

# "Animal Welfare by the experts – those who keep, care for and breed animals."

www.animalcareaustralia.org.au

19<sup>th</sup> May 2022 Legislative Council, Select Committee on Puppy Farms in NSW 2022

**RE: Questions on notice** 

To whom it may concern,

## Question on Notice – to provide copies of S24Notices:

Animal Care Australia has been provided with copies of Section 24 Notices issued during the Puppy Farm Taskforce compliance audits.

These notices highlight minor matters where breeders may not have paperwork or other non-welfare impacting issues.

ACA questions the need for such rigorous attitudes by the RSPCA NSW Inspectorate – especially given our conversations with the CEO and Chief Inspector had highlighted their acknowledgement of the flaws and ambiguities within the Breeding Code of Practice at that time.

All stakeholders were clearly in agreement that certain sections required review and/or extra discretion and yet this was clearly ignored and certainly supports the perception that the RSPCA were not pursuing puppy farms but were determined to secure a statistical return and in doing so, attempting to use this to justify further funding from the NSW Government.

Remembering Mr Meyers testimony in relation to the displaying of a vets contact details to this Inquiry, .... On a fridge in somebody's dwelling may not be able to be easily seen. In that case I would be very surprised if there was a 24N direction issued. It would be a conversation: "Do you have a number or do you have the details of your vet?" "Yes, it is on my fridge." "It needs to be somewhere else." And it is moved. I would be surprised if that made it into a 24N".

He was kind of right – please note how many times the vets details are included on these notices – just a small handful of what ACA has been provided with.

Please see the attached Section 24N's and accompanying explanatory notes. All Sections and clauses are quoting the version of the Breeding Code in place at the time. Many of the items of so-called 'noncompliance' have now been removed or revised in the current code due to the ambiguity and misuse by the Inspectorate, the most notably being paperwork can be maintained digitally and vet details can be kept on a phone and not displayed.

Due to the fear of retribution and further harassment any identifiable details have been redacted to protect the individuals who have bravely stepped forward.

Michael Donnelly President, Animal Care Australia.

### **RSPCA DOG AUDITS - CASE STUDIES**

### Case 1:

The following is a statement received from the breeder:

"Just in case someone wants to see this, these are things I had to get done and had 14 days before they came back to check that I had done them to comply.

They looked at my dogs and ask for their health checks. I had a young litter inside and I had a litter outside that was seven weeks old. he asked do I give puppy packs I showed him what I did with folders he also asked do I do a guarantee because that's required and yes I showed what I provided and he was happy with that as well. I needed to have emergency contacts on the front gate in case something happened to me and or if all the dogs needed to be got out of here. eg. Vet phone number and two friends that maybe could help with the dogs. I also needed an evacuation plan. I needed an isolation area (yard/kennel) in case of sickness or injuries.

They audited everyone that had a litter microchipped in

I said to them are you going to check next door as the have a litter now and always have litters. He said no they aren't on my list. I then said to him, well that's because they back yard breed and don't microchip."

### Points to note:

Section

- 5.1.4 No actual written record of pest control measures taken in the past
- 5.1.5 this breeder was unable to provide a written explanation of how he would evacuate from his dogs from his home
- 8.2.1.2 this requires the vets phone number to be placed somewhere visible. Yet as you can see by the breeders explanation this Inspector demanded they were placed on their front gate. The front gate IS NOT required under the code and the inclusion of TWO close friends details would actually constitute an invasion of their privacy.
- 6.1.1.11 an isolation facility. He needed a designated space away from the other dogs in case of sickness. The code actually stipulates: **An isolation facility must be available either at the facility** or at a veterinary hospital, and must have documented and demonstrable biosecurity measures in place.

# pirections - Section 24N

# ain Relation to Care of Animals



TA: EXPLANATORY NOTES.

Written Direction:

WD

Contact

This Notice in relation to care of animals is issued under Section 24N of the NSW Prevention of Cruelty to Animals Act.

This Notice requires the person to whom it is issued to comply with the directions given, to correct a breach of the Act.

Regulations.

The issue of and compliance with this Notice does not preclude the commencement of proceedings under the Prevention of Crustry to Animals Act 1979, the Prevention of Crustry to Animals (General) Regulation 2006 or associated Codes of Practice for the conduct of various Animal Trades as described within the Act.

The instructions contained within this Notice are a minimum standard only and may be varied depending upon a change in the circumstance under which they were issued.

