

**Submission  
No 205**

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

**Name:** Mr Alexander Whyte

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## Puppy Farming in New South Wales (NSW)

6<sup>th</sup> March 2022

Submission to the:

Select Committee on Puppy Farming in New South Wales (NSW)

Chair: The Hon. (Mick) Michael Stanley Veitch (ALP, MLC)

Deputy Chair: The Hon. Emma Hurst, Emma (AJP, MLC)

Members: The Hon. (Lou) Louis Amato (LIB, MLC)

The Hon. Mark Banasiak (SFF, MLC)

The Hon. Abigail Boyd (GRNS, MLC)

The Hon. Catherine Cusack (LIB, MLC)

The Hon. (Wes) Wesley Joseph Fang (NAT, MLC)

The Hon. Adam Searle (ALP, MLC)

CC Mr (Greg) 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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## **Summary**

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

RSPCA Definition of Puppy Farming – RSPCA website 6<sup>th</sup> March 2022 *‘An intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs’ behavioural, social and/or physiological needs’.*

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 majority of 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 us, micro breeders, unviable.

Dogs NSW members who hold breeding prefixes, collectively are the sole custodians of Australia’s Pedigree Dogs genetic gene pool. The Bill will have a catastrophic impact on Australia’s canine genetic diversity and most breeds & bloodlines will be lost to Australia.

We are the custodians of two breeds, the Wirehaired Hungarian Vizsla is considered an extremely rare breed (less than 200 Australia wide) with only four active breeders in Australia and is also considered a rare breed on a worldwide scale. Without the continued dedication to this breed in Australia and worldwide it will be detrimental to the genetic diversity and this breed will cease to exist.

Dogs NSW have a compulsory education program for people who want to become a registered breeder. 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.

## **Recommendation**

This Bill should be withdrawn until the full impact of the proposed changes can be fully understood. A consultative process needs to be undertaken with all stakeholders this includes Dogs Australia (ANKC), Dogs NSW, the MDBA, Greyhound Racing NSW, the NSW farmers association, Cats NSW and the NSWCFCA just to name a few. These changes will have a targeted and material impact on companion animal breeding and the impact needs to be mitigated through consultation.

## **A solution to Puppy Farming**

*Puppy Farming exists because there is limited information on the process to buy a puppy.*

We would suggest that instead of demonising companion animal breeding that the NSW government undertakes a media campaign with information on the correct process to buy a puppy this would include where to find breeders, how to communicate with breeders, what health testing should have been undertaken for the sire and dam and the process that a puppy goes through before someone obtains it from a breeder (vaccinations, microchipping and vet checks).

We would also advocate for only licenced and registered veterinary surgeons to be able to implant microchips and a mandatory reporting process to be implemented if an animal presents at their surgery with no microchip. If the animal cannot be identified as an 'exempt animal' for example an animal from a registered breeder, a stray or the offspring of a stray then heavy fines are issued to the animals owner. This will dissuade people buying from the non-reputable breeders.

We would also suggest that all puppies are DNA swabbed, tested for the most common hereditary diseases and results are uploaded to an online registry. 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.

Queensland dog breeders must comply with mandates and databases in place, we recommend that NSW adopt this model as a best practice – reference: <https://qdbr.daf.qld.gov.au/supply-number-search/>

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 knowing that when they take it to be microchipped they will be issued with a fine.**

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 surrendered to an animal welfare agency with no penalty for the agency to sell the puppies.

### **Context and Background.**

We are both members of Dogs NSW, hold ANKC breeder's prefixes and have both bred multiple litters of healthy puppies, purchased by families, fellow confirmation exhibitors, Vets, Vet nurses and Law Enforcement.

Alex has been involved with dogs since he was young having working dogs for most of his life and transitioning to gundogs during the last decade. He is actively involved in dog sports and sits on the New South Wales Utility Gundog Field Trial Association Committee and aspires to become a retrieving and field trial judge. He has actively contributed to the genetic diversity of the Wirehaired Hungarian Vizsla in Australia by importing genetics from overseas and working with other Australian breeders to ensure the survival of this breed.

Kayla has become involved with dogs since meeting Alex and has quickly established herself as a skilled handler and breeder of gundogs, Kayla sits on the ACT gundog society committee, she is well respected within the dog show community and aspires to become a confirmation judge.

