

2/04/2022

ACA Commercial Dog and Cat Breeding Survey

ACA wrote to all 128 NSW Councils on 17/11/2021 asking the following 3 questions. The full text of the email is reproduced as Appendix A.

1. Total number of commercial dog (and cat) breeding facilities approved in <LGA>.
2. Number of successful commercial dog (and cat) breeding facility DAs for 2019, 2020 and 2021 in <LGA>.
3. Number of unsuccessful commercial dog (and cat) breeding facility DAs for 2019, 2020 and 2021 in <LGA>.

A follow-up reminder was sent on 3/2/2022 to Councils who had not yet responded (Appendix B), including notification the matter was to be considered an informal request under Section 8 of the *Government Information (Public Access) Act 2009 No 52*.

Summary of the results of the survey to date (2/4/2022)

All NSW Councils	
Total Breeding Facilities with DA	78
Successful DA 2019-2021	15
Unsuccessful DA 2019-2021	0
Total Council Responses	84
Total Councils	128
Percent Responded	66%
Councils Adjoining Victoria	
Total Breeding Facilities with DA Adjoining Vic	8
Successful DA 2019-2021 Adjoining Vic	3
Unsuccessful DA 2019-2021 Adjoining Vic	0
Total Councils Adjoining Vic Responses	8
Total Councils Adjoining Vic	10
Percent Responded	80%

Document tendered by
Mr Michael Donnelly
Received by
Aos O'Brien
Date: 7/4/2022
Wanted to publish Yes / No

Survey observations and notes

1. Some Council's expressed difficulties distinguishing between breeding, kennels, training and other similar facilities. The term "Animal Boarding or Training Establishment" encompasses all such facilities within most Council's LEPs, therefore extracting breeding facilities from these DAs may not be 100% accurate. It should be noted the survey results are likely overstating (not understating) the number of commercial breeding facilities.

2. It is pertinent to note Murray River Council LGA, which adjoins the Victorian border, includes 6 of the 8 breeding facilities identified in LGA's adjoining the border including all 3 of the 2019-2021 successful DAs. There have been no other new DAs for such facilities identified within LGAs adjoining the Victorian border.
3. Many Councils indicated there is no issue with breeding facilities within their LGA, and furthermore they are of the view they would be aware of any large facilities should they be operating, whether legally or otherwise.
4. The majority, 56/84, respondent LGAs have zero commercial breeding facilities. 11/84 recorded 1 facility, 7/84 recorded 2 facilities, with the remaining 10/84 LGAs recording greater than 2 facilities.
5. After more than 4 months 44/128, some 35% of Councils, have failed to respond at all to our survey, despite being required to do so under the *Government Information (Public Access) Act 2009*. One Council, Bellingen Shire Council refused our request (Appendix C) due to inability to efficiently search their DA records. Our hypothesis, based on some other commentary, is that this may account for a number of failures to respond, whilst the majority are due to inefficiencies or failures of Council's administrative processes.
6. Currently commercial dog (and cat) breeding facilities are included within the category of "Animal Boarding or Training Establishment" in all Council LEPs of which we are aware due to the following definition.

"animal boarding or training establishment" means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

Standard Instrument (Local Environmental Plans) Order 2006 -

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2006-0155#sch-inc-dict>

7. RSPCA NSW renamed the "Puppy farm taskforce" as the "Intensive Breeding Taskforce". The RSPCA NSW 2021 Annual Report, which is a glossy marketing brochure, states the following regarding the "Intensive Breeding Taskforce".

...we've identified nearly 900 breeding facilities across the state and aim to inspect each to ensure compliance with all laws and codes of practice."

RSPCA NSW 2021 Annual Report (p8) - <https://www.rspcansw.org.au/wp-content/uploads/2021/12/RSPCA-Impact-Report-%C6%92-3-compressed-compressed.pdf>

8. RSPCA NSW has deemed some 900 breeders to be commercial "animal trades" and hence subject to inspection under Section 24G of the *Prevention of Cruelty to Animals Act 1979*. ACA continues to strongly refute this determination, contends RSPCA NSW inspectors have been illegally entering non-commercial premises for many years and is dedicated to ensuring such powers of entry are restricted within legislation as soon as possible¹.

¹ ACA met with NSW Minister for Agriculture, Adam Marshall on the "animal trades" matter and have a commitment restrictions on the right of entry to residential premises will be included within the new Animal Welfare Act. The draft Animal Welfare Bill 2021 section 66 and 67 implement this commitment, however issues currently remain with Section 66, regarding commercial versus residential, in particular RSPCA NSW interpretation currently differs from ACA's and that of the NSW DPI.

9. Based on numerous personal accounts from hobby breeders, ACA is of the view many if not most of the 900 facilities RSPCA NSW identifies as commercial are in fact hobby breeders operating from residential premises. ACA's survey identifies a total of 78 commercial breeding facilities within 84 Councils, so in all 128 NSW Councils we estimate the number of commercial dog (and cat) breeding facilities to be $78/84 * 128$, approximately 118 facilities.

