

**Submission
No 194**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

Name: Mr Nigel Matthews

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Puppy Farming in New South Wales

4th March 2022

Submission to the:

Select Committee on Puppy Farming in New South Wales

Chair: Veitch, Mick (ALP, LC Member)

Deputy Chair: Hurst, Emma (AJP, LC Member)

Members: Amato, Lou (LIB, LC Member)
Banasiak, Mark (SFF, LC Member)
Boyd, Abigail (GRNS, LC Member)
Cusack, Catherine (LIB, LC Member)
Fang, Wes (NAT, LC Member)
Searle, Adam (ALP, LC Member)

CC Hon Gregory Piper MP, Lake Macquarie

The Committees terms of reference include the committee examining the provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021. (the Bill)

Submission by:

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Dogs NSW Breeder Prefix

M:

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Executive Summary

Puppy Farming as described by the RSPCA (included below) is deplorable, the NSW Parliament is ethically bound to do everything it can to stop the practice.

The Companion Animals Amendment (Puppy Farms) Bill 2021 will do nothing to stop puppy farming. "The Bill" will have detrimental and unintended consequences on the price and availability of puppies, placing dog ownership out of the reach of most families.

The Bills proposed regulation will ensure that the only dog breeding that is viable is undertaken by commercial breeders. The Bill will make Breeding for Dogs NSW Registered Breeders like me, a micro breeder, unviable.

Dogs NSW members who hold breeding prefixes, collectively are the sole custodians of Australia's Prue Breed Dog Genetic gene pool. The Bill will have a catastrophic impact on Australia's Canine Genetic diversity. Some breeds & bloodlines will be lost to Australia.

Dogs NSW already have a compulsory education program for people who want to become a registered breeder. A register of Breeders and a register of every dog ever breed, including the dog's pedigree. Members are bound by regulations that meet or exceed POCTA and the proposed Bill.

Dogs NSWs are already named in NSW Legislation, with Royal Assent as the principal organisation for Canine Welfare in NSW.

There is a simple solution within the existing regulation that can stop Puppy Farming tomorrow. This solution can be achieved with an adjustment to the existing microchipping processes and is detailed below.

Recommendation

This Bill should be withdrawn until the full impact of the proposed changes can be fully understood. The existing Microchipping regulations / process amended as detailed below. As these changes will have a targeted and material impact on puppy farming without impacting the rest of the community and Australia's canine gene pool.

RSPCA Definition of Puppy Farming – RSPCA website 04.03.2022

'an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs'.

A solution to Puppy Farming

Puppy Farming exists because the existing microchipping process is flawed.

While ever a Vet or authorised person can Microchip a dog without the origin of the dog being known Puppy Farming will continue.

Current Process – puppy farmer breeds puppy without anyone knowing who breed the dog (who is the Puppy Farmer), where the dog was bred or the Dogs pedigree (genetic health of Sire & Dam and breed type).

Puppy Farmer sells dog online and transaction takes place in McDonald's car park. Puppy farmer uses burner phone and can no longer be contacted when the Dog has issues.

Happy customer takes puppy to Vet. Vet registers and inserts microchip. Puppy dies at 3 months from genetic disorder. Breeder is unknown, litter mate's unknown, Bitch still breeding location unknown. Or Puppy has problems, owners abandon dog, dog ends up in pound and is euthanasia.

Proposed Process – registered breeder registers new litter on NSW Gov Pet Registry web site and or Dogs NSW as is the existing process. Sire and Dam microchips, Dogs pedigree status (ANCK registered or not), DNA health tests, Hip & Elbow scores are required for litter to be processed. The Puppies microchip and registration paperwork are sent to nominated Vet.

Only Vets can insert microchips (this is a crucial change).

Breeder takes puppies and Dam to Vet at 6 weeks. Vet complete health inspection on puppies and Dam. Vet microchips puppies.

VETS MAY NOT MICROCHIP A DOG THAT IS NOT PRESENTED BY THE BREEDER AND OR PREREGISTERED. Microchipping a dog illegally should be made a criminal offence for which a Vet can be deregistered.

