

Inquiry into Puppy Farming in NSW - Post-hearing materials

Supplementary Questions

Supplementary Question	Answer						
<p>1. In relation to the recommendations from the 2015 Joint Select Committee on Companion Animal Breeding Practices, can you please provide the following breakdown:</p> <ul style="list-style-type: none"> a. Which of the 20 recommendations has the NSW Government implemented, and how have they been implemented? b. Which of the 7 recommendations have not been implemented by the NSW Government, and why 	<p>The following tables provides an update on the implementation status of the recommendations of the 2015 Joint Select Committee on Companion Animals Breeding Practices that were supported, supported in part, or supported in principle by the NSW Government:</p> <p>Implemented recommendations (20):</p> <table border="1" data-bbox="825 1101 1911 1390"> <thead> <tr> <th data-bbox="825 1101 898 1141">#</th> <th data-bbox="898 1101 1409 1141">Recommendation</th> <th data-bbox="1409 1101 1911 1141">Implementation</th> </tr> </thead> <tbody> <tr> <td data-bbox="825 1141 898 1390">2</td> <td data-bbox="898 1141 1409 1390">The Committee recommends that the NSW Government monitors on an ongoing basis jurisdiction shopping to see if different state compliance regimes result in breeder and breeding dog relocation between states and if so, identifies appropriate responses.</td> <td data-bbox="1409 1141 1911 1390"> <p><i>Government response: Supported</i></p> <p>Breeders moving into NSW from other jurisdictions need to meet NSW microchipping, registration and breeding code requirements.</p> <p>To enhance digital pet registration, an improved NSW Pet Registry has been launched.</p> </td> </tr> </tbody> </table>	#	Recommendation	Implementation	2	The Committee recommends that the NSW Government monitors on an ongoing basis jurisdiction shopping to see if different state compliance regimes result in breeder and breeding dog relocation between states and if so, identifies appropriate responses.	<p><i>Government response: Supported</i></p> <p>Breeders moving into NSW from other jurisdictions need to meet NSW microchipping, registration and breeding code requirements.</p> <p>To enhance digital pet registration, an improved NSW Pet Registry has been launched.</p>
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2	The Committee recommends that the NSW Government monitors on an ongoing basis jurisdiction shopping to see if different state compliance regimes result in breeder and breeding dog relocation between states and if so, identifies appropriate responses.	<p><i>Government response: Supported</i></p> <p>Breeders moving into NSW from other jurisdictions need to meet NSW microchipping, registration and breeding code requirements.</p> <p>To enhance digital pet registration, an improved NSW Pet Registry has been launched.</p>					

	3	The Committee recommends that the NSW Government re-examines the recommendation of the NSW Companion Animal Taskforce that dogs and cats be registered on an annual basis.	<p><i>Government response: Supported in part – did not support annual registration due to cost burden, would consider for certain categories of dogs and cats</i></p> <p>The <i>Companion Animals Act 1998</i> has been amended to provide for annual permits for cats not de-sexed by the age of fourth months, and for restricted and dangerous dogs. This requirement took effect on 1 July 2020.</p>
	4	The Committee recommends that the NSW Government works with all other jurisdictions to ensure national chip readability across all registers is introduced as a priority.	<p><i>Government response: Supported</i></p> <p>The Chief Executive, Office of Local Government has issued an Order specifying that only those microchips that comply with International Standards (ISO:11784 and ISO:11785) and include a manufacturer code granted by the International Committee for Animal Recording may be used by authorised identifiers of animals in NSW.</p> <p>Further, all authorised identifiers must be able to scan for the presence of these microchips and of those microchips commonly in use in NSW before 1 October 1999 (common non-ISO microchips).</p> <p>Other States and Territories use private Registries, central State databases and local council registers. This issue will continue to be raised during consultation between those bodies responsible for these registries.</p>
	6	The Committee recommends that the NSW Government, through the Animal Welfare Advisory Council, reviews The Animal Welfare Code of Practice – Breeding dogs and cats to determine whether current lifetime and periodic litter restrictions, regulating animal numbers per enclosure, and introducing mandatory de-sexing of animals which have reached the end of their	<p><i>Government response: Supported</i></p> <p>AWAC reviewed the Code and supported lifetime litter restriction and de-sexing once finished breeding but did not support regulating animal numbers per enclosure.</p>