Conclusions and recommendations

1. The survey results do not support assertions there is a proliferation of new dog (or cat) intensive breeding facilities, (aka puppy farms/factories) adjoining the Victorian border.
2. More generally, the survey results do not support claims there is an increase in the number of dog (and cat) intensive breeding facilities throughout NSW.
3. It is clear from the comments from many Councils, that the breeding facilities within their LGA are well known to council staff, monitored by rangers, and they are not considered to be of concern both in terms of neighbourhood amenity or animal welfare.
4. Given the attention commercial dog (and cat) breeding facilities are currently receiving, ACA recommends consideration is given to including and recording a sub-category for such breeding facilities under the "Animal Boarding or Training Establishment" category on all DA applications so that analysis such as this survey is simplified.
5. ACA disputes RSPCA NSW's claim of 900 commercial facilities and concludes that in excess of 700 of RSPCA's claimed commercial facilities are hobby breeders incorrectly targeted with many residential premises potentially illegally inspected.
6. RSPCA has reportedly performed 206 inspections out of the 900 facilities they claim are commercial, with a total of just 3 charges being laid. This evidence combined with these ACA survey results lead to the conclusion the issue is not as significant as claimed.
7. ACA submits that limited animal welfare resources would be better utilised in other areas, for example, educating the puppy and kitten buying public.

Kind regards,



Sam Davis
Vice President – Animal Care Australia
E: samdavis64@icloud.com

Appendix A

17/11/2021

Re: Commercial Dog (and Cat) Animal Breeding Facilities

Animal Care Australia Inc. (ACA) represents the interests of all hobbyist and pet animal keepers nationally. Our members are comprised of most major animal keeping representative bodies nationally and within NSW.

As you are no doubt aware, there has been much media with regard to new "Puppy Farms" (or "Puppy Factories") emerging throughout NSW, particularly within LGAs bordering Victoria. ACA is endeavouring to compile some facts to quantify the size of the problem and inform our advice to government.


In most LEPs each commercial dog (and cat) breeding facility is required to submit a Development Application (DA) to operate as an "Animal Boarding or Training Establishment". We are seeking details from «LGA» as follows:

1. Total number of commercial dog (and cat) breeding facilities approved in «LGA».
2. Number of successful commercial dog (and cat) breeding facility DAs for 2019, 2020 and 2021 in «LGA».
3. Number of unsuccessful commercial dog (and cat) breeding facility DAs for 2019, 2020 and 2021 in «LGA».

ACA acknowledges there are planning challenges with the specific definition of an "Animal Boarding or Training Establishment" and a range of complexities with other instruments operating in parallel or that blur the distinction between hobbyist versus commercial. For instance, between "ancillary to residential" versus commercial for Animal Shelters within the SEPP (Exempt and Complying Development Codes) 2008, and the definition of "Animal Trades" within the Prevention of Cruelty to Animals Act 1979. There are also data integrity and data verification issues with the current Pet Registry operating under the Companion Animals Act 1998. Any comments on these additional complications would be much appreciated.

This issue is currently the focus of a range of meetings with senior bureaucrats and politicians, so a timely response is appreciated.

Kind regards,



Sam Davis
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those who keep, care for and breed animals."

www.animalcareaustralia.org.au

Appendix B

3/2/2022

Good afternoon Mayor and GM

The request below was made on the 17/11/2021. 61 of the 128 NSW Councils have responded, however we have not had a response from «LGA».

Please consider this to be an informal request under Section 8 of the Government Information (Public Access) Act 2009 No 52.

Without wishing to pre-empt our findings, to date evidence from approximately 60 councils who have responded indicates there is no significant puppy farm issue (whatever a puppy farm is). In terms of improving animal welfare outcomes, which everyone wants, we'll likely argue that any additional funding will be most effective if directed towards projects to educate the puppy buying public.

Your attention is appreciated.

Kind regards,



Sam Davis

Vice President – Animal Care Australia

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**BELLINGEN
SHIRE COUNCIL**



23 March 2022

Animal Care Australia
C\ - Sam Davis
info@impulsports.com.au

Mr Sam Davis,

Re: Informal GIPA application on Dog & Cat Breeding approvals

Council does not record the approvals granted by category of animal breeding; this means to locate the information requested a council officer would need to review the conditions of consent of every development application from the years 2019-2021. A total of 448 Development Applications were received in the time frame specified. In order to determine the information, you have requested a Council staff member would have to manually source the files and review them to identify the information.

Due to the volume of records and the time that would be required to assess the information, the application is denied under s60.1.(a) dealing with the application would require an unreasonable and substantial diversion of the agency's resources.

If you have any further questions, please do not hesitate to contact me on 02 6655 7300.

Yours sincerely

Manu Pillai
Senior Governance & Risk Officer

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