

## **INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES**

**Organisation:** French Bulldog Club

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Liz Davidson  
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Mr Chris Minns MP  
Suite 1 Ground Floor  
22-24 Regent Street  
KOGARAH NSW 2217

Dear Chris Minns

**Re: Draft Animal Welfare Bill 2022 & Companion Animals Amendment (Puppy Farms) Bill 2021**

Thank you for the opportunity of speaking with you with our concerns about the two Bills before the House.

Speaking on behalf of our breeder members, first may we comment on the Draft Animal Welfare Bill 2022. Most if not all of our club breeder members are registered hobby breeders and we are extremely concerned for the future of the pure-bred dog world if this Bill is passed in its present form.

With the help of our colleagues from the German Shepherd Dog Council of Australia, we have prepared a summary of the most pressing concerns we have with this draft Bill. We enclose a copy of our submission which will be lodged by our breed club.

Secondly, the Companion Amendment (Puppy Farms) Bill 2021 if passed will make it near impossible for a Dogs NSW registered breeder to lawfully breed and maintain a genetically diverse breeding program. To be deemed a "companion animal breeding business", licensed as such with local councils, restricted to 3 fertile females is very limiting.

As well as limiting the number of fertile females one can legally own, the Amendment Bill also seeks to limit:-

- (a) the number of times a female can be bred ie 2 litters only for females
- (b) (b) cannot breed if a heritable defect is identified in a previous litter
- (c) (c) cannot breed with a dog which is related by blood.

We reproduce comments to these restrictions made by the *Chair Computational Biology and Animal Genetic*, Professor Claire Wade:-

***"The animal welfare justifications for the proposed changes are absent or unclear. There is no scientific support for the suggested changes.***

***Part (a) The rationale for the metric of two breedings is unclear or unjustified. There is no scientific evidence to suggest that negative welfare outcomes ensue from breeding an animal more than twice or even more than any particular number of times if the animal is otherwise assessed as being in good***

health. There is no welfare or other justifiable reason why an animal assessed as fit by their veterinarian should not be bred.

Part (b) The definition of a heritable defect is absent or unclear. For Mendelian recessive conditions, simply breeding the animal with a partner from a different genetic background will minimize the chances of re-occurrence. Indeed, the imposition of such a requirement is far more likely to generate negative genetic outcomes from a population perspective by severely restricting the effective population size of the breeding population. This will do far more genetic harm than good. Most modern companion animal breeders **actively participate** in research to provide new genetic tests for Mendelian conditions where these do not already exist and **actively apply genetic testing** to minimize or eliminate the occurrence of Mendelian inherited defects in progeny.

For complex traits, such as orthopaedic traits or cancer, the proposed limit is unlikely to make any substantive impact on the occurrence of disorders in progeny.

Part (c) The definition "related by blood" is unquantifiable. If this same requirement was imposed upon humans, then many cultures would be subjected to genocide"

**Penalties** - Professor Wade says "The breaches would be impossible to prove and very severe. The legal battles that would ensue from attempting to enforce the breaches would place unnecessary stress on the court system and create serious mental health issues for the humans who love their animals. No part of the proposed Bill is either justifiable or desirable from any perspective, and particularly not from an animal welfare or animal genetic health perspective."

Maximum penalty for an individual – 400 penalty units or imprisonment for 1 year or both.

**Staff** - If deemed to be a "companion animal breeding business" under the Amendment we will be required to have staff – a ratio of 1 staff member for each 5 animals at all times. We are hobby breeders and we do not have staff. Our dogs are first and foremost our pets and loved companions. Penalty for breaching this for a companion animal breeding business – 400 penalty points or 1 year imprisonment or both. This proposal demonstrates significant government overreach and is completely unacceptable. People must work!

Here lies the problem in not differentiating between Dogs NSW registered breeders who are on the whole hobbyists and unregistered commercial puppy farmers.