	breeding lives, achieve acceptable animal welfare outcomes.	A review of all the provisions in the Breeding Code will be considered through the Standards phase of the animal welfare reform process, which will include consultation with stakeholders and the community.
7	The Committee recommends that the NSW Government, through the Animal Welfare Advisory Council reviews The Animal Welfare Code of Practice – Breeding dogs and cats to determine whether introducing a staff to animal ratio for breeding facilities would improve animal welfare outcomes.	<p><i>Government response: Supported</i></p> <p>AWAC’s review of this issue has been completed. AWAC provided advice that supported a staff to animal ratio minimum of 1 person per 24 animals.</p> <p>A review of all the provisions in the Breeding Code will be considered through the Standards phase of the animal welfare reform process, which will include consultation with stakeholders and the community.</p>
9	The Committee recommends that the NSW Government completes and implements the digitisation and reform of the register of Companion Animals by end July 2016.	<p><i>Government response: Supported</i></p> <p>An improved NSW Pet Registry was launched in 2016. The NSW Pet Registry provides a portal to the Register that enables pet owners to register or transfer a pet online, pay fees, report a pet missing or change details.</p> <p>Further functionality was released in conjunction with the implementation of annual permits which came into effect from 1 July 2020.</p>
10	<p>The Committee recommends that the NSW Government introduces a breeders' licensing scheme with the following elements:</p> <p>a) A comprehensive database of breeders</p> <p>b) A system of periodic audits and spot inspections</p> <p>c) Sets the number of animals that each breeding establishment may keep</p> <p>d) A breeders' licensing identification must be included in any advertisement in any</p>	<p><i>Government response:</i></p> <ul style="list-style-type: none"> • <i>Recommendations 10 & 11: Supported in part - with the intent of the recommendation to be achieved through the redesign of the NSW Pet Registry – see Recommendation 9 above.</i> • <i>Recommendations 12-15: Supported</i> <p>Changes have been made to streamline identification and registration processes and</p>

		<p>medium where animals are advertised for sale</p> <p>e) Licenses every breeder and provides an auditable licence trail for every sale</p> <p>f) Records a breeder's licence number when an animal is microchipped.</p>	<p>enable them to be completed at the same time. The NSW Pet Registry generates a Breeder Identification Number when the first owner of a pet registers that animal prior to sale or 6 months of age.</p>
	11	<p>The Committee recommends that the breeders' licensing scheme should meet the following objectives:</p> <p>a) Breeder performance meets both Breeding Code baselines and continuous improvement goals</p> <p>b) Breeder-sourced dogs appear in pounds in declining rates</p> <p>c) Compliance levels meet improvement goals</p> <p>d) Non-compliant breeders are identified and made compliant or closed down</p> <p>e) Microchipping rates increase</p> <p>f) Lifetime registration is meeting objectives.</p>	<p>Access to the Companion Animals Register has been enabled for RSPCA NSW and AWL NSW and NSW Police for the purposes of enforcing the <i>Prevention of Cruelty to Animals Act 1979</i>. These measures improve breeder data capture and support improved animal welfare enforcement.</p> <p>The Pet Registry also includes a new 'buyer search' functionality to enable the community to use these numbers to make more informed purchasing choices. Amendments were made to the <i>Companion Animals Act 1998</i> to facilitate this access to information</p>
	12	<p>The Committee recommends that the NSW Government reviews the current micro-chipping system to determine if the system is reliable or open to abuse, and if the system can be improved to better support digitised registration, and report by 1 September 2016.</p>	<p>The POCTA Act has been amended to require people advertising dogs and cats for sale or giving away to include an identifying number – either the microchip number, a breeder identification number or a rehoming organisation number (see also Recommendation 21). This requirement took effect on 1 July 2019</p>
	13	<p>The Committee recommends that the NSW Government digitises both micro-chipping and registration, and combines micro-chipping and first registration into a single step, and completes any additional digitisation requirements within the timeframe of its project to redesign the Companion Animal Register.</p>	
	14	<p>The Committee recommends that the NSW Government includes as a function of the digitised registration system, the capacity to generate automatic electronic annual reminders to all owners and breeders in order for details including change of address, change of owner,</p>	

		and death of animal to be updated in a regular and timely manner.	
	15	The Committee recommends that the register of Companion Animals be made partially publicly accessible online to enable anyone to verify breeder details.	
	16	The Committee recommends that the NSW Government reviews the need for breeders to be trained and qualified, and report by 1 September 2016.	<p><i>Government response: Supported</i></p> <p>AWAC's review has been completed. AWAC provided advice that supported a "phase in" approach to the qualification requirement.</p> <p>A review of all the provisions in the Breeding Code will be considered through the Standards phase of the animal welfare reform process, which will include consultation with stakeholders and the community.</p>
	17	<p>The Committee recommends that the NSW Government reviews the Animal Welfare Code of Practice-Animals in Pet Shops to determine what needs to be strengthened, with a particular focus on:</p> <ul style="list-style-type: none"> • Animal rehoming targets for rescue and shelter-sourced dogs and cats • Limits on the hours when animals can be displayed in stores • No detention of dogs, cats and other prescribed mammals in stores out of hours. Dogs, cats and other prescribed mammals must not remain in the pet shop after closing time. They must be taken to a place where there is appropriate housing and provided with the opportunity to exercise and socialise, whether on the same premises or elsewhere • Appropriate objectives for socialisation, exercise, light and space 	<p><i>Government response: Supported in part</i></p> <p>AWAC's review has been completed. AWAC provided advice on these issues. Most focus areas suggested were not supported.</p>

