

## Oscar's Law

Hearing – 23 May 2022

### Answers to supplementary questions

1. In our opinion, it is not necessary to define a 'puppy factory'.

The most important thing is for the legislation to improve animal welfare and ensure that dogs are treated as companion animals rather than primary producers, and that they have a chance to retire from breeding to be appropriately rehomed - rather than killed and replaced. We can effectively stamp out puppy factories without defining them in legislation by implementing measures to restrict their ability to operate (eg: breeding dog limits, litter limits, traceability measures).

2. A ban on the sale of animals in pet shops will not stop puppy farming, but it is important as puppy farmers hide behind the pet shop window and it removes one of their easiest ways to deceive the public.

Pet shops are simply retail outlets for puppy farmers. It is also very cruel and distressing to remove vulnerable puppies from their mothers at a young age and transport them - in some cases to other states (for example, Strawberry's puppies were sent from New South Wales to Western Australia) - only to sit in a pet shop window.

Puppies at this age learn so much from their mothers and require constant human interaction and socialisation. When puppies are deprived of this and spend 24 hours in a glass box sometimes for weeks until sold, it can have lasting effects. Behavioral issues develop and this only becomes evident when the consumer gets the puppies home.

Removing the sale of puppies from pet shops also helps to change the culture around the responsible way to get a pet, which we covered in our evidence in the inquiry. Purchasing a puppy shouldn't be like walking into a shop to purchase a pair of shoes. It is preferable that people be allowed to meet the breeder, go to the place the puppy was born and raised and see the pup interact with its littermates and mother. This way the consumer can make an informed choice.

Good breeders will want to also ask questions and ensure their puppy is going to a good home - but also the right home for that particular breed. Good breeders will not allow their puppies to be sold in pet shops and for registered breeders, it is already against

their code of practice. This means that only backyard breeders and puppy farmers sell in pet shops.

We feel strongly that a ban on the sale of puppies in pet shops is strongly supported by the community. In fact, it was one of the most popular elements of the legislation that was passed in Victoria. Prior to its passage, there was not a week that went by where we didn't receive complaints from members of the public about distressed puppies in pet shop windows. Many Victorians also believed it was already illegal and were shocked to hear it was not. In our experience, this is also the case in other states.

Since the legislation passed in Victoria, pet shops have been able to continue to operate selling pet supplies, and if they wish, offer adoption days with approved animal rescue groups.

The sale of puppies in pet shops is now illegal in Victoria and Western Australia. We believe it will also be an aspect of the new South Australian Labor Government's action on puppy farms.

3. We are not aware of any councils refusing to register a Domestic Animal Business (DAB) for no valid reason.

We are aware of some DABs that councils have rejected applications due to planning legislation reasons.

It may be the case that the property is not suitable for the number of animals being applied for or it could be classified a residential zone. For example, Bendigo Council recently refused a permit for 50 dogs and the Victorian Civil and Administrative Tribunal upheld that decision due to potential water run off further eroding the banks of a waterway in the area. The property also had a covenant imposed on the property to protect waterways close by. It was found that the proposed dog breeding facility would be too close to the protected waterways.

Councils have always had the ability to refuse to grant permits to DABs on planning grounds. The puppy farm legislation in Victoria has not changed this fact.

4. There are 79 councils in Victoria, and each have their own local laws that state how many dogs and cats can be kept in residential, rural, semi-rural, farming zones etc.

This has always been the case and hasn't changed for many years. Some councils will allow people to apply for an excess animal permit if they live in a zone that will only allow 2 dogs, but the family has 3 dogs for example.

We are not aware of any councils changing their local laws in regard to restrictions to the number of animals that can be kept in different zones in recent times.

The legislation was never designed to override councils local planning laws. Breeders have always had to comply with their council's local laws in regard to the number of animals they have been allowed to keep. This was the case prior to the legislation in Victoria even being drafted.

In the example above, the Cat Fanciers Association is deemed an *applicable organisation* under the Victorian legislation, therefore a member can keep up to 10 female cats without having to apply as a DAB with their local council. As long as they abide by council planning laws (that is they live in a zone that allows for the keeping of up to 10 cats).

