

**Submission
No 3**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

Organisation: RSPCA NSW

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RSPCA NSW welcomes the opportunity to provide these comments and contribute to the Select Committee on Puppy Farming in New South Wales.

Through our inspectorate, shelters and veterinary clinics, our organisation is heavily impacted by the result of neglect and cruelty suffered by cats and dogs in some breeding establishments. RSPCA supports reforms that will require companion animals to be kept and cared for in a manner that provides for a good quality of life both in the hands of the breeder, and throughout their life.

1. That a select committee be established to inquire into and report on puppy farming in New South Wales, and in particular:

(a) the provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021 (hereafter the Bill),

Several provisions of the Bill support increased oversight of companion animal establishments (breeders, pet shops, dog trainers, boarding and rescue organisations). As a general proposition, RSPCA NSW supports increased regulatory oversight of animal breeding establishments to improve welfare outcomes for those animals. Section 61F provides that a person **may** apply to the Council for their premises to be registered, but in s61Z creates an offence to conduct an unregistered companion animal business on unregistered premises. Where the Bill proposes to impose criminal liability for failure to comply, then the requirements must use language of compulsion – *shall, must, or must not* for example.

The Bill proposes to limit breeders to a maximum of 10 fertile females and to require breeding to cease after two litters. The likely aim is to keep the number of animals at a limit whereby one could reasonably expect that their needs could be met and there is sufficient space, time and resources to provide them a good quality of life.

However, there is the potential for this approach to have various perverse outcomes, for the animals themselves. It encourages breeders to acquire increasingly more animals as they regularly retire breeding females, to allow for continued breeding. The retired females must be desexed and moved on or retained. If retained, as a breeder may choose to do if they are attached to their animals or are unable to find a home for an adult dog, overall numbers of animals in their care will rapidly grow.

This can be an issue for quality of care (as seen in hoarding situations¹) which undermines the purpose of the Bill.

In addition, successful, responsible breeding involves prioritising breeding from animals that have proven ability to produce offspring that are healthy, of sound temperament and, in some cases, have particular performance traits (for example, assistance dogs, agility or livestock herding dogs). Another trait that is extremely valuable for the breeding of well-adjusted offspring is maternal care behaviour². This legislative amendment requires animals with a proven breeding value to be retired after two litters and 'unproven' animals to be bred from in their place. While RSPCA acknowledges breeding frequency and intensity, if excessive, will compromise an animal's welfare, we are unaware of any evidence to suggest that sufficiently spaced and timed breeding, in animals that can breed and whelp naturally without problems, compromises welfare if undertaken more than twice. This will have serious implications for the success of breeding programs associated with service and working dogs as well as companion animals. The concerning welfare implication is that there may be increased wastage of progeny or increased health and temperament issues if there is not good genetically selection.

Similarly, it should be incumbent on a breeder to breed only from animals of sound health and temperament to minimise the likelihood of heritable conditions being passed on to progeny. This Bill, appropriately, makes this a requirement with veterinary verification of health status. However, several diseases do not become apparent until an animal advances in age (for example, superficial keratitis, a heritable eye condition in greyhounds is only apparent from about two years of age or older)³. As female dogs start counting towards a breeder's allowable total fertile females from 12 months of age, it encourages breeding from the earliest possible age which is not desirable for maximising the chances that an animal is free of heritable conditions.

The Bill proposes that the 3 or 10-breeding female limit would come into force one year after assent of the act. RSPCA is aware of NSW breeding establishments with many more dogs than this. Realistic plans must be made for where hundreds of animals could go after legislation is in force and there is an expectation to seize animals from non-compliant establishments.

The Bill endeavours to exclude working dog owners from its requirements allowing them to have as many fertile females as desired. The reasoning for the exemption is unclear. It is understood that breeding decisions for dogs should not be made until the qualities of the animal are well established (which may be later than 12 months of age), however, this is not unique to livestock working dogs. There is no evidence that working ability is impacted by neutering.

