

Submission  
No 224

## INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

**Organisation:** Pet Industry Association of Australia

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PIAA Response to the Inquiry into Puppy Farming in NSW.

When you investigate the pet industry from the outside you wouldn't find a more emotive based industry where every individual, organisation, group, club or association has an opinion. All of which is correct in some way shape or form based on their own interpretation of information or research completed, read or written by the latest experts. Is the pet industry so emotive based because it represents a cohort who has no voice for themselves, so we project our own feelings and emotions on the subject? So, who is right in this situation and who is the one voice in Australia developing the overarching framework to create the one voice that represents our most sentient animals?

**The PIAA totally opposes Puppy Farming and seeks to add value to the debate through its extensive membership base.**

#### **PIAA position statement**

“We regard the pet industry as a business, association, organised group or individual that provides goods, services or education to support the consumers right to owning and providing the correct care for a companion animal”.

The PIAA therefore exists to protect the right for consumers to own a companion animal through its membership base.

From a recent report Pets in the Pandemic, published by Animal Medicines Australia in conjunction with its partners found that:

- COVID-19 pandemic restrictions may have created an opportunity for Australians to introduce a previously desired pet into the family, rather than the pandemic being the reason itself for acquiring a pet. For instance, working from home arrangements have provided the opportunity to spend time with a young pet. Research shows the early anecdotal reports accurately reflect the biggest boom Australia has seen in pet ownership. In a time of significant uncertainty and reduced social interaction, Australians have turned to pet ownership as a source of comfort and joy.

- Owners said that pets had a positive impact on their lives throughout the pandemic because they provided joy, comfort and were good for mental health. The smaller number of negative experiences reported were associated with things like restricted walking times, worrying that their pet could catch COVID-19 or having their pet pass away.
- With pet ownership now at record levels, policy makers must consider the needs of companion animals and their owners. This should range from rental, strata and body corporate regulations to animals in public places, transport access and holiday accommodation.
- The pandemic also showed that animal welfare must be explicitly protected as an essential service/activity.

The PIAA believes that where there is opportunity there becomes scrutiny, particularly by the unscrupulous, puppy farms.

### **In specific response to the “terms of reference”**

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

The greatest failure of this proposed bill is that it fails to define exactly what a Puppy Farm is but proposes solutions based on the Animal Justice party’s agenda. The bill continues to regulate the entire industry through reductions of breeding and or the selling of animals based on an undefined meaning of Puppy Farms. The RSPCA has written a clear and concise meaning of the term Puppy Farm which has been widely adopted as the most practical meaning across the pet industry:

**“An intensive dog or cat breeding facility that is operated under inadequate conditions that fail to meet the animals behavioural, social and/or physical needs”.**

We are therefore forced to disregard much of the proposed bill other than the introduction of a licensing system for all animal breeders.

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

For the purpose of clarity, puppy farming should not be confused with the breeding of animals. Noting 3 current documents in circulation in NSW that governs both companion animal ownership and the regulations for the industry.

1. POCTA - Prevention of Cruelty to Animals’ Act.
2. NSW Code of Practice for Breeding of Dogs and Cats (The Breeding Code).
3. Companion Animals Act (CAA).

Puppy farms do not comply with any of these laws and are therefore illegal operations liable for prosecution. The question is why do they not become detected and or shut down and brought to justice?

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

In relation to the supply of companion animals to the industry the greatest failure of the Victorian Act was to confuse the Australian consumer into what is an “approved source” for the purchase of animals thus creating further black market and or scamming of new owners. The PIAA also challenges that “pet shops” should be part of the solution to new pet ownership and not ridiculed as the cause of puppy farms as some would suggest. Pet shops should indeed be on the approved list as they can be regulated as equal to the breeding community and are more visible to both the greater public and the inspectorate for compliance to animal welfare laws. Pet shops are the first point of contact to new pet owners and should be endorsed to communicate to consumers on responsible pet sourcing along with ownership whether they choice to sell animals or not.