[The Victorian Government fact sheet](#) states the following:

***I am a member of an Applicable Organisation and I breed cats or dogs to sell. What does this mean for me?***

*This means you are a recreational breeder, provided you do not have more than 10 fertile females.*

*Recreational breeders do not have to register with their local council as a domestic animal business (DAB), and do not have to comply with the Code of Practice for the Operation of Breeding and Rearing Businesses 2014(revised 2018)(the Code).*

*As a recreational breeder you are held to your Applicable Organisation's code of ethics and any other rules.*

***As a recreational breeder do I still need to comply with local council planning rules?***

*Yes, applicable organisation members are required to obtain the necessary planning approvals from local council.*

*You should contact your local council's planning department for more information about the number of animals you are allowed to keep under your local planning scheme.*

Some examples of Council local laws and their animal restrictions

- [Macedon Ranges Council](#)
- [Cardinia Council](#)
- [Wellington Council](#)

5. In Victoria, DABs are required to renew their permit by April 10 each year. In the weeks leading up to their renewal, councils schedule routine visits whereby the properties are audited against the Code of Practice and approved for permit renewal for the next 12 months conditional on compliance with the Code.

The cost of permit renewal is set by each individual council and is dependent on how many DABs the Council has in the area, and how many animals each DAB has. This way the cost of the inspections and administrative tasks related to permit renewal is recouped via the cost of the permit.

For example, in the Shire of Wellington to apply or renew a DAB for between 3-10 dogs is \$2550 per year. If the DAB has Ministerial Approval for 10-50 female dogs, the cost for permit renewal is \$3000 per year. There are also individual dog registrations that also must be paid to councils every April as well. The Shire of Wellington has 26 DABs, 13 of which are breeding and rearing establishments and of those 13, 3 have Ministerial approval to have between 10-50 female dogs. This Council made the decision to increase their fees, which allowed employment of additional local laws officers to assist with monitoring and compliance at no additional cost to ratepayers.

Local Laws officers dealing with animal welfare as part of their job should be attending training and seminars as part of their employment to ensure best practice and instill confidence in the community that they are trained in animal welfare.

The Victorian Department of Agriculture has also developed a set of audit tools that assist officers to audit DABs against the code annually. The Department also assists Council animal management officers with advice in regard to the Code and Domestic Animals Act. The department also has its own compliance officers that Council can call on to assist. Council can also call on RSPCA Victoria to assist with any compliance or cruelty issues.

6. This isn't a problem in Victoria and that issue was never raised during the consultation period. Victoria Police have their own breeding and training facility as does the Victorian Guide Dogs Association. The Victorian legislation is concerned with breeding to supply the pet market.

8. An organisation called Animal Care Australia has submitted survey results where they asked each NSW Council how many breeding establishments they had in their area.

We would like to point out that often council staff have no idea of the number of breeding establishments they have.

When we first reported the Flanagan puppy factory (where Strawberry was) in January 2015, Inverell and Gwydir Council were both unaware of the property and took some time to determine what council area the property bordered on.

It was Gwydir Council that was eventually determined to be the correct council. The

Flanagan puppy factory had been operating since 2010 without a DA and without Gwydir Council's knowledge.

The Frazer puppy factory in Wandsworth was granted a DA in 1997. New staff at council had no knowledge of the puppy factory until RSPCA charged Frazer with cruelty in 2014. There had been no council inspections at this puppy factory for 17 years.

Both puppy factories still operate in NSW despite both having been found guilty of cruelty under POCTAA.

The committee should not presume that each NSW Council is fully aware of what is occurring when it comes to puppy factories in their area.

It is our experience that when we have lodged complaints over the years to different NSW councils that is the first time, they have become aware such a property exists in their area. This is partly due to the fact there is no system in NSW that requires regular council audits or annual renewal of permits. It is very easy for councils to lose track of the situation.

9. The trade in puppies has always occurred across the borders and will still occur this way.

There will always be a demand for pets, as we are a nation of people who love their pets.

The internet is the most effective and easiest way for people searching for a puppy. The problem isn't the internet, and it's not which state the puppy was born and raised in - the problem is puppy farming.

Therefore, we believe it is imperative to have a national consistency when it comes to legislation and ensure that our pets are born and raised in loving caring environments and are given every opportunity to develop into confident happy family pets.