The pet shop related provisions within the Bill propose to limit the selling of dogs and cats to those acquired from rescue groups. Previous arguments against this approach have cited the view that

¹ Reinisch AI. Understanding the human aspects of animal hoarding. *Can Vet J.* 2008;49(12):1211-1214.

² Czerwinski V, McArthur M, Smith B, Hynd P, Hazel S. Selection of Breeding Stock among Australian Purebred Dog Breeders, with Particular Emphasis on the Dam. *Animals (Basel).* 2016;6(11):75. Published 2016 Nov 16. doi:10.3390/ani6110075

³ Cheng S, Wigney D, Haase B, Wade CM. Inheritance of chronic superficial keratitis in Australian Greyhounds. *Anim Genet.* 2016 Oct;47(5):629. doi: 10.1111/age.12446. Epub 2016 May 5. PMID: 27147552.

requiring breeders to use on-line platforms to sell their animals reduces opportunities for oversight and that this is harder to regulate as it is out of the public eye, in contrast to pet shops. While this is true, the available literature shows that even without such a law in place, an estimated 1,400 dogs and cats are advertised for sale on a single on-line site in NSW just within a 17 day period⁴. Therefore, it does not seem that the issue of unregulated online pet sales is prevented in any meaningful way by allowing the sale of breeder derived animals in pet shops.

Proposed section 61ZN(1)(a) prohibits the sale of dogs from pet shops under six months of age. The reasoning for this is unclear but the approach limits opportunities for rehoming organisations to rehome their canines. If the approach is related to canine desexing age, six months is no longer particularly meaningful. Recommendations for canine desexing are controversial and varied depending on dog breed, sex and circumstance (and can often be proposed that over 18 months of age is appropriate)⁵. However, for population control reasons, shelters still desex canine before six months of age.

At proposed section 61ZE(2)(i) requires veterinarians to verify that a breeding animal is at least 12 months of age. This is not a determination that can be confidently made by a veterinarian in many cases. Proposed section 61ZF(c) prohibits the breeding of animals related 'by blood'. This is an unusual phrasing of insufficient meaning. In what other way might animals be related? Additionally, it is necessary to clarify the limits of relatedness as pedigrees may demonstrate distant common ancestors that may not have significant implications.

RSPCA NSW accepts and supports the value of a registration or licensing scheme for breeders (and other companion animal establishments) that requires relevant information to be assessed and certain competency to be demonstrated. Compliance with contemporary, detailed welfare codes of practice should be mandatory and monitoring of compliance and performance essential. However, the proposed Bill, as it is written, has issues that need resolving associated increased unintended animal welfare consequences, clarity of interpretation and enforceability.

Pursuant to Part 7A, Division 3, the Bill proposes to extend the compliance function for authorised officers under the *Prevention of Cruelty to Animals Act 1979* (NSW) (and presumably the proposed Animal Welfare Bill 2022 (NSW)). There are consequences to adding to the existing animal welfare remit of POCTAA authorised officers in this way. It also increases the demands made of Council rangers already responsible for enforcing varied legislative instruments across the OLG portfolio. The power of entry provision pursuant to s69J(3) is less stringent than the Animal Welfare Bill, see for example the provisions at s67(1)(c) Animal Welfare Bill 2022 (NSW). RSPCA NSW comments that where the same officer can exercise powers pursuant to two different pieces of legislation in the same circumstances, they should be framed identically to avoid errors of interpretation.

⁴ Hazel SJ, Jenvey CJ, Tuke J. Online Relinquishments of Dogs and Cats in Australia. *Animals* (Basel). 2018;8(2):25. Published 2018 Feb 7. doi:10.3390/ani8020025

⁵ Hart Benjamin L., Hart Lynette A., Thigpen Abigail P., Willits Neil H. Assisting Decision-Making on Age of Neutering for 35 Breeds of Dogs: Associated Joint Disorders, Cancers, and Urinary Incontinence. *Frontiers in Veterinary Science*. 2020 (7) <https://www.frontiersin.org/article/10.3389/fvets.2020.00388>

The Bill attempts to extend criminal liability in ways generally not seen in the criminal law, requiring proprietors to prevent acts of cruelty or aggravated acts of cruelty be committed upon their animals. This is, respectfully, nearly impossible to enforce because proprietors can only prevent that which they can foresee, and if the act of cruelty for example is perpetrated by someone not known to them or able to be controlled by them, then the section becomes very difficult to enforce. Finally, there are some jurisdictional issues identified within the draft Bill, which include for example, an attempt at making Court orders pursuant to Part 7A extra-territorial – see s61M(1)(d).

