

Submission  
No 9

## INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

**Organisation:** NSW Cat Fanciers Association Incorporated

**Date Received:** 6 March 2022

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# NSW Cat Fanciers Association Inc.

6 March 2022

Select Committee on Puppy Farming in NSW  
NSW Parliament

## **Inquiry into puppy farming in New South Wales**

NSW Cat Fanciers' Association Incorporated (NSWCFA) welcomes the opportunity to provide feedback on the Inquiry into Puppy Farming in NSW. We understand, and appreciate, the difficulties in balancing the differences between puppy farming and legitimate breeders of dogs and cats.

NSWCFA is one of the largest and most active Feline Registering Bodies in Australia with a professional administration office which processes thousands of registrations per year. Through our Affiliated Clubs, there are approximately 20 Championship Shows for members to showcase their breed. The Championship Shows cater for breeders as well as pet owners of both pedigree and non-pedigree cats.

NSWCFA is a founding member of the Co-Ordinating Cat Council of Australia (CCCA) which is one of the two umbrella national recommendatory bodies in Australia. NSWCFA holds a stakeholder position on the Office of Local Government Responsible Pet Ownership Reference Group. In addition, NSWCFA has been providing submissions for many years across a variety of Inquiries, Committees and Reviews of many aspects of Pet Ownership and Animal Welfare Act Reforms.

NSWCFA's purpose is to:

- To promote and raise the standards of breeding of pure bred cats;
- To promote and encourage the breeding of pure bred cats;
- To promote and encourage the showing of pure bred and companion cats;
- To educate the members and the general public in all aspects of cat ownership
- To promote, encourage and assist feline veterinary research.

NSWCFA requires its members to adhere to all relevant legislation under our Code of Ethics

- Prevention of Cruelty to Animals Act 1979
- Companion Animals Act 1998
- NSW DPI Breeding Code of Practice for Dogs and Cats

[http://www.nswcfa.asn.au/notices/notices/forms/2014\\_%20Code\\_of\\_Ethics-Amended\\_Nov2014\(1\).pdf](http://www.nswcfa.asn.au/notices/notices/forms/2014_%20Code_of_Ethics-Amended_Nov2014(1).pdf)

If you need any further information about our submission, please contact our office via email on [office@nswcfa.asn.au](mailto:office@nswcfa.asn.au)



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Our response to the Terms of Reference is noted below and on the basis that dogs and cats are tied together in many pieces of legislation. Whilst we may use the term “puppy farm”, this is extended to include kitten farms.

## **(a) the provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021**

What is the definition of a “puppy farm”? There is no standard definition but a broad understanding that it is an establishment that breeds puppies for sale, typically on an intensive basis and in conditions regarded as inhumane.

The entire Amendment Bill proposed by Animal Justice Party is a roadmap to severely restricting the breeding of companion animals with a view to ending pet ownership, and it seems obvious that it was crafted by people who have no firsthand experience with breeding dogs or cats.

This Bill is a clear act of an attempt to misinform the public by those such as the Animal Justice Party, Oscar's Law and the Animal Rights cohorts in their long term plan to end pet ownership. These groups, who have made their positions very clear that dogs and cats (actually, all animals in their grand scheme) should not be owned by humans or used for sport, entertainment or food are now suggesting that dogs and cats can be bred providing it is done within a very tight and strict scope.

The Hon. Emma Hurst makes claims that puppy farming is legal in NSW. How can something be legal or illegal with no actual legislative definition? It is, in fact, illegal to keep animals in the conditions in the broad understanding of what a puppy farm is. The conditions and requirements of dogs and cats kept for breeding purposes is well documented by NSW Department of Primary Industries under their Animal Welfare Code of Practice – Breeding Dogs and Cats. The mechanism to investigate and prosecute acts of animal cruelty is via the Prevention of Cruelty to Animals Act. The requirements relating to pet ownership is covered under the Companion Animal Act under the Office of Local Government.