Failure to comply with this Notice may result in the issue of Penalty Notices or the commencement of proceedings under the Prevention of Cruelty to Animals Act 1979, the Prevention of Cruelty to Animals (General) Regulation 2006 or the associated Codes of Practice. This Notice of care is to commence immediately.

an Inspector appointed under Section 24D of the NSW Prevention of Cruelty to Animals Act, 1979

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Notice Issued by RSPCA Inspector:

Address	
Part C: DIRECTIONS and TIME FOR COMPLIANCE.	The second second
WRITTEN NOTICE ISSUED ON COM 2677 Avans	2020
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and give the following written directions:	Time For Compliance
Comply WITH SECTIONS 5.1.4 COP (PEST CONTROL) Comply WITH SECTIONS 8.2.1.2 Cop (VET DETAIL Comply WITH SECTION 8.2.1.2 Cop (VET DETAIL Comply WITH SECTION 6.1.1.11 COP (ISOLATION BIOSE	14 DAYS 14 DAYS 5) 14 DAYS CULTY) 14 DAYS
Officer's Name:  Served On:  Date 26/s/20 Time: V. 44pm At:  Signature: RSPCA Inspection Signature: POR P.I.C. DUPLICATE FOR FILE	NS

Case 2: The attached Fine was for a breach of not having the Veterinary details on his Isolation Facility. So \$500 fine because the vets phone number was not on the separate space designated for a sick animal. That is NOT what 6.1.1.11 stipulates. Documented measures does not mean phone number stuck on a cage. The vets number simply needs to be visible to staff and volunteers at the facility.

DCDCAS	
RSPCA***	
28 <sup>th</sup> January 2021	The Royal Society for the Prevention of Cruelty to Animals
- Sunday 2021	New South Wales
	ABN 87 000 001 641
	Authority to Fundraise No CFN11744
	Administration PO Box 34
	Yagoona NSW 2199
	P 02 9770 7555 F 02 9782 4445
Animal Welfare Code of Practice – Breeding Dogs and Cats  Prevention of Cruelty to Animals Act 1979	E mail@rspcansw.org.au W rspcansw.org.au
Prevention of Cruelty to Animals Regulation 2012	Shelters
	Blue Mountains (Katoomba) 121-125 Mort Street
Desir.	Katoomba NSW 2780 P 02 4782 2674
Dear	Broken Hill
	South Road Broken Hill NSW 2880 P 08 8087 7753
I refer to your conversation and relevant Breeder inspection that was undertaken by	Central Coast (Somersby)
Inspector on 22nd January 2021 concerning your dog breeding facilit	P 02 4372 2044
As a result of the Inspection, you will find enclosed a Penalty Infringement Notice for offence under the following sections of the Animal Welfare Code of Practice – Breed	. Dowsett Drive
Dog and Cats:	1- 02 0001,5311
Section 6.1.1.11 (Isolation Facility and documented/demonstratable Bio- Securi	Hunter Region (Rutherford) 6-10 Burlington Place (crir Racecourse Road)
Measures) - "Proprietor/management not comply requirements of clause – Indi	Out to tamerana
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- Penalty \$500	Illawarra Region (Unanderra)
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### Case 3:

Below is the explanation received from the breeder:

"This is the report from the visit by the inspector who fined me 500.00 today.

The Visit:

Nathan Dwight arrived this morning approx 10am. It was the 2nd visit regarding compliance with DPI code. He passed the paperwork although he did say he wanted microchip nos of the puppies I had bred, I refused saying the puppies had been sold and as Dogs nsw had registered them and issued a Certificate I gave him the dogs nsw registration no and said he could go to them. Microchips belong to my clients and I have no authority to give him my clients details.

He took photos of my notices eg:

vet details

Isolation details (he questioned me if my vet was familiar with Bi Security details) evacuation details

pest management (I covered, fleas, mites, worms etc. I did not have Mice on the list so was not 100percent compliant.)

We moved from the shed to the rear of the exercise yards where one of my fences on last visit was not 1.8 high so of course had to extend this which I did, while going around the rear of the kennels. I had my 8.5year old 46cm irish terrier bitch who was in season in a temporary c grates pen with a secure top, the pen measured  $1.8 \times 1.6 \times 900$  high, he stated that is was not allowed. This was used while my girl who is in season was secured until the kennels dried, because it is against the code to have dogs on wet concrete floors, he said it has to be 1.8high

I argued that this was not where she was permanently she was in there until the kennels dried which is approx 2hrs, he said he will have to fine me 500.00 because it is a breach of the regulations.

