

NSW Government Response

Inquiry into Puppy Farming in New South Wales – Final Report

Recommendation	NSW Government Response
<p>Recommendation 1 That the evidence documented in this report, and the conclusions of the committee, inform the Legislative Council's consideration of the Companion Animals Amendment (Puppy Farms) Bill 2021.</p>	<p>Noted The NSW Government notes that this recommendation is directed to the Legislative Council.</p>
<p>Recommendation 2 That, if the Companion Animals Amendment (Puppy Farms) Bill 2021 does not pass, the NSW Government urgently introduce legislation on puppy and kitten farming in New South Wales.</p>	<p>Noted The NSW Government will consider the matters raised in this inquiry in considering whether any changes to legislation, regulatory provisions or Codes of Practice are necessary, as part of the Government's animal welfare reform process.</p> <p>Any proposed changes would be considered in consultation with all relevant stakeholders and the community, to ensure that the revised framework is fit for purpose and protects welfare outcomes.</p>
<p>Recommendation 3 That the NSW Government investigate the legality of breeding arrangements, including guardianship, and provide guidance to dog and cat breeders and potential consumers as to appropriate terms of agreement as well as acceptable grounds for termination of arrangements, with a view to ensuring that the best interests of the animal are paramount in any arrangement.</p>	<p>Supported in principle The NSW Government will consider matters related to guardianship arrangements and determine what responses are necessary to ensure that such arrangements deliver appropriate animal welfare outcomes.</p> <p>In August 2021, the NSW Government made updates to the NSW Animal Welfare Code of Practice – Breeding dogs and cats (Breeding Code). Updates included defining 'Guardianship' to highlight the responsibilities of both guardians and owners under the Breeding Code.</p>

<p>Recommendation 4</p> <p>That the NSW Government closely consider evidence before this inquiry and introduce:</p> <ul style="list-style-type: none"> • a cap on the number of female breeding animals that a proprietor of a companion animal breeding business may have • lifetime litter limits for cats and dogs used for breeding • staff to animal ratios for companion animal breeding businesses. 	<p>Noted</p> <p>The NSW Government will consider the matters raised in this inquiry in considering whether any changes to legislation, regulatory provisions or Codes of Practice are necessary, as part of the Government’s animal welfare reform process.</p> <p>Any proposed changes would be considered in consultation with all relevant stakeholders and the community, to ensure that the revised framework is fit for purpose and protects welfare outcomes.</p>
<p>Recommendation 5</p> <p>The NSW Government urgently conduct a review of the <i>Animal Welfare Code of Practice – Breeding dogs and cats</i>, and in doing so:</p> <ul style="list-style-type: none"> • realign the division between standards and guidelines, to strengthen mandatory standards, improve enforceability and facilitate enforcement of the Breeding Code • provide for the varying requirements of the differing breeds • better address the physical and mental wellbeing, space requirements, exercise and enrichment requirements, and socialisation of dogs and cats • ensure competency standards for people caring for breeding animals • ensure routine veterinary checks and health care plans are mandatory • address the breeding of heritable defects. 	<p>Supported in principle</p> <p>The NSW Government is committed to undertaking a review of the Animal Welfare Code of Practice – Breeding dogs and cats (Breeding Code) as part of its pre-existing commitment to streamline and modernise the animal welfare legislative framework.</p> <p>The NSW Government will consider the matters raised in this inquiry in considering whether any changes to legislation, regulatory provisions or Codes of Practice are necessary, as part of the Government’s animal welfare reform process.</p> <p>Any proposed changes would be considered in consultation with all relevant stakeholders and the community, to ensure that the revised framework is fit for purpose and protects welfare outcomes.</p>