NSWCFA has concerns about the entire Amendment Bill that was proposed and the impacts that it will have on breeders registered with cat and dog registering bodies, the purebred side of breeding and the future ability of being able to choose which type of companion animal best suits a person or family.

The Amendment Bill does nothing to address the issues of puppy or kitten farms. The NSW RSPCA Puppy Farm Taskforce has yet to publicly provide any information, outcomes or data as to how many actual puppy farms were identified and shut down after the taskforce was announced in 2020.

This Bill will have a devastating impact on the preservation of purebred dog and cat breeds in NSW, and likely across Australia. It will also see the increase in the costs to purchase a purebred dog or cat as those breeders who have the time, resources and funding to run as a commercial business will own the market for companion animals.

This Bill provides a mechanism for breeders who are not registered with Recognised Organisations and/or not complying with the Code of Practice to continue what they are doing as if they have 2 or less female dogs or cats, they are not covered until the Bill in any way, shape or form. It will mean that more female dogs or cats are desexed and are needing to be rehomed, thus competing with animals already in the shelter/rescue system.



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Dogs and cats having 2 litters in their entire lifetime is a ludicrous idea with no basis on how it improves animal welfare. It will make the preservation of blood lines impossible. It will mean the end of small breeders who do not have the opportunities to use cats owned by other breeders so that the bloodlines do not appear in the pedigree. It is worth noting that dogs and cats are sold to, and imported from, overseas breeders as part of breed improvement, and this will be virtually impossible to achieve given the limited numbers of animals from 2 litters. A litter is defined as being birthed – if the first litter does not have breeding quality female kittens and the second litter are all male, the breeder has exhausted the 2 litters from that female. She now needs to be desexed and the breeder has lost that blood line. Cats average 4 to 6 kittens per litter but there is no guarantee of whether you will have 1 or 8 kittens in a litter.

To maintain the number of breeding females under this Amendment, breeders will have to constantly desex and rehome their ex-breeding cats – this has the impact of increasing the number of older cats looking for homes & competing with the older cats in the shelter/rescue system. The Code of Practice currently sets limits on how many litters a cat or dog can have over a period of time (cats are 3 litters over 2 years and dogs are 2 litters over 2 years, without the written approval of a veterinarian). The number of litters prescribed in the Code of Practice does not mean that each and every breeder has that number of litters.

There are multiple factors which impact when a breeder chooses to mate their female cat. These factors include

- The timeframe between her last litter
- Whether the timing is convenient for the breeder
- How many litters the female cat may have had in her lifetime
- How old the female cat is
- Whether the female cat shows a good temperament as a mother
- How successful the female cat was in rearing previous litters

The Amendment Bill will have the several ongoing impacts:

- Breeders will choose to stop breeding as it's too onerous to be a business.
- Breeders will cease to import animals from overseas to strengthen the gene pools as the cost will be too prohibitive.
- The look of each breed will decline as not every puppy or kitten born is a good example of that particular breed standard, however to continue breeding, animals will be kept for future breeding regardless of whether they meet the breed standards because they have no other options.

Based on a 2019 survey conducted by Animal Medicines Australia, 69% of Australian Households own a pet with 50% owning at least one dog and 30% owning a cat. There are many documented benefits of owning a pet, including improving mental health and wellbeing as well as physical health and compensating for lack of human contact. Covid19 has certainly shown that being restricted from human contact has had a major impact on people's mental health and that the volume of pet enquiries has increased significantly with people seeking to bring a pet into their lives as a companion.

The survey outcomes can be found here: [https://animalmedicinesaustralia.org.au/wp-content/uploads/2019/10/ANIM001-Pet-Survey-Report19\\_v1.7\\_WEB\\_high-res.pdf](https://animalmedicinesaustralia.org.au/wp-content/uploads/2019/10/ANIM001-Pet-Survey-Report19_v1.7_WEB_high-res.pdf)



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Surveys and data show that pet owners spend in excess of \$13 billion in Australia per year. Breeders contribute to this as they need to buy all the same items (food, litter, flea and worm treatments, toys, etc) as a pet owner and do so in larger quantities. A pet owner with 1 cat might spend \$30 per week on food – a breeder with 10 cats will spend \$300 per week on food. Many breeders will spend more than \$500 in veterinary costs per kitten which equates to \$3,000 of income for a veterinary clinic servicing a breeder with 6 kittens in a litter.