The regulation state "Vehicles, caravans, portable crates and the crawl space under any dwelling must not be used as permanent housing for dogs and cats" THIS PEN IS NOT PERMANENT HOUSING it was used because she is in season and could not be let into the general exercise area because there are 5 irish terrier stud dogs and that I felt she would not be safe.

I also questioned that I bath and groom my dogs and while they are drying after a bath place them in similar pens, he stated it was not legal and that if he came back and I was doing this he would again fine me.

I asked him then what did he want me to let me dogs run freely around until time for grooming, and he then became rather annoyed and stated THAT IS A MANAGEMENT PROBLEM.

Excuse me ..... The accommodation for my dogs have passed his inspections, and he has stated that he does not have a welfare problem with my dogs, their exercise area, their kennel space, their bed, their water, but I cannot have my dogs in a temporary pen whilst grooming and or as I see fit their protection. The code stipulates MINIMUM SIZES FOR DOGS ENCLOSURES

I do not consider a temporary pen whilst awaiting to dry after a bath or grooming or while in season as an enclosure. Enclosures are their normal kennels which I must add pass muster every time.

I do have video of most of the visit and will forward that when I can find a way.

This is harrassment at its finest. He also stated "You knew I was comming today then why was the bitch in that pen". The argument got a little heated."

## **Points to Note:**

You will see the items listed received ticks indicating the issues had been resolved to the Inspectors liking. However – to the point of this Inquiry, all but two were paperwork issues with no direct implication to animal welfare and yet again including not having the vet details displayed where the inspector wanted them. The remaining two are explained clearly in the above statement.

# Written Directions - Section 24N

# **Notice in Relation to Care of Animals**



### PART A: EXPLANATORY NOTES.

Written Direction:

WD

# This Notice in relation to care of animals is issued under Section 24N of the NSW Prevention of Cruelty to Animals Act, 1979. This Notice requires the person to whom it is issued to comply with the directions given, to correct a breach of the Act or its Regulations.

# The issue of and compliance with this Notice does not preclude the commencement of proceedings under the Prevention of Cruelty to Animals Act 1979, the Prevention of Cruelty to Animals (General) Regulation 2006 or associated Codes of Practice for the conduct of various Animal Trades as described within the Act.

# The instructions contained within this Notice are a minimum standard only and may be varied depending upon a change in the circumstance under which they were issued.

# Failure to comply with this Notice may result in the issue of Penalty Notices or the commencement of proceedings under the Prevention of Cruelty to Animals Act 1979, the Prevention of Cruelty to Animals (General) Regulation 2006 or the associated Codes of Practice. This Notice of care is to commence immediately.

#### PART B: PARTIES INVOLVED

Notice Issued by RSPCA Inspector:		
	Conta	
an Inspector appointed under Section 24D of t	the NSW Prevention of Crueity to	Animais Act, 1979.
	R OR PERSON IN CHARGE	
Surname		
Address		
Part C: DIRECTIONS and TIME FOR COMPLIA	NCE.	
WRITTEN NOTICE ISSUED ON	Date 29/10/2020	
am satisfie	ed on reasonable grounds that you	are contravening
a provision of the Prevention of Cruelty to Animal	s Act 1979 or Regulations in relation	on to the care of
Describe animals	Location of Animals	
KISH AMPLICATION	at	
Former Only		
and give the following written directions:		Time For Complianc
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& Couper Com Section 6.1.1.11	( /SOCATION DOCUMENTS)	/month
* Confy With Section 8.2.1.6	(VET DETAILS)	/ monty
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	7	
	24N - WRITTEN DIRECTIONS	
Officer's Name:	Officer's Contact No:	
Served On:	At:	
Date 29/10/2020 Time: 10.58 4m	Au	
Signature: RSPCA Inspector	Signa	
ORIGINAL - OWNER OR P.I.C. DUPLIC	CATE FOR FILE TRIPLIC	ATE - BOOK COPY
		WILL BOOK OUT I

**Case 4:** NOTE: The litter involved in this inspection had not yet been seen by the vet. More biosecurity measures for a hobbyist? Isolation facility breaches. The heartworm is also contentious here, as many vets don't provide written approval to not treat for heartworm, despite agreeing it's not necessary to regularly treat – particularly in rural areas where the dogs are completely isolated.

	rections - Sec		6	
Notice in Rel	lation to Care of	Animals		
PART A: EXPLANAT		Write	ten Direction: WD	1
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PART B: PARTIES IN				
Notice Issued by RSI			Contact	
an inspector appo	inted under Section 24D			als Act, 1979
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**Case 5:** This person did not have a written guarantee of refund or return available to show the Inspector.