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

Our first reference point is to call for a national approach to animal welfare instead of a state-based approach where issues are moved from state to state as in the case of The Victorian Act pushing puppy farms from Victoria to NSW through regulation. This leads us into the need for a framework to deliver a process of continuous improvement of the referred 3 documents mentioned above that should be reviewed by key stakeholders annually possibly under the stewardship of the NSW Responsible Pet Ownership Reference Group. The maturity of the pet industry based on the demand by the Australian consumers requires a much more frequent and inclusive review of the controlling documents than they are currently. In particular the NSW Code of Practice urgently requires some reform to include the meaning of puppy farms and its inadequacy allowing for Puppy farms to operate, successfully obtaining council DA approval.

**(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.**

The PIAA supports the findings of the select committee but makes mention of the speed of which it has been administered. As in the above statement this review is now 7 years old and in many cases in need of updating or indeed implementation.

**(f) The impact of the NSW Government Consultation Paper 'Licensing and Regulation of Cat and Dog Breeders.**

In specific response to the question for designing a licensing scheme and subsequent questions to exemptions the PIAA are very much in support of such a scheme. We do however believe that there should be **NO** exemptions to the scheme whatsoever. Animal welfare misconduct can be practiced by the untrained, unaware, single dog breeder or multiple dog breeders, there should be no discrimination, anyone in charge of an animal must face the same laws across the industry. We also believe that you cannot apply minimum or maximum number of breeding animals to a breeder or commercial operator, it is how the facility is maintained and the delivery of animal welfare which is of concern.

This of course brings us to the need for increased funding for the inspectorate to administer the laws where traditionally has been under resourced to act on any laws that are passed. The PIAA believe that the industry needs to address this challenge where a financial model be presented that self-funds the inspectorate to ensure compliance. This could be either through licensing of breeders and sellers or through a more specific model where “pet levies” be applied across the industry wide.

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

Whilst the intention of the additional \$400,000 provided by the NSW Government to shutdown Puppy Factories, the actual execution was less than satisfactory. Was it due to the fact that there is no definition of what a puppy factory is, or any specific laws that could immediately shut them down? The PIAA believes that the additional funds were more a tactical approach to a growing community awareness and thus applying a band aid rather than a solution.

**(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.**

Whilst the Victorian Act at the very least put a line in the sand for reform it failed to define what a puppy farm was and therefore became a vehicle for the Animal Justice Party to apply their own agenda. It continued to incorrectly address the real issues through regulation on the pet industry by way of breeders, animal carers and pet shops rather than those who operate outside and illegally to the pet industry. The underlying issue that causes the most debate but receives little commentary or focus on improvement is the demand and supply of companion animals to the industry. From a demand perspective periods of huge increase such as the current pandemic on companion animal ownership will cause spikes that breeders will respond to regardless of the illegal operation of puppy farms. This demand curve then needs to be controlled when demand drops off otherwise creating an oversupply that will lead to other animal welfare challenges.

The PIAA therefore challenges the NSW Government, perhaps through DPI to place this debate up for review from which we can write into policy for the longer-term control of the breeding and subsequent supply of companion animals to the Australian public.

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

Puppy farms exist through the development applications to council so is this not the first line of defence? Why are these applications approved and on what basis are these business’s audited against what laws? This is not something that the PIAA understands nor can we comment on the process other than all of our members are functioning inside the state and local council laws.

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

The pet industry in Australia is driven by the Australian public which has an overwhelming desire to own a companion animal. If these existing or new owners were to choose an animal from a registered breeder and or approved seller verses a puppy farm, then we believe the outcome is defined. The only way to allow this to happen is ensure that the pathways to ownership is totally endorsed by the industry with local & state governments support. More consumer education needs to be at the forefront of our decisions on animal registrations with full historical visibility to consumers as to where their animal came from.

**In closing**

The PIAA welcomes any practical review of the current legislation to better the ownership and welfare of our animals. It does however find that the proposal tabled adversely effects many of our members applying restrictions to the majority rather than singling out the minority.

**Barry Codling**

President of the Pet Industry Association of Australia

On behalf of our members.