The Amendment Bill will have a dramatic impact on those people seeking animals as companions to be able to choose what breed of pet is best suited to their lifestyle. Imagine if the only source is from shelters and rescues, and none of those animals suit your lifestyle --- you will not be able to welcome a companion animal into your life as you will not have any other avenues available to you. For example - a 5 year old Staffy x Mastiff that has been surrendered by its owners or seized as a stray is not the right fit for many people.

Responsible pet ownership should be about being able to choose the pet that suits your lifestyle, but there are members of our society and communities that use bullying and intimidation tactics to promote purchasing an animal from the shelter/rescue network as being the only moral thing to do. It is not appropriate for people to bully others by making blatant commentary that a choice to buy from a breeder is sentencing a shelter animal to be euthanased. If the person looking to buy an animal wanted to get a rescue animal, they would do.

As of 6 March 2022, NSW RSPCA had no less than 130 cats listed on their website for adoption. All except 1 of these cats are listed as domestic short hair or medium hair and none that have photos resemble a purebred cat. We do acknowledge that an increase in cats and kittens is related to the time of year (spring/summer).

As of 6 March 2022, NSW RSPCA had no less than 55 dogs listed on their website for adoption. No less than 28 of these 55 dogs were Staffordshire Bull Terrier, American Staffordshire Bull Terrier, Bulldog, Bullmastiff or similar large size dogs. This equates to 50% of the dogs available for adoption. In addition, there are a number of Greyhounds, Kelpies, Labradors, Rottweilers and Cattle Dog listed.

In comparison, we note that as of 31 October 2021 (when a response to the announcement of the Amendment Bill was prepared), NSW RSPCA had 43 cats listed on their website for adoption. 42 of these cats are listed as domestic short or medium hair. None of these cats resemble a purebred cat --- even the one listed as a ragdoll did not bear any visual resemblance to that breed. NSW RSPCA have 49 dogs listed on their website for adoption. 30 of these 49 dogs were Staffordshire Bull Terrier or Mastiff crosses.

NSWCFA is not suggesting that the dogs and cats in the shelter/rescue system are any less worthy than a pet from a breeder, the point is that unless you want a 'staffy type cross' or a domestic shorthair cat, your options are limited unless you seek out a specific breed rescue.

NSWCFA agrees that the volume of companion animals being euthanised through council pounds and enforcement agencies (NSW RSPCA and AWL) is too high. However, there is not enough data and information about where the animals in pounds/shelters/rescues come from. There are still people who do not desex their pets, who give away the puppies and kittens to friends who then do not bother getting the pet desexed, so the cycle just perpetuates itself.



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The right thing to do is educate pet owners about responsible pet ownership. In years past, desexing puppies and kittens prior to leaving a breeder was not done but now, a high proportion of registered breeders desex before the puppy or kitten goes to its new home. In this scenario, how are responsible breeders contributing to the animals who find themselves in pounds and shelters. More likely than not, it is pet owners who are not breeders who sell or give away animals who are not desexed and then the new owner fails to desex the animal and the cycle just continues to repeat itself.

A high proportion of breeders registered with Recognised Organisations spend hours vetting prospective new owners. It is not a case of first come, first served. Breeders are careful about who the puppy or kitten is placed with as they care about the ongoing welfare, wellbeing and the future life the animal is going to live.

The Amendment Bill will force every person who falls into the definition of a companion animal breeding business to become a business, and this outcome has many flaws.