Dogs presented for Microchipping by anyone other than the registered breeder and or are not preregistered are NOT Microchipped and reported to Council Ranges who confiscate the animal and take it to an Animal Welfare organisation where they are Microchipped and resold.

All puppies are DNA swabbed. Results go to registry and upload. Dogs carrying genetic faults are marked not to be used for breeding from. Owner and Breeder notified. Owner pays cost of DNA Test. Currently \$110.00

See process maps Appendix

These simple changes will ensure every breeder is registered and the progeny of every dog is known.

Data will provide identity, location, and volume of puppies' from every breeder. The economics will drive market behaviour. **No one will buy from a Puppy Farmer if they cannot have the dog microchipped, knowing the dog can be seized with no refund.**

We know this process will work as it is largely the existing registration process for Dogs NSW. Dogs NSW breeders' motivation is having the dog on the ANKC register. The motivation for all other breeders is to be able to sell the dog.

Puppies that are born as an "accident" can be donated to an animal welfare agency with no penalty for the agency to sell the puppies.

Context and Background.

In my professional career I have specialised in strategy and process development. I share my professional expertise in my submission. I support the elimination of Puppy Farming as described by the RSPCA. The Bill's strategy and processes are misguided.

I am new to dog breeding, passing my Dogs NSW Prefix exam in February 2022 (last month). I have been a member of Dogs NSW for two years and plan to breed my first litter of German Shorthaired Pointers this year.

To register pure breed dogs on the Dogs NSW (ANKC) register, you must hold a Breeders Prefix. The Prefix exam requires study of NSW law, Dogs NSW regulation, genetics, anatomy, biology, animal first aid, mating and whelping. It is equal to a Cert III level of knowledge.

The Dogs NSW Breeders Prefix application includes a physical inspection of my premises, breeding set up, equipment, record keeping and processes.

Drafting of the Companion Animals Amendment (Puppy Farms) Bill 2021. (the Bill).

I support the intent of the Bill, the elimination of Puppy Farming. It would appear, that in drafting the Bill, the author has not known how to achieve this, so they have thrown everything at it, including the kitchen sink.

This has resulted in an overreach which would be a calamity for existing legislation. If there are improvements to be made to POCTAA or planning laws which support or empower the control of Puppy Farming, make changes to those Acts. Do not write new legislation that duplicates, confuses, and overwrites existing legislation. The unintended consequences could be catastrophic.

This Bill is written with the assumption that every breeder is a demon.

As a new Breeder I have worked with breed mentors (my selected breed) and Dogs NSW to become an ethical and responsible breeder.

To become a breeder, I have:

- Purchased a Pure Breed Dog from a registered breeder
- Participate in Dogs NSW activities for my Breed to learn about the attributes of the breed.
- Worked with a Breed mentor
- Obtained my bitches breeder's consent to breed.
- Completed my Breeders Prefix course and exam (requiring a 75% pass)
- Completed an inspection of my home
- Registered a trading name, ABN and domain name.
- DNA tested my bitch and the selected Sire
- Hip & Elbow tested my bitch and the selected Sire
- I offer every buyer a lifetime, no cost return policy so as to protect the dogs I breed.

These are not the actions of a Puppy Farmer. Yet this Bill places restrictions on me that target puppy farmers, but will have no impact on puppy farming.

Detailed responses to sections of the Companion Animals Amendment (Puppy Farms) Bill 2021. (the Bill).

There are elements of the bill that warrant further examination as they lack scientific support and or common sense. The consequences for the canine genetic gene pool in Australia if these elements of the Bill pass will be catastrophic.

Here I aim to demonstrate that the Bill has a noble cause, but the consequences from the poor construction of the Bill are not understood. Until such time as they are. This Bill should be withdrawn.

If the Animal Justice Party worked with organisations like Dogs NSW, the organisation that by Royal Decree and named in NSW legislation as the principal welfare organisation for dogs in NSW. Together Canine welfare could be progressed. To my knowledge the Animal Justice Party has not engaged any of the stakeholders.

