

**Submission
No 50**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

Organisation: ACT Rescue and Foster Association

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Hon Mick Veitch MLC
Chair
Select Committee on Puppy Farming in NSW
Parliament House
Macquarie St
Sydney NSW 2000

This submission to the Select Committee's Inquiry is by the ACT Rescue and Foster Association (ARF), which is a dog rescue organisation operating in the ACT and surrounding region, covering Queanbeyan, Goulburn and Yass. ARF is registered as an animal rescue organisation under the *NSW Companion Animals Act 1998* (no 251000000), and reports on its activities to the Office of Local Government, as required.

General Comments

Impact of the Bill

ARF is in favour of strong regulation of puppy breeding in NSW, and strengthened enforcement protocols and powers. To some extent, we see the Bill by Government (et al), the *Companion Animals Amendment (Puppy Farms) Bill 2021*, as doing this but are concerned that some aspects do not appear to go far enough to address overbreeding, and intensive puppy farming commercialisation practices.

Focus of the Bill

Firstly, we suggest that the concentration on larger scale breeding businesses misses the mark in relation to micro or backyard breeders where animal welfare issues, competency of the breeders and genetic considerations arise. This is also the case with the premises of such micro and backyard breeders.

Close and quite often scrutiny of the small-scale operators would appear essential. The independent scrutiny of animal breeding businesses should, we suggest, audit and enforce the fundamental animal welfare obligations of micro- and backyard breeders, including number of litters, veterinary care, etc just as forcibly (if not arguably more so) as large breeding operations.

Enforcement Measures

Enforcement of the new regulations will be essential to compliance, and we see much heightened enforcement as a priority. We note the Bill extends the ambit of activities and powers of authorised officers, enforcement officers and Departmental officers, including extensively in Schedule 1[2], but we have these concerns:

- The Bill does not seem to provide much scope for guidance to issue to Councils on what are satisfactory premises and facilities;
- Does Schedule 1[2] empower other agencies, such as Consumer Affairs inspectors in relation to pet shops, to police these issues?
- Is there provision in the Bill for funding to Councils or the RSPCA for inspection, enforcement and prosecution (and see also below under Effectiveness, re re-homing organisations)?

Effectiveness

Notwithstanding good enforcement, we wonder whether the Bill will ultimately be effective in preventing overbreeding. To illustrate this point: Parliament has recently legislated to oblige councils to contact (at least two) rescue and foster organisations, like ourselves, before moving to euthanasia of eligible dogs. While we endorse this more humane approach, Parliament has not apparently, seen what this will mean for rescue and foster organisations, already over-stretched, and makes no mention whether pounds will, in the interim, kennel and take appropriate veterinary/training care of dogs in danger, for some specified interim period.

The point is that overbreeding at the puppy stage leads to over-presence of adult dogs later on, in danger of euthanasia despite their being healthy, well-behaved and re-homable.

A particular situation here we want to mention is with greyhound puppy breeding. There, overbreeding remains a major cause of unnecessary euthanasia of young and healthy greyhounds in what remains a largely unregulated situation. We appreciate that some funding is being provided to the Greyhound Welfare Integrity Commission, but would suggest it is open to the Select Committee in its Report to specifically address the issue of continued overbreeding of greyhound puppies.

Other State Arrangements

ARF expects that the Committee is also informing itself and assessing the impact and effectiveness of Victorian and Queensland legislation in the puppy farming area over recent years (also recent WA legislation).

Specifically, if breeders have been subject to penalties for contravention or non-compliance in one State, that should be sufficient for them to have any NSW registration denied or revoked.

Likewise, we suggest refusal of an application to establish a puppy farm in another State, should be sufficient for refusal of a like application in NSW.

Comments on Detail of the Bill

S.61ZP. The provisions for close regulation of pet shop proprietors re source numbers, sales records and so on are welcome. They should also apply to other selling avenues such as the internet, social media etc - we presume this is the aim of new S.61ZP, and if so, expect that similar penalties would apply to such sellers for breaches as apply to shop proprietors.

S.61E. There is no definition of “farmer” nor is there a definition of “working dog” that we can see, and so are concerned that this Section may be manipulated to allow unregulated puppy farming of a number of dog breeds commonly found in agriculture.

S.61Y. The detail in the Register that prospective purchasers may look at is unclear. Does it include any past breeding or animal welfare concerns associated with that breeder?

Public Awareness and Effectiveness Review

As a significant piece of legislation, impacting a quite large sector and many interest groups, we have no doubt that the Select Committee will encourage Government to undertake a public awareness campaign de novo, and, will, also as is usual, move that Parliament come back and review the changed legislation after a few years (say 5 years) for effectiveness and relevance.

Thank you for the opportunity of commenting. The Committee of ARF has authorised this submission, and has no objection to its publication.

Yours faithfully

Bill Marshall
ARF Public Officer