<p>Recommendation 6</p> <p>That the NSW Government substantially increase funding allocated to organisations such as the RSPCA NSW and Animal Welfare League and ensure this funding covers the costs of the compliance and enforcement operations of these organisations, without reliance on charitable donations.</p>	<p>Noted</p> <p>The NSW Department of Primary Industries is currently undertaking a review of the funding provided to the two approved charitable organisations.</p> <p>(See also the NSW Government response to Recommendation 1 of the final report of the 2021 Inquiry into the Approved Charitable Organisations under the <i>Prevention of Cruelty to Animals Act 1979</i>)</p>
<p>Recommendation 7</p> <p>That the NSW Government consider providing funding to animal rescue organisations.</p>	<p>Noted</p> <p>Consideration of the provision of funding to animal rescue organisations would be subject to NSW Government budgetary processes.</p>
<p>Recommendation 8</p> <p>That the NSW Government act to address the disconnect between planning laws and animal welfare considerations in local government decisions regarding companion animal breeding facilities by:</p> <ul style="list-style-type: none"> • enabling due weight to be given to animal welfare in assessment of development applications • providing for consideration of whether an applicant is a fit and proper person • inserting 'companion animal breeding facility' as a land use category in the planning laws • amending the Standard Instrument Local Environmental Plan to include compliance with the <i>Animal Welfare Code of Practice – Breeding dogs and cats</i> as an assessment consideration • ensure that animal cruelty convictions in other jurisdictions are able to be recognised in New South Wales. 	<p>Noted</p> <p>The NSW Government will consider the matters raised in this inquiry in considering whether any changes to the planning framework are necessary.</p> <p>The Draft Animal Welfare Bill, published in January 2022, proposes to include provisions that have the effect of enabling court orders and other prohibition decisions made in other jurisdictions to also be recognised in NSW.</p>

<p>Recommendation 9</p> <p>That the NSW Government introduce legislation to ban anyone convicted of animal cruelty offences from being involved in breeding a dog or cat, create a presumption in favour of a court making a disqualification order following conviction of any animal cruelty offence, and require a court to impose a disqualification order where a person has been convicted of an aggravated animal cruelty offence, or multiple cruelty offences, or convicted of previous animal cruelty offences.</p>	<p>Noted</p> <p>The NSW Government will consider the matters raised in this inquiry in considering whether any changes to legislation, regulatory provisions or Codes of Practice are necessary, as part of the Government’s animal welfare reform process.</p> <p>Section 31 of the <i>Prevention of Cruelty to Animals Act 1979</i> (POCTAA) currently sets out that courts may make disqualification orders upon a person being convicted of an offence if the court is satisfied that the person would be likely to commit a further offence if in charge of an animal.</p> <p>Further, section 31AB of POCTAA prevents a person convicted of the serious animal welfare offences listed in the <i>Crimes Act 1900</i> from purchasing or owning an animal, or engaging in work, whether paid or unpaid, involving direct contact with, or care of, an animal.</p>
<p>Recommendation 10</p> <p>That in fulfilling its commitment to rebuild the NSW Pet Registry, the Office of Local Government act promptly to ensure that the Registry is well resourced and fit for purpose in collecting and retaining accurate and up-to-date information over the lifetime of all cats and dogs, and ensure proper traceability of animals and breeders to assist both the public and enforcement agencies to identify unethical breeders.</p>	<p>Supported in principle</p> <p>The NSW Government remains committed to rebuilding the NSW Pet Registry. The rebuilt registry is intended to support accurate information collection and will support traceability of dogs and cats.</p>
<p>Recommendation 11</p> <p>The NSW Government work to ensure interoperability between the NSW Pet Registry and online sites such as Gumtree and the Trading Post, to reduce the ability of unethical breeders to sell online.</p>	<p>Supported in principle</p> <p>The NSW Government notes that the intent of the rebuilt NSW Pet Registry is to support improved traceability of dogs and cats (see Recommendation 10). This will support consumers to make informed purchasing decisions and enforcement agencies to identify unethical breeding practices.</p>