Maximum 2 litters for any breeding bitch, then MUST be desexed

There is no scientific health bases for this. As the principal organisation of Dog welfare in NSW, Dogs NSW have existing limits that are supported by science, including many of Australia's leading reproductive Vets. These limits are:

- Not before 12 months, 18 months for giant breeds
- Not more than 2 litters in 18 months
- Not more than 2 litters in 2 years
- Not more than 6 in a lifetime without Vet certification.

The motivation for this restriction sounds like a good idea. It is poorly conceived and assumes that only Puppy Farmers Breed Puppies. The consequences of this restriction will be but not limited to:

1. Bitches will no longer be imported into Australia to diversify the Australian gene pool as the cost will be prohibitive. The average cost to import currently exceeds \$30,000.00. This cost cannot be recovered over 2 litters. The Australian gene pool will be adversely affected.
2. The cost to breed a dog will more than double overnight.
My estimate is that the cost to breed a puppy will increase by 3.5 times.
3. The demand for dogs will outstrip supply to the point where the average family can no longer afford a dog. My estimates are a puppy will go from the current average of \$3,500 per puppy (can be as much as \$10,000) to an average of \$20,000 per puppy, out of reach for the average family.

While the ambition to keep dogs out of the pound is noble, this is not the answer. The only county to ever try this type of restriction on a human population is China, with devastating consequences to female newborns.

Breeding males MUST be desexed at 6 years old.

Again this is scientifically unsupported and just plain stupid. It demonstrates a complete lack of understanding and common sense.

Case Study Under this restriction a dog could be collected once a week for 5 years (Year 1 to year 6). Being 260 collections. There are three usable straws per collection, being 780 straws. Each straw can produce a litter by Trans Cervical Insemination (TCI) with a 70% success rate.

The average litter size based on DNSW data is 5. Therefore $780 \times 5 \times 0.7 = 2730$ puppies.

What is the objective of this restriction? Again, a demonstration of not understanding the problem or how to fix it.

Puppies over 8 weeks old deemed to be breeding animals in the calculation of permitted umbers.

Again well-intentioned idea to control the numbers of animals. With very little thought or understanding about the practical experience of breeding Dogs in NSW and how that restriction would work and its consequences.

1. If a litter do not sell or cannot be collected for any reason (floods etc) this could move a registered breeder from a Micro Breeder to Commercial breeder.
2. Responsible breeders will hold (keep) an animal until it reaches sexual maturity and complete DNA testing, Hip & Elbow testing that can only be done at 12mths of age before deciding to breed from the animal.
3. People who show dogs (dogs are entire) may have 4 female dogs with no intention of breeding. Are they a breeder just because they have entire dogs in their custody?
4. What happens when a customer returns an adult dog as they can no longer care for it. As an ethical breeder I offer a lifetime return policy. I have no intention to breed from it, the animal is transitioning to its forever home.

Most dogs sexually mature between 8-12 months of age depending on the breed. Using animals older than 18 months of age in the calculation is far more sensible. There needs to be a clear understanding of when is an animal a breeding animal and when is it just an animal.

Over-riding of Breeding Contract arrangements

This is dangerous, fraught with difficulties and easily worked around.

Dogs can be register on the PPSR under the PERSONAL PROPERTY SECURITIES ACT 2009. This federal legislation overrides any state legislation and makes this section of the Bill unworkable.

Only total out-crossing permitted

This is not scientifically supported. Wrights Co-Efficient (Sewell Wright 1922) is the acknowledged as scientific standard for breeding diversity. As the principal organisation of Dog welfare in NSW, Dogs NSW have existing restrictions that are supported by science, supported by Australia's leading canine geneticist. These limits are:

- No first-degree breeding. (Father daughter, mother daughter, brother sister from any litter)

This restriction demonstrates a complete lack of understanding on behalf of the Animal Justice Party and questions the Party's true motivation.

1 staff member for each 5 animals kept at the registered premises

NSW Hospitals do not have mandated patient ratios. I agree that maybe we should. This restriction is another example of unsupported overreaching. A Meerkat is as important as a Dog, at least in my mind. Yet Zoo's do not need one keeper to every five Meercat. Every Meerkat I have seen in a Zoo looked healthy and happy. This applies for Penguins, goats, dingos and a host of other animals kept in Zoo's.