	<ul style="list-style-type: none"> An upper limit on the time any animal can spend for sale in a store before it must be rehomed through another process Whether the Pet Industry Association of Australia Code, the Pets For Us Code and the Pets Australia Code represent a suitable baseline for upgrading the NSW Government animal welfare codes. 	
18	The Committee recommends that the NSW Government reviews training requirements for pet store staff, and report by 1 September 2016.	<p><i>Government response: Supported</i></p> <p>AWAC's review has been completed. AWAC provided advice that supported a "phase in" approach to the qualification requirement.</p> <p>A review of all the provisions in the Breeding Code will be considered through the Standards phase of the animal welfare reform process, which will include consultation with stakeholders and the community.</p>
19	The Committee recommends that the NSW Government examines whether there is value in accrediting any pet retail industry association/s in order to capture standalone retailers and bring them within the ambit and discipline of association rules, and report by 1 September 2016.	<p><i>Government response: Supported</i></p> <p>AWAC's review has been completed. AWAC provided advice to Government that does not support these recommendations progressing further.</p>
20	The Committee recommends that the NSW Government examines the costs and benefits of a standalone pet shop licensing system to be applied to all pet shops, including ongoing monitoring, welfare performance and rehoming targets, and audit requirements, and report by 1 September 2016.	
21	The Committee recommends that the NSW Government legislates that all animals advertised for sale via any medium must include an identifying number, which may be a microchip number, a Companion Animal register	<p><i>Government response: Supported</i></p> <p>The POCTA Act has been amended to require all people advertising dogs and cats for sale or giving away to include of dogs and cats to</p>

		<p>number or a breeders' licence number, which identifies the animal and/or breeder, by end July 2016.</p>	<p>include an identifying number – either the microchip number, a breeder identification number or a rehoming organisation number. This requirement took effect on 1 July 2019.</p>
	<p>27</p>	<p>The Committee recommends that the NSW Government legislates that animal welfare penalty and prosecution provisions be amended so that they can attach to businesses, addresses, and close associates of defendants, and not just to an individual, by 1 March 2016.</p>	<p><i>Government response: Supported in part</i></p> <p>Amendments to the <i>Prevention of Cruelty to Animals Act 1979</i> have been made that clarify a person convicted of an animal welfare offence is not only prevented from owning animals, but also from keeping animals, participating in the keeping of animals or being party to an arrangement under which he or she is entitled to control or influence the way in which animals are kept.</p> <p>POCTAA includes a range of provisions ensuring that penalties can be attached to businesses or corporations where appropriate, such as:</p> <ul style="list-style-type: none"> • the ability to impose financial penalties on, or issue penalty infringement notices to, corporations • Specific provisions relating to executive liability • The definition of person in charge, which enables the owner of the animal and/or a servant or agent of the owner to be considered a person in charge, even if they are not the person directly responsible for the care of the animal • Specific provisions that attach to the proprietor of a business that conducts an animal trade and each person concerned in the management of the business <p>The Draft Animal Welfare Bill 2022 sets out a similar approach to these matters.</p>

33	The Committee recommends that the NSW Government develop protocols to ensure efficiency of operation and removal of duplication between the enforcement agencies.	<p><i>Government response: Supported</i></p> <p>MOUs between DPI and RSPCA NSW and DPI and AWL NSW for POCTA enforcement have been completed. Finalisation of policies under the MOUs is complete.</p> <p>The Draft Animal Welfare Bill 2022 includes information sharing provisions to enable more seamless collaboration between enforcement agencies.</p>
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Underway recommendations (7):

#	Recommendation	Status
1	The Committee recommends that the NSW Government implements the recommendations of the NSW Companion Animal Taskforce Report, as a priority.	<p><i>Government response: Supported</i></p> <p>The NSW Government is continuing to implement the recommendations of the NSW Companion Animal Taskforce</p>
5	<p>The Committee recommends that the NSW Government undertakes a comprehensive study of euthanasia rates to determine:</p> <ul style="list-style-type: none"> • the breed and source of animals entering pounds and those being euthanised; • whether current litter restrictions impact on abandonment and euthanasia rates; • what information should be recorded to allow euthanasia rates and trends to be better understood; • the impact of rehoming and low kill policies on euthanasia rates. 	<p><i>Government response: Supported</i></p> <p>In November 2021, the Government announced the Rehoming Practices Review is examining the current rehoming practices and factors driving euthanasia rates. The Review is being undertaken in consultation with metropolitan, regional and rural councils as well as NSW rehoming organisations, to collect and analyse information to better understand euthanasia rates and trends. It will examine breeding, desexing and rehoming practices and their impacts on euthanasia rates.</p>

