibilities. We must be able to generate funds to cover it.

**CHAIR:** Leaving aside local government's companion animal responsibilities, I am interested in homing in on an area that better suits you, that is, planning. Are you aware of any development applications that council has considered for puppy factory or commercial companion animal breeding facilities in the Armidale Dumaresq local government area?

**Mr MEYERS:** Unfortunately, I have been here only since January, so my history is very short. The challenge of course is that the puppy farms come under the definition of animal boarding and training establishments. That does not include puppy farms. To my knowledge, in the past six months we have not dealt with any applications.

**CHAIR:** I thought that would be the response. If an application were lodged, would council consider the requirements and the breeding code of practice when dealing with it? Is the council required to do that? How would council go about assessing it?

**Mr MEYERS:** From a land use planning perspective we would look at a range of issues. If an application were considered and subsequently approved, it would include a condition that those facilities meet certain standards. Those standards are the guidelines that have been established. It is much the same for us with animal enclosures at our pound—the size of the pens, the runs and those sorts of things. However, we would also take into consideration the location, noise, parking, traffic and effluent management.

**CHAIR:** There is an extension of that, and this is where it gets tricky. I refer to the situation where you stipulate within your conditions of consent that the facility must meet the breeding code of practice, which is to be administered by the Department of Primary Industries. However, if you built that in as a condition of consent, would you view it as council's responsibility to ensure that the facility met those conditions, or would you be looking to the Department of Primary Industries to monitor and check that it was built to those standards? How would that interaction occur?

**Mr MEYERS:** Having been through a couple of Land and Environment Court cases, I believe that placing the onus on another party would be somewhat difficult. The condition would be that the facility be constructed in accordance with those guidelines. We must bear in mind that we are talking about a land use approval, and that involves the admissibility of that development on that site, not how it is managed or operated further down the track. I hope we never have a regulatory responsibility in respect of how a facility is managed. Our involvement would end at the sign-off of the development.

**CHAIR:** I wanted to clarify where your responsibilities stop and another agency, in this case the Department of Primary Industries, takes over.

**Mr MEYERS:** Yes.

**The Hon. MICK VEITCH:** Thank you for appearing before the Committee today. Have your rangers ever encountered animal hoarding?

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**Mr MEYERS:** No. We would have a concern with someone with a large number of dogs. The team at Armidale works closely with our RSPCA inspector. We also work with the RSPCA on rehoming. If the rangers come across anything like that, we work closely with the inspector.

**The Hon. MICK VEITCH:** Do you do anything with the police?

**Ms CARSON:** Yes. The police are often not very knowledgeable about their delegations and what they are able to do under the POCTA or anything like that. We also assist the police. We are often asked as rangers to attend with the police in this area because we have such a close-knit association with both of those organisations. Our shelter has been used for short-term holding if the RSPCA or the police seize any animals. I do not know how closely other organisations work in the other parts of the State.

**The Hon. MICK VEITCH:** Do you have a branch of the Animal Welfare League here?

**Ms CARSON:** No. We have only an RSPCA fundraising branch. We do not have an RSPCA shelter here. We have a council animal shelter and a fundraising group whose members care for animals in their own homes.

**The Hon. MICK VEITCH:** What assistance would you draw on from the Department of Planning and what assistance do you get when dealing with development applications for large-scale dog producing facilities, puppy farms or whatever else they are called?

**Mr MEYERS:** Very little other than what they provide through their guidelines or section 117 directions from the director general or executive officer. Unless there are guidelines, it would be based on the Department of Primary Industries guidelines. We would seek advice from that department. It is much the same as for cattle feedlots. We follow certain guidelines about how they manage their effluent and those sorts of things. We would draw on them for that expert advice and then build that into any consideration.

**The Hon. MICK VEITCH:** So you are more likely to talk to the Department of Primary Industries than you are to the Department of Planning?