What is critical for every animal is the level of care. In an 8-hour day every dog should be able to be engaged, and have its needs cared for in line with the "Animal Welfare Act POCTAA 1979".

This restriction is directly aimed at restricting the number of dog's bred in NSW. The Bill should be renamed the restriction on the number of dogs breed in NSW Bill. I believe this is the underlying intention of this bill. To reduce the number of Dogs Breed in NSW each year.

Local Council has absolute discretion to impose terms and conditions to any registration of a Companion Animal Business & Local Council has absolute discretion to refuse to renew any registration of a Companion Animal Business

This restriction is directly aimed at restricting the number of dog's breed in NSW. With the hope that Councils will refuse the vast majority of applications. The NSW Planning laws already provide Councils with planning controls and residents an appeals process.

This Bill should not seek to rewrite NSW Local Environment Planning regulations.

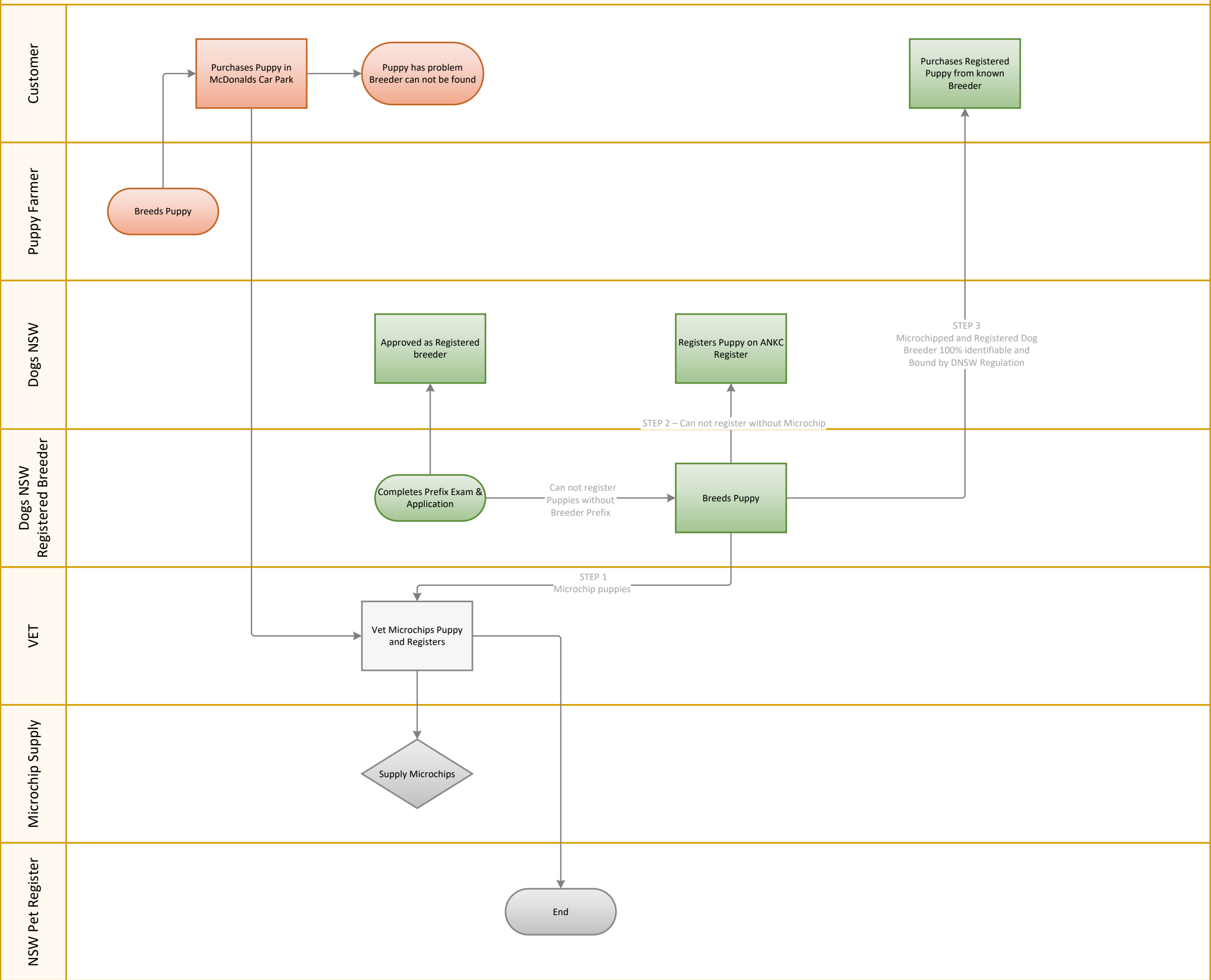
Comments on sections of the Companion Animals Amendment (Puppy Farms) Bill 2021. (the Bill).