- Animal Businesses are required to have 1 staff member to every 5 animals on the premises. If you had 5 breeding females, 2 breeding males and a litter of 6 puppies or kittens (13 animals at your home), you would need to have 3 staff members at your home 24 hours a day. This is not realistically possible. Pet owners are not required to be at home with their pets 24 hours a day and for most breeders, their breeding cats or dogs are their pets with many living inside their homes, sleeping on beds & getting the same affection as desexed pets.
- The definition of staff is “all people employed by an organisation”. This means breeders will need to become involved with payroll tax, superannuation, leave entitlements, paying minimum wage, minimum age of employees and occupational health and safety (OHS). These are specific requirements for hiring staff and are not feasible for a breeder who does not breed animals on a commercial basis for profit. This has a potential consequence that children in a family can no longer help to care for the family dogs and cats who are kept for breeding purposes.
- A breeder’s home would be registered with their council as business premises which may have impacts on insurance and on capital gains tax exemptions. According to the ATO website, a person’s home is exempt from capital gains tax providing it has not been used to produce an income. With the home being registered as business premises, this removes the ATO exemption.
- The annual application for the premises registration does not give a breeder any certainty around future breeding plans. Local councils will have to reject applications to register premises or for source numbers if an applicant has been found guilty of an offence under several Acts, including any offence under the Prevention of Cruelty to Animals Act. Being found guilty could be for something as minor as being fined for your dog knocking its water bowl over whilst you are at work 10 years ago. If a person’s neighbour makes a vexatious animal cruelty report and suddenly you are being fined for not providing water under animal cruelty laws.
- If local council rejects an application to register premises or provide a source number, this means that under this Bill, the breeder has breached the Act and can have all their animals seized.



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- Items 61.K relating to discretionary grounds to refuse, suspend or revoke registrations is most concerning. What is the relevance of whether the applicant is a declared bankrupt other than their previous business failed? How does a Local Council determine whether an applicant can meet the expenses to provide proper care for the animals in their care or whether they have suitable experience or qualifications for caring for animals?
- Implications that the data held by recording the details of properties approved as companion animal breeding businesses may be available to members of the public via FOIA or GIPA requests. This gives anyone access to details of who the breeder is, where they live, how many animals they have at their home which is a cause for concerns about security for the breeder and their animals.

It is deeply concerning that the Amendment Bill is a blatant process map to eradicate breeders who are doing the right thing, and essentially removing the ability for people to share their lives with companion animals. This Bill will not stop those people who are doing the wrong thing. There is very little opportunity to impulse buy from a breeder as the entire process from Day 1 of Mating to the puppy/kitten going to its new home takes approximately 4 to 5 months.

Any changes to the Regulations or Acts of any piece of legislation should require consultation or approval via Parliament and not be solely under the control of any given Portfolio Minister at the given time.

### **(b) the animal protection issues associated with puppy farming**

NSWCFA agrees that the public images that are associated with puppy farming are abhorrent and people keeping any dog or cat in those conditions are clearly operating outside any scope or intent of a responsible breeder who adheres to the various legislative requirements.

The animal protection issues raised are not exclusive to puppy or kitten farming. However, the problem lies with the fact that people who keep animals in the conditions associated with 'puppy farms' are not in plain sight and hard to detect. The conditions used as examples of puppy farms are against the NSW DPI Breeding Code of Practice for Dogs and Cats, but the problem is, they conduct themselves in secret and are frequently undetectable because they don't want to be found.

The Puppy Farm Taskforce has not located the 'hundreds' of puppy farms that exist as thrown around by the Animal Justice Parties and their supporters. They have located 900 breeding facilities but how much work went into identifying these breeders – are they simply obtaining information from the Pet Registry, looking at platforms such as Perfect Pets and Dogz Online, or websites of actual Recognised Organisations such as NSWCFA, CatsNSW, Ancats, DogsNSW or Master Dog Breeders Association and thus finding the breeders who are not hiding.

- Is it a good use of taxpayer money to go after the breeders that are in plain sight ?
- Is it more about statistics to ensure the taxpayer funding keeps coming ?

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

Puppy farms need to be identified to be able to establish actual facts about how they are selling the dogs or cats, and much of the "information" comes from speculation.