<p>Recommendation 12 That the Department of Primary Industries implement a well-resourced breeder licensing scheme in New South Wales that contains robust licensing conditions for breeders, taking into account the evidence received by this committee.</p>	<p>Noted The NSW Government will consider the matters raised in this inquiry in considering whether any changes to legislation, regulatory provisions or Codes of Practice are necessary, as part of the Government’s animal welfare reform process.</p> <p>Any proposed changes would be considered in consultation with all relevant stakeholders and the community, to ensure that the revised framework is fit for purpose and protects welfare outcomes.</p>
<p>Recommendation 13 That the Department of Primary Industries undertake an in-depth consultation process with key stakeholders including but not limited to rescue organisations, animal protection organisations, enforcement agencies and breeders, as part of its development of a licensing scheme.</p>	<p>Supported in principle Any proposed changes to legislation, regulatory provisions or Codes of Practice would be considered in consultation with all relevant stakeholders and the community, to ensure that the revised framework is fit for purpose and protects welfare outcomes.</p>
<p>Recommendation 14 That the NSW Government move towards restricting the sale of dogs and cats in pet shops to those sourced from pounds, shelters or rescue groups.</p>	<p>Noted The NSW Government will consider the matters raised in this inquiry in considering whether any changes to legislation, regulatory provisions or Codes of Practice are necessary, as part of the Government’s animal welfare reform process.</p>
<p>Recommendation 15 That the NSW Government implement a thorough and ongoing public education campaign on:</p> <ul style="list-style-type: none"> • responsible animal care • choosing a suitable dog or cat • how to ensure any purchase is from an ethical breeder. 	<p>Supported The NSW Government is currently undertaking an education and awareness campaign which aims to:</p> <ul style="list-style-type: none"> • inform consumers on how to purchase from responsible breeders as well as their consumer protections and rights • inform breeders of their obligations and requirements under the NSW Animal Welfare Code of Practice – Breeding dogs and cats. <p>The NSW Government is working with stakeholder groups to develop the second phase of this campaign, which will involve undertaking detailed social research with consumers</p>

	and stakeholders and using the outcomes of this research to co-design and deliver a targeted campaign.
<p>Recommendation 16 That the NSW Government introduce an 'extended liability' scheme whereby breeders are responsible for congenital, genetic and/or other health issues that arise in the first year of an animal's life.</p>	<p>Noted The NSW Government will consider the views put forward in this inquiry in relation to these matters, insofar as they relate to animal welfare, as part of the review of the NSW Animal Welfare Code of Practice – Breeding dogs and cats (see also Recommendation 5).</p> <p>To the extent that the views put forward in this inquiry relate to amending Australian consumer law, which falls under the Commonwealth's jurisdiction, they will be considered in the context of Recommendation 18 below.</p>
<p>Recommendation 17 That the NSW Government consider funding an 'anti-puppy farm legal clinic' to assist members of the public affected by puppy farms and other unethical breeding practices.</p>	<p>Noted The NSW Government notes that existing resources are available to assist members of the public with civil law issues, including assisting people affected by puppy factories. Community legal centres and Legal Aid NSW can provide advice in relation to civil law matters if purchasers are adversely affected as a result of unethical breeding practices.</p> <p>Additionally, the enforcement agencies under the <i>Prevention of Cruelty to Animals Act 1979</i> – RSPCA NSW, Animal Welfare League NSW, and NSW Police Force – can investigate alleged breaches of the animal welfare legislative framework, including the NSW Animal Welfare Code of Practice – Breeding dogs and cats.</p>
<p>Recommendation 18 That the Minister for Fair Trading advocate to federal counterparts for greater oversight and regulation of the online sale of animals and call for a review of the Australian Consumer Law to provide better protections in relation to the purchase of animals.</p>	<p>Supported The Minister for Fair Trading advocated for the review of the application of Australian Consumer Law to the purchase of pets with State, Territory and Commonwealth Consumer Affairs Ministers at the Consumer Minister's Meeting on 9 September 2022.</p>