**Mr MEYERS:** Especially on those specific types of land use. The Department of Planning sets the parameters for the legislation and guidelines. It is similar to what we do with Roads and Maritime Services and traffic management.

**The Hon. MICK VEITCH:** I am keen to hear your views about the unregistered breeders and unregistered large-scale production facilities. They clearly do not have an approved development application and the council is not aware of them. How can we capture them to provide greater security for the welfare of animals?

**Mr MEYERS:** From a council perspective we would be looking at land use. We would go through that compliance process with regard to land use, and with regard to undertaking a development without an approved development application or undertaking a prohibited development. We would have that site closed down. As blunt as it sounds, we would not be too concerned about how they manage and treat the animals because we are looking at land use. However, we would seek advice from RSPCA officers, the Department of Primary Industries or other people in those areas. We are often called in to investigate backyard dogs that have been tied up for months on end. We try to look at it from the companion animals or land use point of view as opposed to how that person manages that operation and how they are treating the animals. We would look to those who are experienced and qualified in that area to deal with that matter.

**CHAIR:** Your council would not support any increase in responsibilities with regard to following up factories or breeders. Your submission states clearly that you believe that what you do now stretches the capacity of your organisation.

**Mr MEYERS:** It does. Again, that is in the context of the fact that we would be looking at it from a compliance land use point of view. If the council gets a legitimate complaint, our policy provides that we must follow up, undertake investigations and take the appropriate course of action. We would like to focus on education and providing information to the community. The compliance side drops off. Of course, the challenge is the effectiveness of that education program.

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**CHAIR:** I have observed that already your animal shelter goes above your compliance responsibilities. I think they do a great job with the social media, the rehoming program, the partnership with the RSPCA. That does not devalue the point you have just made. For the record, I note that the people in your team, Ms Carson and others, do a bit more than just the black and white compliance stuff.

**Mr MEYERS:** That is right. Hats off to the staff. They are committed to the welfare of the animals and they try to rehouse them before we get them in the pound. Once we get them in the pound the calendar starts, and at the end of those seven, 14 days it is not a wonderful result. I do not like putting my staff through it because they are compassionate to the welfare of the animals.

**The Hon. MICK VEITCH:** My final question relates to microchipping and maintaining a database of records. The council's view is that it should be the responsibility of council or maybe a statewide database maintained by a government department, or maybe even Dogs NSW.

**Mr MEYERS:** We have had a discussion in the past few weeks about this. Most people believe that once the microchipping is done that is the end of the story; they do not have to worry about anything else. But I think we have a couple of thousand that we are still following up. The people microchip it, they sell it. They do not realise they are supposed to notify, register at six months when those people buy it. Where it rests at the moment, I guess we go through a follow-up and it generates an income but it is not necessarily equivalent to tracking people down and following it from there. I think it is a good start. It is just that it is a two-step process and people do the first one but do not worry about the second one.

**The Hon. MICK VEITCH:** Is that due to education?

**Mr MEYERS:** Personally, I believe so.

**Ms CARSON:** Yes, I definitely think it is not enough education when microchipping was first brought in. People do not understand that microchipping is the first step and registration is the second step. With microchipping, someone said earlier that only specific information is held on the microchip and you cannot find out information. I have been through a process where I have been through a court case and I am able to go back to the Department of Local Government to find out information on that microchip. It is not readily available on the microchip when you search on the database as a user, but I can for specific functions under the Act.

**The Hon. MARK PEARSON:** Ms Carson might answer this question. One area that we are grappling with is enough eyes to see and observe and monitor what is happening with companion animals, whether they are in a private backyard, whether they are a puppy farm or whatever. Would it be a burden or an advantage if rangers had the same powers as prescribed officers under the Prevention of Cruelty to Animals Act, giving you the power that upon a reasonable concern that cruelty has happened, is happening or will happen, you can enter a property—not a home but a yard or a building or the land of a property?