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The sale of companion animals should be restricted to websites or other platforms where there is a direct link to the breeder's name and prefix. The ability to advertise animals online via places such as Gumtree and Trading Post should not be allowed as there is no mechanism to monitor. Anyone can list a pet for sale with a breeder ID that is not legitimate.

NSWCFA prohibits the sale of kittens by our members to commercial cat wholesalers and non PIAA accredited retail pet shops.

Constant education for prospective pet owners/buyers about how to identify a breeder who is not meeting the legislative requirements and having a easy mechanism to report is critical. It is prospective pet buyers who are key to identifying breeders who are not meeting their obligations.

It is also imperative that pet buyers are educated about how to choose a pet that suits their lifestyle, and not choose based on how cute it might be or what the breed says as a status symbol. It must also be acknowledged by everyone that irresponsible pet owners who make bad decisions are a root cause of a large portion of animals find themselves being in the pound/shelter/rescue system.

### **(d) the adequacy of the current legislation and enforcement framework, including the Animal Welfare Code of Practice – Breeding of Dogs and Cats**

The current Code of Practice for Breeding of Dogs and Cats in NSW was first published in 2009 with no revision being completed since that time (apart from nominal updates in 2021).

The current Code of Practice is not fit for purpose today as it do not differentiate between a commercial breeding facility (business) and non commercial breeder (hobby/recreational) . It is extremely difficult to agree on a definition and NSWCFA believe it could be as simple as having 2 categories – Small Breeder and Large Breeder.

There are items that need revision in the Code to bring it into current times and NSWCFA provided a draft Code of Practice as part of our response to the DPI Breeder License Consultation Paper and will continue to work with the DPI once the outcome of the consultation is announced.

The recent huge increase in penalties for animal cruelty under POCTAA is not going to see a change in attitude or behaviour by those people prosecuted as the courts will do not hand out any worthwhile sentences or consequences to curb the intent, actions and behaviour of people being prosecuted, and to be honest, the charitable organisation that has brought the prosecution doesn't follow up payment of the fine or implementation of any court orders or sentence.

- The updated fine for failure to provide proper and sufficient food, drink or shelter has increased from \$5,500 to \$16,500 and/or 6 months imprisonment for individuals, and from \$27,000 to \$82,500 for corporations.

Yet, animal rights activists can enter private property, steal animals and there absurdly offensive penalties handed out by courts, such as the case of the Gippy Goat Café in Victoria. The activists in question were allowed to harass, defame, threaten and steal from the owners of the café and when sentenced, were given a \$1 fine. The owner, John Gommans said at the time ""The anonymous bullies, hypocrites, law breakers and self-professed paragons of moral and social justice have won," he said.





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

NSWCFA will not discuss each of the findings and recommendations, but suffice to say, it was a long report of some 175 pages, 4 findings and 34 recommendations.

The Committee nominated the below as important items in the findings and recommendations, and it is noted that the Government did not support all of the recommendations.

- The introduction of a breeders' licensing scheme for all commercial dog and cat breeding in NSW and the requirement that when advertising the sale of dogs and cats, via any medium, that the breeder identification and animal microchip numbers be displayed
- That pet shop sales not be banned because a ban would lead to less scrutiny of animal sales without improving welfare
- That the NSW Government implement the recommendations of the Companion Animals Taskforce as a priority
- A finding that the number of animals kept by a breeder is not in itself a factor which determines the welfare of breeding animals
- A need for a common database and better co-ordination between the enforcement agencies, including local government, in NSW to remove inefficiencies, duplication and achieve better animal welfare outcomes.

Breeder Licensing Scheme – There has been a recent Consultation Paper issued by NSW DPI and there has been no further outcome announced. There was significant work completed on the Pet Registry which NSWCFA participated in which ground to a halt.

Pet Shop Sales - Whilst NSWCFA does not prohibit our members to sell to PIAA accredited pet shops, as an overarching position, we do not believe pet shop environments allows dogs and cats to thrive in the timeframe they are there. Depending on the set up, it is debatable whether the area allocated is suitable to allow sufficient exercise, ability to retreat from the lights, noise or members of the public, separation of eating, toileting and sleeping areas, environmental enrichment and appropriate socialisation at the ages where puppies and kittens are at their most impressionable.

