

**Submission  
No 160**

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

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**Date Received:** 2 March 2022

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## **NSW COMPANION ANIMAL AMENDMENT (PUPPY FARMS) BILL 2021.**

We stand in the midst of a considerable impending change impacting upon our ability, as hobby breeders to keep and breed of dogs. This arises by virtue of a social change in relation to animal welfare concerns and political pressures, resulting in governments, including the NSW Government, adopting a process to reform of Animal Welfare Law to incorporate animal rights. There are many in our society, manifested worldwide, who are both politically well-funded and represented, who seek to constrain the activities of the keeping and breeding of Companion Animals.

Here, we will attempt to simplify the current situation in NSW, which will potentially spread to all states.

Breeder registration/ licensing is an unjustifiable attempt at shifting the costs of welfare and Companion Animal management to breeders, who have done the right thing - simply because they are an identifiable target, placing the costs of a hobby and responsible dog ownership beyond the reach of most. In turn destroying a legitimate pursuit, significantly lowering the standards of animals produced for sale, whilst increasing the cost of animals to the average Australian.

We submit this is a blatant attempt to destroy a culture and social environment of many years standing. For many members of DOGS NSW, Dog Breeding, exhibition and sporting activities provide the social network for their life and for many, the loss of this backdrop will lead to social isolation, loneliness and the loss of sense of community.

Whilst we all have a strong desire for positive welfare outcomes for our animals, many of the mandatory health requirements within this Bill have no basis in Science and are in some cases untraceable and unenforceable.

The reality is that- The Companion Animals Amendment (Puppy Farm) Bill 2021 Private Member's Public Bill of Emma Hurst Animal Justice Party and Alex Greenwich (Ind), will limit access to Companion Animals as a whole which will have a seriously destabilising effect on our society, whilst doing nothing to arrest the unacceptable practises of the intense puppy farms, which will continue to proliferate impinged.

### **NEGATIVE IMPACTS OF THE ENACTION OF THE BILL; -**

- A licencing scheme would impose as an overlay upon the already robust and heavily regulated activities of dog breeders in NSW and will not result in the identification of the rogue breeders that the RSPCA have failed to locate, notwithstanding their significant funding by the NSW Government principally given to them to identify such rogue breeders.
- The proposed amendment Bill neglects to address the real issues of puppy mill operations, but instead will obliterate the hobbyists and those that breed for the preservation of particular breeds, as well as improvements to their health.
- Will negatively impact the public in their ability sourcing of a suitable Companion Animals.
- Lead to the escalation of the cost to the average family of acquiring a pet. All one need do is examine the statistics relative to the uptake of pet ownership during Covid which will bring appreciation of the reality of this scenario. Prior to the Covid pandemic the national percentage of pet ownership, stood at 63%, which has significantly increased due to the lockdowns. Australia has one of the highest per capita of ownership of Companion Animals in the world.

- The restrictive impact on numbers of breeding bitches or queens that may be kept will make preservation of a blood line impossible, thus decimating gene pools particularly, with rare breeds facing extinction. The end result will be genetic suicide for all breeds of purebred Dogs and Cats.
- Limit the Access to Companion Animals that are essential to the emotional and mental stability of our society. Companion Animals are of value to society in a plethora of ways and to eliminate them and the activities associated with them would be seriously damaging to a significant portion of our society. The statistics of companion animal ownership in NSW is corroborative of the importance of Companion Animals in our society. The value of pets in supporting mental and physical health and wellbeing is a matter of demonstrable fact.
- The effect on our society of this Bill, will remove or at the very least severely limit the ability for the positive impacts and outcomes of Companion Animals, as studies has been demonstrated in both scientific studies and statistical evidence. In fact, it will change our way of life and our freedoms!
- Will impact businesses supplying ancillary services to responsible breeders of companion animals, leading to a significant loss of jobs in related industry, suppliers and services, such as Veterinarians, feed establishments, and other animal suppliers. In 2019 The Animal Care Industry was worth approximately, \$13 billion which expanded to \$21.9 billion when associated industries were considered.
- Usher in a significant underground and unregulated supply of a greatly demanded commodity, being supplied by means that are incapable of being regulated. The proposed regimes of registration and compliance with a presently unknown Business Code of Practice would effectively end the breeding of pedigree dogs and cats by reputable people and send it underground.
- 61E of the bill presupposes a prohibition on breeding both dogs and cats in the one establishment; deeming that any enterprise that has more than two fertile female dogs or cats is a commercial breeder. Micro breeders are defined as only having two fertile females of the one species.
- The costs arising from compliance for even micro-breeders, being those persons with less than three breeding females would be prohibitive, like many of the restrictions contained within the bill are not equitable or reasonable, delivering outcomes whether intended or not, that are unfair, inequitable and unreasonable restrictions, that impact on a significant number of people in the NSW community and its economy.
- Calls for retrospective effect on private contractual arrangements in the nature of breeder's agreement and seeks to intrude into those contractual arrangements without lawful justification.
- Intends to manifestly restrict the ability to board and train animals, even where those boarding and training establishments are not breeding dogs. This restriction is entirely inappropriate and unreasonable. There is no rationale for the same expressed in the support for the bill and the various statements of Emma Hurst MLC.
- Cost of the registration of premises would unduly burden both Council's and applicants, noting that such registrations are to be annual only and local Council's would simply not have the staff to inspect and otherwise enforce the proposed obligations upon them. The annual licence fees would not cover the costs of regulation and enforcement arising from the raft of poorly thought-out obligations and restrictions. The cost of investigation and enforcement of the proposed regime of regulation would be extremely expensive and burdensome on the enforcement and investigatory entity, be that RSPCA, Local Council or otherwise.
- The obligations upon local Council's and on the Departmental Chief Executive are administratively burdensome, expensive and notwithstanding the contemplation of a registration system, which would have an intention of user pays, where the regime is self-funding. This would not occur as there would not be sufficient businesses registered so as to allow there to be a self-funding arrangement. It would be uneconomic to become registered thereby reducing the number of hobbyists or businesses breeding companion animals, which is no doubt the intention of the Animal Justice Party.
- Fines proposed for breaches of the proposed obligations in the bill are excessive and draconian.