(b) the animal protection issues associated with puppy farming,

Puppy farming has previously been defined as ‘an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs’ behavioural, social and/or physiological needs’⁶.

Therefore, these establishments, by definition, result in unacceptable canine welfare. The associated animal welfare issues have been described elsewhere⁷ and include:

- Extreme and/or prolonged confinement: in some cases breeding animals may never be allowed out of their cage to exercise, play, socialise, have companionship or even to go to the toilet. This failure to meet the environmental and behavioural needs of an animal results in frustration, boredom, distress.
- Inadequate veterinary care and general care including grooming and parasite control.
- Unhygienic living conditions with exposure to odours, ammonia, moist and dirty living and resting areas.
- Inadequate and overcrowded housing conditions.
- Lifelong health and behavioural problems in breeding dogs, and puppies born in puppy farms, as a result of the poor conditions they are bred in and a lack of adequate socialisation.
- Perpetuation of inherited conditions

Responsible breeding of dogs requires careful selection of breeding animals to maximise health outcomes in progeny. This should involve observation and objective assessment of canine health and temperament in addition to relevant health screening tests (e.g., radiographs, cardiac ultrasound, ocular examination) and genetic testing where appropriate. Any breeder can fail to take sufficient care in the selection of breeding animals, however, where the major breeding objective is profit maximisation through producing large numbers of pups over short periods of time with minimal input costs and minimal interest or knowledge in breed improvement – the risk of breeding dogs with inherited diseases, or poor conformation or temperament increases.

⁶ RSPCA Knowledgebase: What is a puppy farm? <https://kb.rspca.org.au/knowledge-base/what-is-a-puppy-farm/>

⁷ Franklin D. McMillan, Deborah L. Duffy, James A. Serpell. Mental health of dogs formerly used as ‘breeding stock’ in commercial breeding establishments, *Applied Animal Behaviour Science*, Volume 135, Issues 1–2, 2011: pages 86-94, <https://doi.org/10.1016/j.applanim.2011.09.006>.

In a study of over 1,100 puppy mill dogs (assessed two years after rehoming) the dogs had significantly higher rates of fear (both social and non-social), house-soiling, and compulsive staring compared to other pet dogs⁸. These results are consistent with other studies which have found that dogs bred on puppy farms differ significantly from those acquired from other sources when comparing behavioural measures. This effect is always negative, with puppy farming being linked to less desirable behaviour including aggression, touch sensitivity and separation related distress⁹. The abnormal behaviours observed in the former puppy mill breeding dogs in this study have multiple potential causes. However, the two explanations most consistent with the findings are stress-induced psychopathology and inadequate early socialization and/or lack of exposure to environmental stimuli normally found in the lives of typical pet dogs⁷.

The impacts of canine emotional health are not limited to the breeding animals. Pups from these environments also demonstrate an increased incidence of lifelong behavioural problems. A 2017 review of seven published studies and one anecdotal report involving dogs born in high-volume commercial breeding establishments and sold to the consumer directly via the Internet or indirectly through retail pet stores, revealed an increased incidence of behavioural and emotional problems that cause distress in adulthood compared with dogs from other sources, especially non-commercial breeders¹⁰.

These studies provide evidence that puppy farms cause stress and trauma to the breeding animals that live within them and that the puppies sourced from these establishments are likely to have lifelong negative impacts from even their brief existence at the puppy farms pre-natally and during their critical period of development during their first three to four months of life.