			<p>The Rehoming Practices Review will provide recommended strategies to further reduce euthanasia rates, encompassing:</p> <ul style="list-style-type: none"> • possible legislative reform • improvements to impounding processes • education and capacity building • better data collection and reporting.
	<p>26</p>	<p>The Committee recommends that the NSW Government reviews the adequacy of penalties, the method of mounting and funding prosecutions, current arrangements for the payment of moieties and cost recovery, and a requirement to ensure regulators will not be out-of-pocket in pursuing prosecutions, and report its findings by 1 March 2016.</p>	<p><i>Government response: Supported</i></p> <p>Amendments to the <i>Prevention of Cruelty to Animals Act 1979</i> have been made that extend court powers in relation to court-imposed cost orders, to apply during court proceedings where animals are seized, rather than limiting the power to when a person has been convicted.</p> <p>Further, the NSW Government’s Prevention of Cruelty to Animals Amendment Bill 2021 passed Parliament in June 2021 increasing penalties for the most common welfare offences and improving court orders.</p> <p>The Government’s Draft Animal Welfare Bill 2022 proposes a new penalties framework which will ensure that all penalties align with the severity of the offence and better reflect community expectations. The Draft Bill provides for cost recovery court orders including for care and maintenance costs and costs of investigation.</p>
	<p>28</p>	<p>The Committee recommends that the NSW Government reviews all animal welfare and regulatory offences including micro-chipping, failure to register, selling and advertising, non-desexing, cruelty, litter control and code compliance, and report on recommended changes by 1 September 2016.</p>	<p><i>Government response: Supported in part</i></p> <p>The POCTA Act has been amended to require all people advertising dogs and cats for sale or giving away to include an identifying number – either the microchip number, a breeder identification number or a rehoming</p>

			<p>organisation number (see Rec 21). This requirement took effect on 1 July 2019.</p> <p>Amendments to the <i>Companion Animals Act 1998</i> and the Companion Animals Regulation 2018 changed maximum penalties and penalty notice amounts for a range of offences.</p> <p>The NSW Government's Prevention of Cruelty to Animals Amendment Bill 2021 passed Parliament in June 2021 increasing penalties for the most common welfare offences.</p> <p>The Government's Draft Animal Welfare Bill 2022 proposes a new penalties framework which will ensure that all penalties align with the severity of the offence and better reflect community expectations.</p>
	29	<p>The Committee recommends that the NSW Government reviews the <i>Prevention of Cruelty to Animals Act 1979</i> (NSW) and the <i>Companion Animals Act 1998</i> (NSW) and identifies opportunities for the acts to be streamlined to ensure more seamless operation across the acts, agencies and regulators, including harmonisation of objectives, elimination of inconsistencies, and common definitions, and report by 1 September 2016.</p>	<p><i>Government response: Supported in part</i></p> <p>The NSW Government is currently reforming the animal welfare framework. The Draft Animal Welfare Bill 2022 includes provisions aimed at improving consistency between animal welfare laws and the <i>Companion Animals Act 1998</i> and introduces information sharing provisions to enable more seamless collaboration between enforcement agencies.</p>
	30	<p>The Committee recommends that the NSW Government reviews the adequacy of funding for the Royal Society for the Prevention of Cruelty to Animals NSW and the Animal Welfare League NSW, and reports by 1 March 2016.</p>	<p><i>Government response: Supported</i></p> <p>The Minister for Agriculture and Western NSW has committed to reviewing the funding provided to ACOs to enforce POCTAA.</p> <p>The NSW Government notes that the review of compliance and enforcement resourcing and governance arrangements will require consideration of the outcomes of legislative</p>

			reform and recommendations of parliamentary inquiries.
	31	The Committee recommends that the NSW Government identifies cost savings to be achieved by the redesign of the Companion Animal Register, and works with local councils to ensure that funds received from registration fees and distributed via the Companion Animal Fund are adequate for ensuring animal management targets and objectives are achieved.	<p><i>Government response: Supported</i></p> <p>All councils report on companion animal income and expenses and their performance in relation to companion animal management in their Annual Reports and Financial Statements. See response in relation to recommendations 9-11 above. The implementation of online pet registrations in the Pet Registry has streamlined processes for all Councils.</p>