Prioritise Companion Animal Taskforce recommendations – NSWCFA agrees that the timeframe to implement has been far too long.

Number of Animals Kept – NSWCFA supports this finding. The number of animals kept does automatically have an impact on animal welfare outcomes. Education that works hand in hand with clear and understandable legislation is key, as well as having fit for purpose Codes of Practice that are easily achievable by pet owners/breeders.

The implementation of some the recommendations has been nonexistent and slow. We are still talking about these findings and recommendations that were announced from the 2015 Select Committee and it is now March 2022.

It is not helpful when pieces of legislation and systems sit under different Portfolio's such the Breeding Code of Practice (DPI → Agricultural Minister) and Companion Animals Act and Pet Registry (Office of Local Government Minister). All aspects of Animal Welfare should sit in the same Portfolio to simplify the process and to allow all pieces of the legislative puzzle to be worked on in conjunction with each other. NSWCFA would suggest this sits with DPI.



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

NSWCFA supports the idea that all breeders of dogs and cats must comply with a fit for purpose Breeding Code of Practice. If we are serious about animal welfare, every breeder of dogs and cats should be required to hold a license and comply with a fit for purpose Breeding Code of Practice which is authorised and legislated under POCTAA.

A license system should not be onerous or the expense be prohibitive on breeders who are already hold a breeder prefix with a Recognised Organisation (such as NSWCFA).

Part of the reason that NSWCFA believes the current Code of Practice is not fit for purpose is that all breeders are deemed to be 'commercial'. Most breeders are not commercial in nature or in practice, however it is difficult to agree on how to define a breeder who is not commercial (hobby, recreational).

Breeders who are running as a business (being a registered business with an ABN, has employed staff, volunteers who are not family or friends, submits tax returns to the Aust. Tax Office) forfeit any of the allowances given to small or large breeders.

NSWCFA believe it could be as simple as Small and Large Breeders,

A Large Breeder in NSW could be defined as:

- A breeder who holds 26 or more fertile female dogs or cats and
- A breeder who has six or more lactating or pregnant females at any one time

A Small Breeder in NSW could be defined as

- A breeder who holds 25 or less fertile female dogs or cats and
- A breeder who has five or more lactating or pregnant females at any one time

Whilst these numbers of fertile female cats might seem excessive, the higher number of females allows the following to occur, which promotes good animal welfare outcomes, health and wellbeing:

- To preserve pedigree breeds of dogs and cats
- To enable different breeds to be promoted via pet ownership
- To allow breeders to have multiple breeds and/or species
- To ensure genetic diversity
- To encourage breeders to be able to avoid repeating mating's in their breeding plans thus improving the quality of bloodlines
- To ensure stud dogs and cats do not develop medical or behavioural issues by being unable to act naturally as intact males designed for breeding.
- To ensure there are enough opportunities to allow breeders to work with others to improve the breed standards
- To allow flexibility to be a breed both dogs and cats, or multiple breeds.
- To accommodate those breeds with limited numbers of breeders in NSW
- To allow breeding programs to assist with development of new breeds
- To enable inheritable diseases to be bred out

It is impossible to preserve or promote the different breeds of dogs and cats if breeders do not have



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kittens to sell to pet owners.

## **(g) the impact and effectiveness of the NSW Government 'Puppy Factory Taskforce' announced on 23 October 2020**

NSWCFA has doubts of the impact and effectiveness of the Puppy Farm Taskforce, given that there has been not information, outcomes, or data on to how many actual puppy farms were identified and shut down after the taskforce was announced in October 2020. The only information available is what was reported in the recent NSW Budgets Estimates.

How is anyone meant to respond to this question when the data and information is not available ?

The Puppy Farm Taskforce that was quickly renamed to the NSW RSPCA Breeder Compliance Unit after the announcement of its establishment, and NSWCFA note that it is now been 'rebranded' as the Intensive Breeding Taskforce.