McMillan, in his paper, describes some of the issues associated with commercial breeding establishments and puppy mills as follows:

Common to virtually all commercial breeding establishments (CBEs) are the following: a large number of dogs, maximal efficiency of space by housing dogs in or near the minimum space permitted by law, the breeding dogs spending their entire breeding lives—in most cases, years—in their cages or runs, group and solitary housing, dogs rarely if ever permitted out of their primary enclosures for exercise or play, no toys or enrichment, minimal to no positive human interaction or companionship, and inadequate health care.

Commonly reported conditions present in many but not all CBEs include cage flooring made of wire spaced too widely for dogs to walk on comfortably, accumulation of feces, strong ammonia odor, no windows and poor ventilation, inadequate protection from inclement weather and temperature extremes, contaminated water and spoiled food, serious untreated medical conditions (particularly, advanced dental disease), collars and chains growing into

⁸ McMillan, F. D. Psychological characteristics of rescued puppy mill and hoarded dogs. Small Animal and Exotics Proceedings. North American Veterinary Conference, Orlando, Florida, USA, 19-23 January 2013.

⁹ Wauthier, L. M, Williams, J. M. Using the mini C-BARQ to investigate the effects of puppy farming on dog Behaviour. Applied Animal Behaviour Science 206 pg 75-86. 2018

¹⁰ Mcmillan, Franklin. (2017). Behavioral and psychological outcomes for dogs sold as puppies through pet stores and/or born in commercial breeding establishments: Current knowledge and putative causes. Journal of Veterinary Behavior: Clinical Applications and Research. 19. 10.1016/j.jveb.2017.01.001.

dogs' necks, extensive matting of hair, dogs showing compulsive behaviors, starvation, and deceased adult dogs and puppies.

RSPCA NSW, in the course of its enforcement activity, has witnessed many of the above examples of neglect and cruelty in relation to canine breeding facilities.

(c) the consumer protection issues associated with the sale of dogs from puppy farms online and in pet shops,

RSPCA defers to experts in consumer protection law on this issue.

(d) the adequacy of the current legislative and enforcement framework, including the Animal Welfare Code of Practice - Breeding of Dogs and Cats,

The Animal Welfare Code of Practice - Breeding of Dogs and Cats (Breeding Code) does not adequately safeguard the welfare of dogs and cats living in, and produced in, breeding establishments. Several provisions that are critical for adequate welfare outcomes remain as unenforceable guidelines only. This was recognised by the 2012 NSW Companion Animal Taskforce report which recommended that the breeding guidelines were elevated to mandatory standards.

The breeding standards that were subsequently reviewed, re-drafted and released for consultation in 2017/18 to some degree followed this recommendation by increasing welfare standards. However, these were never pursued by government, capitulating to critics unwilling to breed dogs in compliance with the elevated expectations¹¹.

The Breeding Code fails to sufficiently protect canine and feline welfare by:

- Permitting breeders to perpetuate heritable diseases,
- Not mandating a minimum level of demonstrated competency in the people caring for and managing breeding animals, pups and breeding decisions,
- Failing to insist on a staff to animal ratio that supports good care, enrichment, socialisation and monitoring of animals,
- Not requiring pups to be habituated to the domestic environments, people and animals that they will be required to interact with comfortably throughout life,
- Allowing confinement of animals in small enclosures, subject to social and spatial restriction, for up to 23 hours and 40 minutes every day.

A comparison with more modern canine welfare codes (such as the Victorian Code of Practice for the Operation of Breeding and Rearing Businesses 2014, or the Victorian Code of Practice for the Private Keeping of Dogs) highlights the deficiencies in the NSW Breeding Code. For example, the NSW Breeding Code allows for dogs to be kept in enclosures half the size of those mandated in Victoria.

¹¹ <https://www.dailytelegraph.com.au/news/nsw/lismore/dpi-commits-to-more-consultation-on-dog-breeding-rules/news-story/63e5dfa981ffec24abf239ee666fbdc7>

(e) the extent to which the recommendations of the 2015 Joint Select Committee on Companion Animal Breeding Practices in NSW have been implemented by the NSW Government,

Many of the 34 recommendations of the Companion Animal Breeding Practices (CABP) Inquiry have not been implemented.