- The impact on Planning Law in the nature envisaged is poorly developed and problematic particularly where they do not allow for a right of appeal to the Courts.
- The definitions contain a reference to the “Business Code of Practice” that has not been drafted and requires that the departmental Chief Executive of the OLG to publish the same, although within 61C the meaning of “Business Code of Practice” includes the:
  - a) Animal Welfare Code of Practice – Dogs and Cats in Animal Boarding’s number 5, dated October 1996; and
  - b) Animal Welfare Code of Practice Animal in Pet Shops, published 1 August 2008; and
  - c) Animal Welfare Code of Practice – Breeding of Dogs and Cats, published by the DPI 1 August 2009; and
  - d) A Business Code of Practice made by the Departmental Chief Executive, published in the gazette, but that does not contain the most recent updated Code of Practice for the breeding of dogs and cats.

**BREEDER LICENCING PROPOSAL NEGATIVE IMPACTS.**

- Does not provide a mechanism for effectively addressing large scale puppy factories that operate outside public view. May necessitate any breeder to obtain a DA before breeding. This is not appropriate to hobby breeders for whom the activity when conducted in their home is arguably an ancillary use.
- The inspection proposed by council will require significant funding from the State Government and will impose un-necessary restrictions on how a person may use their own home and the extent to which a homeowner may enjoy the privacy of their home. Such inspections would be conducted by people untrained in animal welfare.
- Does not distinguish between hobby and commercial breeders. The scheme must provide an exemption for already licenced hobby breeders such as members of Dogs NSW who operate under a strictly applied and enforced Code of Ethics and who already provide accountability through registration of puppies with Dogs NSW.

**WHAT DOES THIS ACTUALLY MEAN FOR ETHICAL BREEDERS WHO ARE MEMBERS OF A ROBUST ASSOCIATION SUCH AS DOGS NSW –**

- Extinction of many breeds of dogs and cats and Gene pool decimation
- Potentially the demise of dog and cat breeding, dog show and related sports.
- The end of Australians being able to own a dog or cat for companionship.
- Potentially trigger panic disposal or euthanasia of excess animals.

Impact area	Interpretation Specific proposal
Breeding	<ul style="list-style-type: none"> <li>• ALL breeders of Dogs and Cats MUST be registered.</li> <li>• Annual Licencing – fee to fund the cost of implementation of amendments to CAA.</li> <li>• Source numbers issued identifying breeders on public data base <i>cannot advertise litter without same</i>.</li> <li>• 2 classifications of breeders:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Companion Animal Business - allowed between 3 and 10 breeding females</li> <li>○ Micro breeder - allowed 2 breeding bitches, or 1 breeding bitch and 1 breeding queen, or 2 breeding queens</li> <li>● Unregistered breeders or those not meeting registration requirements could have their breeding dogs or cats seized.</li> <li>● Guardian homes - breeding females out in pet homes are included in the breeder's allowed numbers of breeding Females-Over-riding of Breeders Contract arrangements (guardianship), explicit in details and actions.</li> <li>● Maximum of 2 litters for any breeding bitch/ queen, then they MUST be desexed.</li> <li>● Breeding males MUST be desexed at 6 years of age.</li> <li>● Puppies and Kittens over 8 weeks old can be deemed to be breeding animals in the calculation of permitted numbers as written.</li> </ul>
Mandatory Health requirements	<ul style="list-style-type: none"> <li>● Mandatory -health checks at 4 weeks, prior to breeding and again within 8 weeks of delivering a litter and mandatory annual health check.</li> <li>● Must not breed from a female if a previous litter has identified a heritable defect.</li> <li>● Only total out-crossing permitted.</li> <li>● Female breeding animals spayed after 2 litters. Breeding males castrated at 6 years.</li> </ul>
Enforcements, legal and registration requirements	<ul style="list-style-type: none"> <li>● Classification of Breeding, Boarding &amp; Training Business requiring Local Council Approval as Companion Animal Business</li> <li>● Prohibitive fines/penalties \$110,000 or 2-year jail term– corporations &gt; x 5</li> <li>● Criminalising the breeding of dogs and cats, No right of appeal.</li> <li>● Powers to invade homes and seize breeding dog and cats.</li> <li>● Companion Animal Businesses would conflict with zoning and Development Control Plans with most Councils</li> <li>● POCTAA enforcement officers to enforce CAA legislation along with Council officers</li> <li>● Annual inspection by Local Council with absolute discretion to impose terms and conditions to any registration of a Companion Animal Business</li> <li>● Local Council has absolute discretion to refuse to renew any registration of a Companion Animal Business</li> <li>● Bankrupts and/or Directors of Body Corporates that have gone into liquidation cannot be approved for Companion Animal Businesses</li> </ul>
Human	<ul style="list-style-type: none"> <li>● 1 staff member for each 5 animals kept at the registered premises</li> </ul>