As soon as the Taskforce was renamed, it was clear to NSWCFA that the intent was to target dog and cat breeders that were "hiding in plain sight" who are registered breeders with Recognised Organisations such as DogsNSW, Master Dog Breeders Association (MDBA), NSWCFA and other cat recognised organisations in NSW.

NSW RSPCA clearly acknowledge that puppy farms (or irresponsible breeders as per their website) do operate in plain sight - "*With many irresponsible breeders operating in secrecy and hidden from view, RSPCA NSW relies on information from the public to identify and investigate cases of potential animal cruelty.*"

<https://www.rspcansw.org.au/what-we-do/intensive-breeding-taskforce/tip-off-form/>

The information reported by Mr Scott Hansen (Director General of the NSW DPI) during the NSW Budgets Estimates states:

- 4,823 animals were inspected since 2020
- 122 notices were issued (24Ns being written notices of non-compliance)
- 47 penalty infringement notices issued
- 3 prosecutions were initiated

Mr Hanson also advised that "*the anecdotal is that the PINs were largely for breaches around bedding, vaccinations, cleaning—basically, breaches of the code of practice.*" These PINS were not issued for serious cases of animal cruelty or animal welfare. Without the 24N notices and PINS being required to have detailed information about what the breach was, how can we be confident that inspectors did not solely use their own interpretation. We know that a number of the Standards were being misinterpreted and this is reason the nominal changes to the Code occurred in 2021.

NSW RSPCA have announced a new taskforce called the Intensive Breeding Taskforce to investigate the 900 breeding facilities that they have identified. Is this what they used the \$400,000 of taxpayer money for? To identify 900 breeding facilities whilst targeting the "*scourge of puppy factories*" in the words of Adam Marshall at the recent Budget Estimates.

It is unclear what methods were used by the Puppy Factory Taskforce to locate and identify actual breeders who fall into this category.

[https://www.rspcansw.org.au/wp-content/uploads/2021/12/RSPCA-Impact-Report-%C6%92-3-compressed\\_compressed-compressed.pdf](https://www.rspcansw.org.au/wp-content/uploads/2021/12/RSPCA-Impact-Report-%C6%92-3-compressed_compressed-compressed.pdf)



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### **(h) the impact and effectiveness of 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**

NSWCFA does not have any specific data as to the impact of this legislation on dog and cat breeders in Victoria, however from personal stories from breeders, the impact has devastated registered breeders with many choosing to cease breeding as the Act is too strict and confusing.

This Act has caused a variety of knock on effects:

- Initial legislation around the Act suggested that hobby breeders could keep up to 10 fertile females before having to apply for a Domestic Animal Business (DAB) license.
- Planning Laws were then changed which then stopped anyone having more than 5 “animals” on their residential property.
- The 5 animals are any species (2 cats, 1 dog, 2 budgies and 2 rabbits and you’re over your 5 animals, so what is the choice – rehome a family pet or euthanise the family pet ?
- New Planning Laws that have come into effect after this Act was passed now means a person can’t breed if their property is zoned residential unless there is no more than 2 animals registered.
- Property owners can apply to their Local Council for a change of land use accompanied by a large fee, but approvals are not forthcoming.
- A rise in unethical breeders in Victoria resulted in more animals being in the shelter system.
- Covid19 arrived in March 2020 and people made rash decisions to bring a pet into their homes.
- As life has returned to the ‘new normal’ since March 2020, many people have realised their pre-Covid life doesn’t accommodate a pet, so animals are being returned.
- This causes the Victorian Government to establish a Taskforce to review Shelter Industry as well as a separate Taskforce to review the euthanasia rates at shelters and rescues.
- The outcome of the Taskforces is that Victoria needs more shelters with more regulation and extra funding. There is now funding grants available to shelters to accommodate increasing number of surrendered animals bred by irresponsible breeders and bought by irresponsible pet owners.

How is continual breeding with the 2 dogs or 2 cats that you are allowed to have being a responsible breeder to improve the standard of your chosen breed? To improve genetic diversity and breed out certain health defects.