I provide in bullet form some observations from the Bill. The theme from the Bill is in Black and my comments subjugated in Blue.

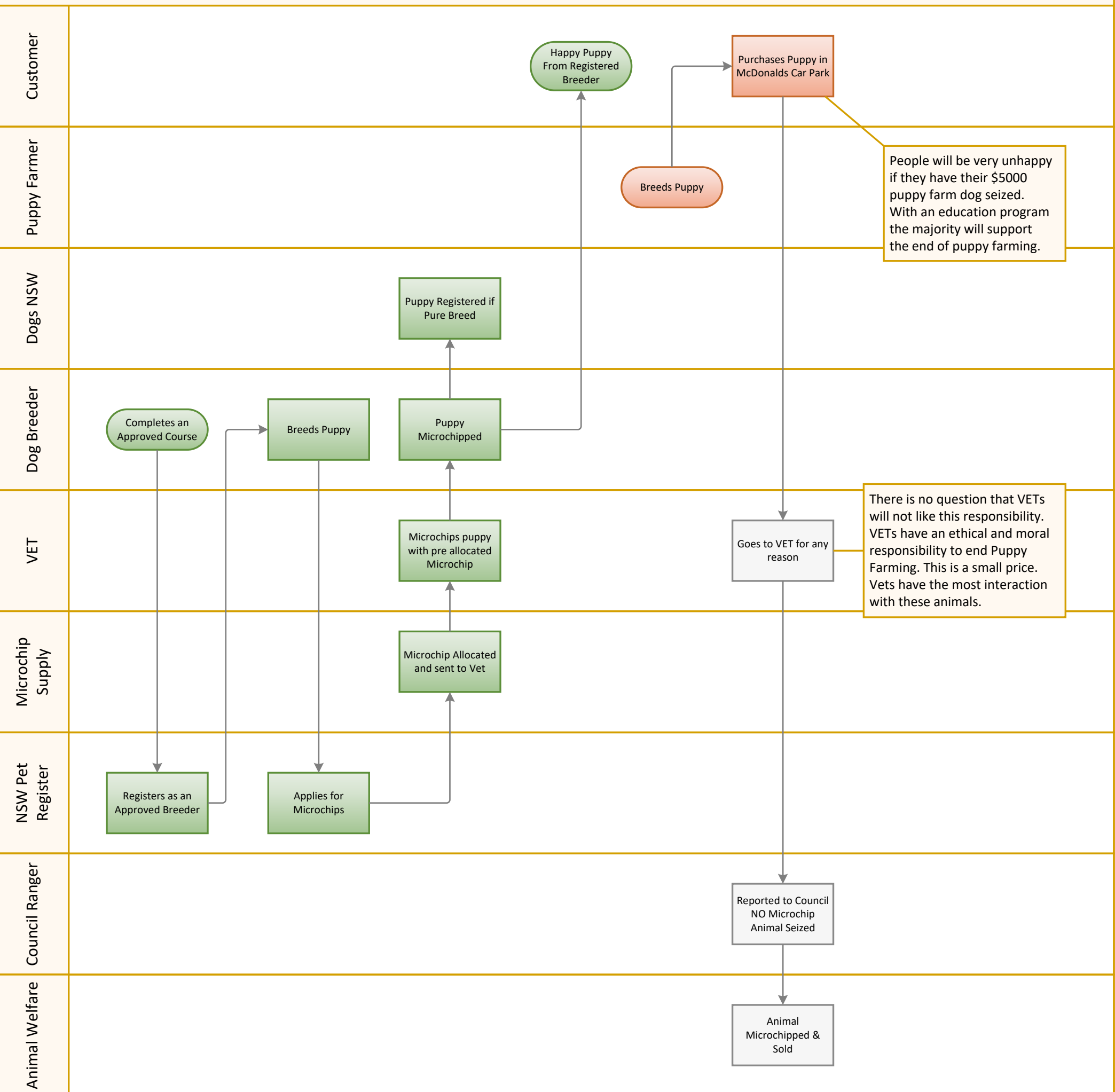
- The Bill creates extensive overlap of the Animal Welfare under POCTAA 1979.
 - The overlap should be removed, this Bill should focus on Puppy Farming and not try to be a solution for everything else.
- The requirement for Local Councils to approve Breeding, Boarding & Training Business will be in conflict with Zoning and Development Control Plans with most Councils.
 - This requirement should be removed, existing planning laws are sufficient.
- All dog and cat breeding MUST be registered
 - This is critical to eliminating Puppy Farming. Puppies from non-registered breeders should be surrender to Animal welfare organisations to be re-sold.
- Unregistered breeders MUST have their breeding dogs or cats seized (ie All animals)
 - Puppies should be removed, and animal ordered to be desexed.
- Microbreeder allowed 2 breeding bitches, or 1 breeding bitch and 1 breeding queen, or 2 breeding queens
 - A clear definition is required both in this Bill and POCTAA 1979.
 - When is an entire female a breeding bitch? There is no consideration for Pure Breed Dog showing where animals remain entire even though they are never bred from.
 - The number of litters registered is a better measure of a business.
- Animal Business allowed between 3 and 10 breeding females
 - A clear definition is required both in this Bill and POCTAA 1979.
 - The number of litters registered is a better measure of a business.
- Breeding females out in guardian homes are included in the breeder's allowed numbers of breeding females.
 - This is very difficult to regulate and far too easy to get around. The better solution is number of litters per year and the microchipping solution provided above.
- POCTAA enforcement officers to enforce CAA legislation along with Council officers
 - Agree
- Mandatory health check 4 weeks prior to breeding
 - Agree
- Mandatory health check within 8 weeks of delivering a litter
 - This is not a bad thing. What data supports this type of intervention? What conditions are Vets seeing that creates this need?