Notice in Relation to Care of A	animals
PART A: EXPLANATORY NOTES.	Written Direction: WD
or its Regulations.  # The issue of and compliance with this Notice does not proceed to a superior of the conduct of the conduct of various Animal Trades as described with the instructions contained within this Notice are a mining the circumstance under which they were issued.  # Failure to comply with this Notice may result in the issue.	Section 24N of the NSW Prevention of Cruelty to Animals Act, of to comply with the directions given, to correct a breach of the Act preclude the commencement of proceedings under the Prevention of Animals (General) Regulation 2006 or associated Codes of Practice thin the Act.  The of Penalty Notices or the commencement of proceedings under the last Cruelty Notices or the commencement of proceedings under the
Notice Issued by RSPCA Inspector:	Contact
	the NSW Prevention of Cruelty to Animals Act, 1979.
	ER OR PERSON IN CHARGE
Address	Given Names:
Address	
Part C: DIRECTIONS and TIME FOR COMPLI	IANCE.
WRITTEN NOTICE ISSUED ON	Date 22/10/2020.
provision of the Prevention of Cruelty to Anim	fied on reasonable grounds that you are contravening hals Act 1979 or Regulations in relation to the care of
a provision of the Prevention of Cruelty to Animals and give the following written directions:	nals Act 1979 or Regulations in relation to the care of  Location of Animals  at  Time For Compliance
provision of the Prevention of Cruelty to Animals	nals Act 1979 or Regulations in relation to the care of  Location of Animals  at
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a provision of the Prevention of Cruelty to Animals and give the following written directions:	nals Act 1979 or Regulations in relation to the care of  Location of Animals  at  Time For Compliance
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service of the Prevention of Cruelty to Animals  and give the following written directions:  Service of Section  Service of Section  Served On:	Time For Compliance  Another Management of the care of
served On:  Describe animals  Served	Time For Compliance  At:  At:  At:  At:  At:  At:  Time For Compliance  At:  At:  At:
service of the Prevention of Cruelty to Animals  and give the following written directions:  Service of Section  Service of Section  Served On:	Time For Compliance  At:  Signature: Owner/D.I.C.
SERVICE OF SECTION  Officer's Name:  Served On:  Officered RSPCA Jaspestor	Time For Compliance  Time For Compliance  At:  Signature: Owner/P.I.C.
SERVICE OF SECTION  Officer's Name:  Served On:  Oate 22/0/2020   Time.   97777	Time For Compliance  At:  Signature: Owner/D.I.C.

**Case 6:** This breeder has dogs in their own separate kennels – all 1.8m high. There is also an exercise/run with 1.8m high fencing. The property sits on acreage, and the general residential area is bordered either side by colourbond fencing with the exception of the area at the house itself. (Picture a U shape of colourbond with the house situated in the centre at the top. This inspector demanded a 1.8m fence be installed to join both sides of colourbond because sometimes the dogs are in that section of the yard when moving between the 1.8m exercise runs and the 1.8m kennels.

The Code stipulates: **6.1.1.6 Dog <u>housing</u>** and cat <u>housing</u> must meet the minimum <u>pen sizes</u> shown in Tables 1 and 2 below. These limits do not apply to dogs and cats under veterinary care for a disease or injury.

Despite their housing, and their exercise pens etc ALL being compliant the fencing was deemed necessary and installed at a great expense, only to be later told by the RSPCA that the fence was not required under the code. (too late and with no availability of seeking compensation)

The records claimed to be required were all kept digitally – but this was not satisfactory for this inspector. According to him, a printed copy of everything MUST be kept in the paper folder under each dog in the filing cabinet.

Again, the vet details were located on the refrigerator in full view of family and support 'staff' BUT no – they had to be on the window near the doorway where the staff access the house. He was insistent on that.

The location of this breeder is isolated and it was agreed between breeder and vet that no heartworm treatment was necessary – but that wasn't kept in writing. A simple phone call to the vet would have resolved that. The Standard states under veterinary advice – it doesn't state as declared by vet in writing!

# Written Directions - Section 24N

## Notice in Relation to Care of Animals



PART A: EXPLANATORY NOTES.

