

Submission
No 109

**INQUIRY INTO ANIMAL WELFARE POLICY IN NEW
SOUTH WALES**

Name: Name suppressed

Date Received: 4 February 2022

Partially
Confidential

Hello, this submission is intended for the enquiry into puppy farms.

My concern relates to the reasonably new legislation and powers given to the RSPCA under the Companion Animals Act 1998.

I am a hobby dog breeder and have been a member of DOGS New South Wales, having bred pedigreed dogs for over thirty years. As a member of Dogs NSW and also as a President of my own breed club, we are expected to follow our code of conduct and ethics. DOGS NSW has their own internal auditor and we are subject to high standards of care. Unfortunately the RSPCA are often anti- purebred dogs and we find ourselves being audited by those who don't support us.

Updates and interpretation of the current legislation has seen the state government label us as owners of a "facility", and treating us like mass producing commercial ventures which the huge majority are not. I realise the need to weed out puppy farmers and that is something DOGS NSW and its members support, but it appears we have been caught up and heavily targeted in the process.

The RSPCA had a recent boost of funding to "audit" breeders and have been given greater powers of entry than police. (I am a currently serving officer and am familiar with NSW Police entry powers.) Part 7A (69a-69D) of the Companion Animals Act 1998 indicates that authorised officers do not need reasonable grounds (to suspect cruelty) before entering, and can enter 69A 1b) to determine whether there has been compliance with, or a contravention of, this Act or the regulations. Most hobby breeders have their own dogs in their own home and this legislation allows the RSPCA entry to invade their own homes and personal space without reason.

Unfortunately many sections within the Act don't even relate to cruelty matters, and are about enforcement of "fence heights" where any breach will result in a considerable fine. I have a large breed dog that doesn't jump, but someone has a small breed that is a capable jumper, yet it is me who needs to put in 1.8m, fences? This is a gross misuse of power when the initial intention is to bust puppy farms that house animals in poor conditions, but appears to have turned into revenue raising against the vast law abiding dog community.

While I could go on forever there are a few issues at hand that I feel need immediate address please?

- How can the power of entry without "reasonable suspicion" be justified? Surely puppy farmers leave a trail of destruction of sick and injured puppies that would give ample reason to identify offenders and raid their properties? Puppy farmers, generally operate on social media platforms such as gumtree and use mobile phone numbers. What is being done to track them down instead of us easily visible breeders?

- Why wasn't DOGS NSW listed as an "Authorised person" to audit its members?
- How can people be expected to build fences at 1.8 metres tall in areas (such as Hawkesbury) where there are council restrictions on fence heights and permission needs to be granted from Councils and Development applications required (at great expense) to build them. How can we deal with clashes in legislation?
- Why are we being treated as a "facility" when people mostly have their dogs in their homes?
- How can people be forced to make wholesale changes and additions that cost huge expense?