If you are at the gate talking to the person or hearing an animal that you have been called to as a noise complaint perhaps, often these things are connected. There might be a noise complaint or a nuisance complaint but often it can be connected to abusive animals, et cetera. I suppose the question is for us to look at having more people on the ground who have certain powers, more powers than what they have at the moment under the Companion Animals Act. Would that be an advantage and would it be welcomed, rather than being onerous?

**Ms CARSON:** I think it would be welcomed, depending on whether there was funding available with it, as well as a standard in training that rangers are obviously required to have. Not every ranger across New South Wales has the same training.

**The Hon. MARK PEARSON:** We used to have honorary inspectors and special constables appointed by the Police and they were able to help. It was a broader network and they could monitor things that were closer to where they worked in more remote areas and, if necessary, call in more experienced authorities like the RSPCA or the police, but that fell away as of 1979.

**Ms CARSON:** That is correct. The team leader who I took over from was a special constable. Obviously if there was more power to regulatory authorities like council, we may be able to act on instances more quickly. Obviously the RSPCA inspector in this area has a huge range of area. Therefore, he may not be available that day. This often occurs where there is an instance of a barking dog or a nuisance dog, a dog attack or whatever. As you say, it may lead to finding out that there are a large number of animals there or dogs being

## **CORRECTED**

kept in cages cruelly or whatever. Often in the time that rangers are able to report that to the RSPCA inspector and for the inspector to arrive, we find that some of the animals have been removed from the area. Those are some of the problems we face.

**Mr MEYERS:** May I just put my employer work health and safety hat on? I would like to think that if that was a consideration that that would be optional to the local government authority because sometimes you have very good rangers but not very good policemen in the one person. With the special constables, there were lots of issues with the power and the authority. Local government does a lot of things good, and sometimes it does things pretty ordinary. That can be that line between being the educator as well as the regulator, compared to the enforcer. From work health and safety, I would be very cautious on how we went about that process.

**The Hon. MARK PEARSON:** Thank you.

**Mr ALISTER HENSKENS:** The breeder licensing proposal seems to be opposed by you on the basis of the additional burden that that would put on the council. If breeders were licensed and you had visibility as to who was conducting breeding in your council area, presumably that would enable you to more easily identify people operating outside the planning consents that they have, is that correct?

**Mr MEYERS:** That would be correct, if that was managed from those breeders who actually register and are licensed, yes.

**Mr ALISTER HENSKENS:** If the breeders licencing system was a computer-based system managed by someone other than the council, would there be any great burden on you of having such a system?

**Mr MEYERS:** No. If it was managed by another authority, no.

**Ms JULIA FINN:** Have you taken any action against breeding facilities in terms of their non-compliance with development applications or complete lack of development applications? Have you tried to prosecute them in the Land and Environment Court?

**Ms CARSON:** Not that I know of.

**Mr MEYERS:** No that I am aware of in this council, no.

**Mr ADAM CROUCH:** Is the Act clear enough for a ranger to act? We have heard anecdotally that quite a broad discretion is sometimes used about whether something is or is not proceeding. Do you find that the Act is clear enough for your staff to say that it is black and white rather than grey, essentially?

**Ms CARSON:** I suppose there is a broad variance across different councils. Armidale has their standard practice notes in place. Because we are such a small team, when a new employee is brought into council we try to make everything similar in what we say. When we approach a person at a house, whether we are speaking to them about a barking complaint, a roaming complaint, a dog attack, we all follow that SPN simply to the letter. So that basically if I was going away I could hand a job over to another ranger and they would know what stage I had been up to. That is probably where the discretion comes in across different councils. Maybe there is not enough networking between rangers across New South Wales.

**CHAIR:** Thank you for your time and your evidence. The Committee may write to council with further questions. Are you comfortable with your responses being incorporated as part of our evidence?

**Mr MEYERS:** Yes.

**(The witnesses withdrew)**

**(Committee adjourned at 3.55 p.m.)**