As per our comments on the Companion Animals Amendment act in Item A of this Terms of Reference, the Victorian model is designed to allow irresponsible breeders to hide and cause responsible breeders to stop. How is this improving welfare standards and stopping puppy farms ?

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

As NSWCFA has no contact with Local Councils as such, we can only comment on information that we are made aware of by our members and via other breeders both in NSW and other states. From reports in other states, many councils are hounded and harassed by Animal Rights Activists when a development application is submitted in order to have the application declined.



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Local councils should be able to make independent decision based on the validity of any application and not make decisions based on a specific cohort of the general public who have no concept of what a professional breeding establishment looks like. Many of the people in this cohort are spurred on by what they 'believe' occurs. I'm sure the Committee will be aware of public campaigns by animal rights activists to encourage people to submit surveys, feedback etc to inundate Local Council members. Many of these people submitting responses do not even live in the local council area so it is a little disturbing that activists can influence decisions made in local councils that they do not even reside in.

Data from the Office of Local Government on how many breeding facility development applications are being submitted should be easy for this Select Committee to obtain. This data is key to determine how many applications are being received to be able to assess whether it's a problem or not.

It is highly unlikely that that puppy farmers (those conducting themselves in the manner of the public images) are actually submitting formal applications and paying fees to have applications to build a breeding facility.

### **(j) Legislation and other measures that could be implemented to stop or reduce puppy farming in NSW**

The cost of purchase is a determining factor, and this is simply the reality. The idea of getting a bargain for an item being purchased is ingrained in our society and if a pet owner can buy a dog or cat for \$1500 instead of \$3000, there is a high proportion of people who will not be concerned about the conditions the puppy or kitten came from, or the conditions its parents are kept in.

This is why education is so important – for pet buyers to ask questions and to be guided in what to look for and how to identify a good breeder from a bad one.

The first step is to define what a puppy farm is, and until that occurs, any legislation and other measures will not be effective in stopping or reducing what is deemed as a puppy farm.

The second step is determining who is responsible for enforcing legislation or other measures.

Suggestions on what could be improved or changed to reduce the market that puppy farmers have to sell their dogs and cats:

- Active and ongoing education of pet buyers on what signs to look for to identify puppy farms.
- All third-party sales of puppies or kittens that are six months of age or younger will be banned which means all puppies must be sold by the breeder from the place they were born and have lived with their mother.
- Increase monitoring of OLG Annual Permit requirement for non desexed dogs/cats over the age of 4 months.
- Increasing monitor of OLG Lifetime Registration requirement.



# NSW Cat Fanciers Association Inc.

## (k) Any other related matter

It is very unfortunate that there are so many animals euthanised and NSWCFA agree that significant changes in attitude towards how animals are treated. For many people, having a pet means they have a 'furry family member', but there is a section of society that do not see animals in the same way.

The Select Committee should not be swayed by the idyllic suggestions of the Animal Justice Party and animal rights supporters that the most responsible and ethical way to obtain a pet is via the shelter/rescue system. This is a lovely theory as people are 'saving' a dog or cat that will be euthanised unless it is rescued. The reality is that animals bred by responsible and ethical breeders rarely end up in the shelter system as they are not impulse purchases and breeders spend many hours talking to and educating prospective owners.

The Animal Justice Party, Oscar's Law and their supporters are whipping up public sentiment that Puppy Farmers are campaigning hard against legislation to outlaw puppy farming – what puppy farmer who keeps their dogs in the conditions in the photo that accompanies the post would be making public comments and submissions to this Inquiry or any other that relates to Puppy Farming.

It is a ludicrous idea and provides misinformation to the general public, most of who, see the picture and agree that it needs to be stopped. Many people don't realise that this is going after all breeders.....not just puppy farms.

NSWCFA understands that the world of politics is vastly different to that of the general public, and for that reason, the fact that the Animal Justice Party prey on unsuspecting people to support their positions by attributing human characteristics or behaviour to an animal (anthropomorphism).



Michelle Grayson  
On behalf of NSW CFA Executive Committee