- Dogs NSW registered breeders are visible, easily found, already bound by our strict Code of Ethics, National Code of Practice for Heritable Diseases, and custodians of pure-bred dog breeds.
- Unregistered puppy farmers are untraceable, the worst of them breeding solely for profit, no health testing, undermining everything Dogs NSW breeders are doing to breed healthy dogs.

Dogs Australia (formerly Australian National Kennel Council) have publicly stated "Here lies the elephant in the room." We ask how will these two Bills solve this problem? Don't make the mistake of targeting the very people who dedicate so much of their lives to preserving and protecting their chosen breeds. At the end of the day animal welfare is paramount.

**Moving forward.** We strongly recommend that Dogs Australia and Dogs NSW be afforded accreditation as primary stakeholders in the drafting of both bills. There is a wealth of experience, both scientific and practical which should be given due consideration.

We are all on the same side in putting in place legislation which will be fair for all stakeholders, especially for our beloved pets.

# FRENCH BULLDOG CLUB OF NSW INC

## SUBMISSION FOR PUBLIC COMMENT ON DRAFT ANIMAL WELFARE BILL 2022

AREA	ISSUE	PROBLEM	WHAT WE NEED	OUR SOLUTION
<b>SPECIFIC CLAUSES OF CONCERN</b>	THROUGHOUT THE BILL TERMS ARE USED THAT ARE NOT CLEARLY DEFINED NOR ARE THEY CONCISE.	<p>1.1.1. Part 1 Introduction, Division 1 Preliminary section 4c</p> <p>The term "exhibition"</p>	<p>A clear definition of what is to be included under this area of activity—in the Act, not in the Regulations.</p>	<p>Provide exemptions to approved activities organised and conducted under the regulation of approved organisations eg Canine Control bodies, show societies.</p>
		<p>1.1.3 Division 3</p> <p>Prohibited &amp; restricted procedures 22</p> <p>Prohibited procedures</p> <p>(1) A person must not carry out any of the following procedures ( e ) surgical artificial insemination on a dog</p>	<p>It is noted that the Minister has provided to the Greyhound Racing fraternity assurances that this has been withdrawn.</p>	<p>Written assurance that this clause is withdrawn across the board and that it will not be enforced under other prohibitions such as "unnecessary harm"</p>
		<p>67 Entry into residential premises only in certain circumstances</p> <p>(1) An authorised officer may only enter premises, or a part of premises, used for residential purposes -</p> <p>(a) with the consent of the occupier of the premises, or</p>	<p>In the development stages of this draft, it has been suggested that dog breeding would require licensing. Even the hobbyist would require such licence.</p>	<p>We require clarification on:</p> <ol style="list-style-type: none"> <li>Whether or not hobbyist breeders will require a licence.</li> <li>Whether or not this would negate the operation of the provisions of S67.1</li> </ol>



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		(b) Under the authority of a search warrant or	<b>We require clarity around whether this is an intent of regulations, as it is not evident from the draft bill.</b>	3. Clarity and further definition of "reasonable" - is the definition to mean a reasonable lay person or is it to be the subjective opinion of a regulatory bias?
		(c) If the authorised officer reasonably believes		4. What evidence must there be of concern on the part of the authorised officer.
		(i) an animal has experienced significant physical injury or has a life threatening condition that requires immediate veterinary treatment, and	<b>If this is the case, then it has been mooted that were a breeder to breed dogs in their home, then the provisions of S67.1 and the protections afforded to the resident would not apply.</b> The holding of a licence would automatically remove the protections for residential property.	Without these assurances and a set of draft regulations we would challenge the right of entry clauses of the draft bill as unacceptable and open to overreach and intimidation. There would need to be extensive safeguards in the bill for the protection of privacy and natural justice.
		(j) It is necessary to exercise the power to prevent further or significant physical injury to the animal or to ensure the animal is provided with veterinary treatment.	Also the terms "reasonable" and "reasonably" are frequently used throughout the draft. This is contentious and subjective.	
			We acknowledge that other legislation may require licensing of companion animals. We hold real concerns that the operation of these Acts may be used as a justification to regard a hobbyist activity as not warranting the protections of proposed S67(1).	Included protection in the proposed draft that the protections contained in the draft will override such interpretation.