- Mandatory annual health check
 - This is not a bad thing. What data supports this type of intervention? What conditions are Vets seeing that creates this need?
- Must not breed from a female if a previous litter has identified a heritable defect
 - Agree in principle. There are some conditions where this makes sense, there are many that don't. What conditions are on the list? Was the list created by a Canine Geneticist?
- Annual inspection by Local Council
 - Agree. However other organisations including Dogs NSW should be able to do this. And or it be invigilated for Micro breeder's aka. A professional (same as Statutory Declaration) fills out a form and completes a simple inspection. Councils do not have the manpower. This is the evidence from Victoria and other jurisdictions. Inspections should focus on the larger breeders not people with 2 bitches.
- Bankrupts and/or Directors of Body Corporates that have gone into administration / liquidation cannot be approved for Companion Animal Businesses
 - Agree. Using the same definitions as ASIC.
- Pets Shop only permitted to sell dogs over 6 months old sourced from a rehoming organisation.
 - Agree

Current Microchip Process



Proposed Microchip Process that will eliminate Puppy Farming



People will be very unhappy if they have their \$5000 puppy farm dog seized. With an education program the majority will support the end of puppy farming.

There is no question that VETs will not like this responsibility. VETs have an ethical and moral responsibility to end Puppy Farming. This is a small price. Vets have the most interaction with these animals.