The first CABP recommendation was to implement the recommendations of the 2012 NSW Companion Animal Taskforce (CAT) report. Several of these 2012 recommendations are not implemented including:

- A breeder licensing scheme (CAT recommendation 1)
- A revised Breeding Code with an elevation of the existing guidelines to mandatory standards (CAT recommendation 2)
- Minimum, basic level, qualification requirements for a single staff member at pet shops, pounds, shelters and breeders (CAT recommendation 7)
- A grant funding program for councils to partner with organisations to focus on microchipping, desexing and registration initiatives. The grant program that was implemented in 2014 ceased after three years and there appears to be no published outcomes reports. (CAT recommendation 13)
- A companion animal register with functionality to achieve several of the outcomes related to data recording, cross agency collaboration and improved oversight (CAT recommendation 14 & 20)

Of the remainder of the CABP recommendations there are a number of outstanding items:

- Analysis of implications of jurisdictional breeding regulatory changes including breeder relocation (CABP recommendation 2)
- Pound euthanasia study (CABP recommendation 5)
- Review by AWAC of certain breeder staffing requirements for consideration in the review of the Breeding Code. The government did not support AWAC considering a requirement for on-site overnight staffing of breeding establishments (CABP recommendation 8) and did not see through to completion a new draft breeding code that contemplated the implementation of staff to animal ratios (CABP recommendation 7).
- Implementation of a comprehensive breeder licensing scheme (CABP recommendation 10) with several key welfare outcome measures monitored for analysis of the success of a licensing scheme (CABP recommendation 11)
- Review of the Animal Welfare Code of Practice – Animal in Pet Shops did not result in the completion and implementation of an updated code (CABP recommendation 17)
- A review of the *Companion Animals Act 1998* to address inconsistencies and conflicts particularly with *Prevention of Cruelty to Animals Act 1979* (CABP recommendations 29)
- Mandatory council notifications to enforcement agencies of development consents for breeding establishments (CABP recommendations 23)
- A review of the adequacy of funding to RSPCA NSW and NSW Animal Welfare League (CABP recommendation 30).

(f) the impact of the NSW Government Consultation Paper 'Licensing and regulation of cat and dog breeders',

RSPCA strongly supports the licensing of all breeders and their staff. To do well, breeding and selling animals are complex activities, requiring an elevated level of skill and knowledge both for the practice of breeding, but also in complying with several separate acts, regulations, and codes. Like many other skills and trades that impact our community, it is important that everyone who takes part in this activity is appropriately trained, licensed, and regulated, to ensure community expectations are met.

The Licensing and Regulation of Cat and Dog Breeders Consultation Paper (licensing paper) raises a series of concerns expressed by breeders, with the solutions proposed effectively reducing the overall animal welfare requirements for breeding dogs and cats. RSPCA does not support making any subset of companion animal breeders exempt from holding a licence.

The starting point is to recognise that POCTAA is not sufficient to protect the welfare of breeding dogs and cats and their progeny. The high-level requirements for food, water, shelter, veterinary care and abstinence from egregious acts of cruelty do not address the species and contextual requirements to mitigate the risks associated with sub-optimal breeding practices. Examples of these important, more detailed requirements include good selection of breeding animals to prevent perpetuation of health and behavioural compromise, sufficient habituation and socialisation of young animals to avoid lifelong fear and anxiety, appropriate infectious disease control and the preparation and education of purchasers of pups or kittens. Therefore, codes of practice (or standards) are crucial to protecting animal welfare for all breeding contexts.