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		Division 4 Investigation and risk management powers 70 Powers that can be exercised on premises	<p>This provision as a whole provides free rein for an authorised officer once inside the premises. Entry is gained on the basis of subjective assessment and then unrestrained access to all "things" inside the premises is provided. This section is totally rejected as providing unfettered opportunity for breaches of privacy and rights in private property.</p> <ul style="list-style-type: none"> <li>• That the rights of the alleged offender are safeguarded ie they have the right to have legal representation present, that they have the right to record (digital, voice recording or filmed) of any activities undertaken by the authorised officer whilst executing</li> </ul>	<ul style="list-style-type: none"> <li>• That the terms "things" and "seized things" are properly scoped and defined.</li> <li>• That these powers are reviewed and curtailed to what is reasonable.</li> <li>• That these powers <b>may only be undertaken on the basis of a duly issued search warrant.</b></li> </ul>

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AREA	ISSUE	PROBLEM	WHAT WE NEED	OUR SOLUTION
		<b>85 Recovery of fee for action taken</b> (1) This section applies if 1 or more of the following entities incurs costs in relation to an authorised officer's exercise of a function under this Act in relation to an animal (a) the authorised officer, (b) the Crown, if the authorised officer is (i) a public service employee, or (ii) a police officer or (iii) an inspector under the Greyhound Racing Act 2017. (c) an approved charitable organisation, if the authorised officer is an employee of, or otherwise engaged by the organisation.	Whilst it may be fair and reasonable to recover costs for action under this bill, experience has demonstrated that the fees charged in many instances are extreme and unreasonable. There is also the perception with some alleged offenders that if they attempt to defend themselves against charges, these fees will increase exponentially. There is opportunity for intimidation and bullying.	We believe that any fees to be levied by this bill must be scheduled and fixed. They must be publicly available and scheduled on the basis of fair per diem rates that can be substantiated with evidence.



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GENERAL STANDARDS NOT SATISFIED	THE RIGHTS OF ALLEGED OFFENDERS TO DEFEND THEMSELVES	Throughout Part 7—Enforcement and Compliance—the rights of the authorised officer are clearly and definitively stated. <b>The alleged defender is not accorded any such rights to gather evidence for a defence.</b>	From what is proposed, it appears that once the authorised officer has gained entry to the premises, he enjoys absolute freedom of access to every “thing” present. He has the right to record, to have support present and to seize anything he believes could be used in evidence.  This is just plain unfair and unjust.	<p>That alleged offenders enjoy the right to record the visit of the authorised officer, to have counsel or the physical support of at least one advocate on their behalf.</p> <p>That alleged offenders have the right to demand the basis on which the authorised officer is entering the premises.</p> <p>That alleged offenders be entitled to receive; before the premises are entered, a written statement of cause and a written record of the names of all persons attending the premises for the purpose of inspection and evidence gathering.</p>



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GENERAL OBSERVATIONS	THE ONE SIZE FITS ALL APPROACH	<p>The Bill fails to adequately recognise that there are many levels of activity in this sector — commercial, farming, hobbyist, competitor and other activities.</p> <p><b>It fails to recognise that there are many organisations which have for many decades applied better practice and self regulation than has ever been required by law.</b></p>	<p>Recognition of more specific areas of activity. We note the term “micro breeder” but query what this means and why no differentiation has been made. The proposition that a single set of standards should apply is unacceptable.</p> <p><b>Organisations which have proven track records of achievement must be allowed accreditation and a role in the delivery of some of the functions of this Bill.</b></p>	<ol style="list-style-type: none"> <li>1. The provision of separated levels of activity created e.g. a stakeholder “hobbyist” or a stakeholder “competitor”. Structure realistic standards which these stakeholders can meet.</li> <li>2. Where an organisation can provide evidence or self regulation, effective management and process they are recognised as a resource and are given standing in this bill.</li> </ol>