Written Direction:

WD

- # This Notice in relation to care of animals is issued under Section 24N of the NSW Prevention of Cruelty to Animals Act, 1979. This Notice requires the person to whom it is issued to comply with the directions given, to correct a breach of the Act or its Regulations.
- # The issue of and compliance with this Notice does not preclude the commencement of proceedings under the Prevention of Cruelty to Animals Act 1979, the Prevention of Cruelty to Animals (General) Regulation 2006 or associated Codes of Practice for the conduct of various Animal Trades as described within the Act.
- # The instructions contained within this Notice are a minimum standard only and may be varied depending upon a change in the circumstance under which they were issued.
- # Failure to comply with this Notice may result in the Issue of Penalty Notices or the commencement of proceedings under the Prevention of Cruelty to Animals Act 1979, the Prevention of Cruelty to Animals (General) Regulation 2006 or the associated Codes of Practice. This Notice of care is to commence immediately.

### PART B: PARTIES INVOLVED.

Notice Issued by RSPCA Inspector:		Contact	
an Inspector appointed under Section 240	of the NSW Prevention	of Cruelty to Anim	als Act, 1979.
DETAILS OF OV	WNER OR PERSON IN CH	IARGE	
Surname			
Address			
Part C: DIRECTIONS and TIME FOR COMI	PLIANCE.		
WRITTEN NOTICE ISSUED ON	1 1	020	
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Served On:	At:		
Date 21/16/20 Time: 11-4	5AM		
Signature: RSPCA Inspector	Signat		
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**Case 7:** It wasn't just dog breeders being fined for paperwork. This is the case of a pet shop. Owned and run by a couple and their adult children.

This inspector had completed her visit when she noticed a hand reared parrot who had had its flight feathers on one wing trimmed, to prevent flight (and escape from the shop). The Inspector insisted the bird had been pinioned – clearly not understanding the difference. Following a debate over what is NOT pinioning the Inspector departed the shop and then re-entered (it is believed to turn on body cam and act like the inspection was just beginning) where she found the attached issues.

Note the issues were not documented on official paperwork – no S24N for example.

The photos attached indicate how the fines were issued and how the inspector left her issues to be corrected. No time was provided to correct the penalty infringement items. Again — a vet phone number. Number was on the fridge out back of the shop, in their phones and on business cards on the counter (for customers to take) but it wasn't being displayed how the Inspector wanted it.

The fines were overdue because RSPCA NSW CEO Steve Coleman had promised to look into the situation and reverse the fines – which clearly he reneged on.

## **Not Compliant**

- 4.1.1.2 The person in charge of the facility must ensure a copy of this Code and any operating procedures are kept at the facility and are accessible to all staff
- 5.1.1.3 All animal enclosures must meet the minimum requirements for size, as provided in Appendix 1 of the Animals in Pets Hop Code or Practice
- 5.3.1.4 Each pet shop must have a documented procedure for the swift removal of animals from the premises in case of emergency. This document must be kept in a prominent place on the premises. All staff must be able to produce the document and must be familiar with its content. Any methods detailed in the emergency plan must allow for ready access to animals and ready exit for staff and animals from the premises in the event of an emergency
- 6.1.1.5 Before new animals are introduced, vacant enclosure (except aquariums) must be thoroughly cleaned and disinfected
- 6.1.1.6 The Material Safety Dada Sheets (MSDS) for all chemicals held must be available to staff
- 6.2.1.1 The pet shop must have a documented program in place to control pests such as flea, flies, lice, mosquitoes and wild rodents. This document must be kept on the premises. All staff must be able to produce the document and must be familiar with its content
- 7.1.1.1 Animals must be protected from distress or injury caused by other animals
- 7.1.1.7 Animals must receive behavioral enrichment recognizing the physiological status and special needs of differing ages and species, to ensure good psychological health
- 8.1.1.4 Newly acquired animals must not be mixed with existing stock for a minimum of 48 hours
- 8.2.1.1 The person in charge of the pet shop must establish a liaison with a veterinary surgeon who is able to attend to animals and is able to advise on disease-prevention within the pet shop

- 8.2.1.2 For the benefit of staff, the contact details for the veterinarian mut be displayed in a prominent position within the pet shop
- 8.2.1.4 Sick or injured animals must be kept isolated and away from public view
- 9.1.5 Animals the are co-housed must be monitored during feeding to ensure that all animals are eating
- 13.1.2 Wooden gnawing blocks must be provided
- 15.1.7 Perches must be of a diameter, construction and material appropriate to the species held and must be placed to prevent contamination of food and water containers. Perched must also be positioned to ensure that birds tails are not in contact with the cage substrate and to provide easy access to food and water