The paper emphasises the position that some companion animal breeders ('hobby' breeders and working dog breeders) do not want to be subject to compliance auditing. This is extrapolated to conclude they should not comply with an animal welfare code of practice for breeding. While RSPCA does not support the uncoupling of the need to comply with a code of practice and powers of enforcement agencies to undertake proactive compliance auditing, if there was a compelling explanation for why proactive auditing is not appropriate for some sectors of the industry, then this is an option to be explored rather than exempting breeders from compliance with relevant animal welfare standards. The proposed exemption also fails to address welfare risks for animals being bred for reward or profit regardless of the label the proprietor of the establishment gives themselves, which is unacceptable.

The discussion paper does not attempt to provide a reasoned justification for why the undefined 'hobby' breeders or working dog breeders are not appropriate for compliance auditing. However, RSPCA NSW is not aware of any issues arising from the exercise of these enforcement powers. Due to limited resources within the RSPCA NSW inspectorate, priority must be given to investigating complaints and prioritising a risk-based auditing program. Therefore, any suggestion that regular, unwarranted or unreasonable auditing is causing an unfair impost on breeders is not substantiated. This is supported by RSPCA NSW data indicating that over the previous 11 months, of the 133

breeding establishments visited, 77% were not compliant with minimum requirements of the relevant animal welfare laws.

RSPCA does not support exempting breeders (other than the existing exemption related to not breeding for fee or reward, such as in one-off accidental matings). However, there is support for a licensing scheme which would allow all breeders to be identified, engaged with and their conduct regulated appropriately, even if the conditions vary depending on the scale of the breeder's activities and the associated risks.

Understanding how welfare risks vary depending on breeder establishment size and scale is not simple. From first principles it can be asserted that, as the number of animals in a person's care increases, so too do certain animal welfare risks. Larger numbers of dogs and cats make necessary confinement. Confinement is always an animal welfare risk as it restricts the animal's choice and control, requiring the care giver to correctly anticipate and provide for the needs of the animal who has restricted access to important resources such as space, social interaction and microclimates. Mitigating this risk requires animal health and behaviour knowledge and skills as well as sufficient time and resources to relieve the animal from spatial and often social restriction and prevent frustration, boredom and failure of sufficient habituation and socialisation.

In contrast, where animals are kept in numbers that allow for them to spend the majority of time free to move within a domestic environment, they have the ability to choose where they rest, where they toilet, who they interact with, whether they want to be in sun or shade to thermoregulate and what they explore, therefore meeting their own needs. Simultaneously, any young offspring become familiar with the kinds of domestic environments they will be expected to live comfortably in as pets. There is no guarantee that, with any number of animals, an appropriate environment and care will be provided, however, the reality remains that ownership of many animals necessitates confinement which follows the risks and more intensive management that comes with that.

Larger numbers of animals also require increased time to care and monitor for issues. This is a well-recognised issue in intensive production animal systems where careful surveillance from adequate numbers of staff is necessary to ensure disease and injury is not overlooked among the large number of animals. This requires more human resources but also financial resources as the cost to treat veterinary conditions and provide good preventative health care increases accordingly. In assessing theoretical risk, it is relevant to not only consider the likelihood of adverse outcomes, where there are many animals, but also the consequence. For example, an increased likelihood of an infectious disease outbreak occurs where there are higher numbers of animals, but the consequence is compounded where many animals may subsequently suffer or die from the disease.

However, RSPCA data do not necessarily represent the theoretical animal welfare risk increase associated with larger breeding establishments. When comparing a group of compliant and a group of non-compliant breeding establishments, inspected over the same period, the median establishment size is similar, at approximately 20 animals, and the range in both groups is from 1-2 animals up to 230+ animals. It should be considered that compliance with the basic mandatory

provisions of the current Breeding Code of Practice is not the same as the animals having what would be considered good welfare by contemporary standards.

(g) the impact and effectiveness of the NSW Government ‘Puppy Factory Taskforce’ announced on 23 October 2020,

Since March 2021, the RSPCA NSW intensive breeding taskforce has deployed four RSPCA inspectors dedicated to proactive auditing and responding to complaints and intelligence related to breeding establishments. They are assisted by a digital intelligence officer focusing on companion animal breeding. The dedicated taskforce has resulted in increased oversight of animal welfare within the cat and dog breeding industry. Evidence suggests this oversight has been necessary to address noncompliance with animal welfare laws. Over an 11-month period (1 April 2021 to 25 February 2022), of the 133 breeding establishments visited, 77% were not compliant with relevant animal welfare laws.

The impact of the intensive breeding taskforce can be deduced from the following statistics:

- Over approximately 18 months (from August 2020 to February 2022), 428 breeding establishments have been inspected, requiring 621 visits (includes revisits/reinspection).
- This activity has provided oversight of almost 8,000 animals.
- One hundred and forty-one animals have required seizure to provide them immediate and necessary care.
- In response to identified non-compliance, a total of 193 written directions and 58 penalty infringement notices have been issued and three prosecutions initiated.
- Companion animal breeder related inspectorate activity has increased by a factor of 2.7 compared to the 18-month period before the inception of the intensive breeding taskforce.

(h) the impact and effectiveness the Domestic Animals Amendment (Puppy Farm and Pet Shops) Act 2017 (Vic) on puppy farming in Victoria, and the consequences for the puppy farming industry in NSW,

RSPCA Victoria representatives identify the value of breeding and rearing businesses being compelled to comply with the detailed Breeding and Rearing Animal Welfare Code of Practice. The Code requires a standard of care that they believe supports better welfare for animals in breeding establishments.

Consequently, it remains a challenge where breeding businesses identify opportunities to circumvent the need to comply with the detail in the aforementioned code or where there are groups of breeders and sellers not required to comply. For example:

- The emergence of rearers and puppy brokers not captured by the legislation because they do not keep fertile females but trade in the young pups,
- The distribution, by breeders, of their breeding animals to associated individuals to keep their numbers below three or below 10 to fit the definition of recreational or micro breeder and reduce regulatory requirements. This loophole is facilitated by definitions that refer to the number of animals on a single premises.

- Working dog exemptions without the means or oversight to confirm the veracity of the dogs' working status,
- Breeders with up to 10 breeding females registered with applicable organisations. These breeders are exempt from the Breeding and Rearing Code on account of their affiliated organisation's code of ethics. However, the degree to which monitoring, and enforcement of the breeder organisational codes occurs is not apparent and is not equivalent to enforcement agency activity.

RSPCA NSW is aware of dog breeders who have relocated from Victoria to NSW and have dogs in excessive of the 50 allowed by the amendment in NSW with limits approved commercial breeders to 50 fertile females.

(i) the challenges faced by local councils in respect to development applications for puppy farms,

RSPCA defers to local councils to describe their challenges.

(j) legislative and other measures that could be implemented to stop or reduce puppy farming in NSW, and

The care of animals in breeding establishments would be best supported by the development of modern, comprehensive animal welfare breeding codes that insist on a level of care that provides for a good quality of life. There needs to be resourcing to ensure sufficient regulatory oversight and enforcement capacity which includes resourcing for veterinary care and housing of animals seized for immediate treatment during enforcement activity.

Codes of practice also need to be supported by targeted education campaigns to increase awareness of the dangers of heritable defects, breeds with increased risk of serious conditions such as BOAS, heart and joint problems for example, and the increased veterinary and cost impost such breeds will have for owners. Breeders ultimately are meeting the market and supplying at a price premium companion animals which consumers want to purchase. Demand side strategies are necessary to incentivise breeders to amend historical behaviour, and that can best be done, in the view of RSPCA NSW by informing consumers, and the public generally about what good animal welfare looks like, and how minimum standards in legislation can be used to improve outcomes for animals.

(k) any other related matter.

The continued regular inspections of breeding premises are likely to improve the welfare of companion animals in the breeding industry through education and oversight. In the same way that all local councils are responsible for conducting regular unannounced inspections of food premises, with the cost of this inspections charged to the business owner on a per premises basis, so too should all breeders be regularly inspected to ensure compliance with both their Development Application as approved by the council, as well as compliance with the *Companion Animals Act 1998* and the *Prevention of Cruelty to Animals Act 1979*.