Before we breed, we carry out extensive health testing on our dogs this includes hip and elbow scoring and full DNA profiling to ensure we are only breeding the healthiest dogs, any dogs that are found to have health concerns are excluded from our breeding programmes this ensures that all of our puppy buyers are getting the healthiest puppy possible. If for any reason one of our puppy buyers cannot keep their puppy or adult dog we will take the puppy/ dog back no questions asked and rehome the puppy/ dog, we also work with puppy buyers and help them train their dogs to avoid behavioural issues becoming a problem.

To register pedigree 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 our premises, breeding set up, equipment, record keeping and processes.

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

We 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 applied harsh terms and have not given thought to how this will affect everyday NSW electoral constituents who own a companion animal or the breeders of these companion animals.

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 will be catastrophic should this Bill be ratified.

### **This Bill is written with the assumption that all breeders are 'Puppy Farmers'**

As preservation breeders we work intensively with other breeders both domestically and internationally and Dogs NSW to become ethical, responsible breeders.

To become breeders, we have:

- Purchased pedigree dogs from a registered breeder on a mains register
- Participated in Dogs NSW activities for our breeds to learn about the attributes of the breed
- Worked with breed mentors
- Individually undertaken the Dogs NSW education program and the Breeders Prefix exam
- Have had a Dogs NSW representative inspect our premises to assess its suitability for breeding
- DNA tested all breeding dogs in our breeding program
- Hip & Elbow scored all breeding dogs in our breeding program
- We offer every buyer a lifetime, no cost return policy so as to protect the dogs we breed

These are not the actions of a Puppy Farmer. Yet this Bill places restrictions on all breeders 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 we 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 subject matter experts and organisations like Dogs NSW, the organisation that by Royal Decree and named in NSW legislation as the principal welfare organisation for dogs in NSW, companion animal 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. Dogs 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.  
*Our 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. 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.

**Breeding males MUST be desexed at 6 years old.**

Again this is scientifically unsupported and just plain irrelevant. 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 numbers.**

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 does 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 must remain entire for this purpose) 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 ethical breeders we offer a lifetime return policy. We 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 registered 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, this restriction is another example of unsupported overreaching. Will these same restrictions be applied to farm animals such as chickens and sheep? Imagine the cost of labour if a chicken farmer had to have around the clock staffing at the rate of 1 staff member to 5 animals?

#### **Case Study**

What if a breeder had a litter of 10 puppies? Assuming the dam is the only entire bitch/dog that they own according to these ratios they would need to employ 3 full time staff members during the day and 2 at night. As of the 1st of July 2021 the minimum wage is \$20.33 per hour or \$772.60 per 38 hour week casual employees are entitled to 25% loading. Assuming staff would have to work a 12 hour shift and after 8 hours penalty rates would apply this would make employing staff within a kennel at the prescribed rate prohibitive even for a commercial establishment. Another issue for breeders would be finding staff given the current labour shortage. The expectation of one staff member for every five animals kept at the registered premises is completely unreasonable, obtainable or viable.

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.

NSW councils are already understaffed and underfunded this would place additional strain on councils and slow down development applications for everyone.

**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 surrendered to Animal welfare organisations to be re-sold.
- Unregistered breeders MUST have their breeding dogs or cats seized (i.e. All animals)
  - Puppies should be removed, and animals 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 Pedigree 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.
  - If animal welfare regulations are met there should be no restriction placed on 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.
- POCTAA enforcement officers to enforce CAA legislation along with Council officers
  - Enforcement officers should only be able to enter premises or business on suspicion of animal cruelty with a court order.
- 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?
  - As an ethical breeder all of our dams get a vet check after whelping and then again once the pups are weaned and go to their new homes.
- 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?
  - As ethical breeders and responsible owners all of our animals get an annual health check when they get their annual vaccinations.
- 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.
  - No pet shops should be allowed to sell animals of any age or rehome animals on behalf of an organisation.

As demonstrated and explained in the above points, recommendation/suggestions. The passing of the Companion Animals Amendment (Puppy Farms) Bill 2021. Will have detrimental effects on genetic diversity, which is paramount in breeding happy, healthy dogs for puppy buyers. Effectively this will prohibit breeders from affording to import new genetics and encourage people to use breeding stock that carry hereditary diseases and faults that are ultimately passed onto puppy buyers. Placing limitations on the number of breeding bitches/dogs will not ensure companion animal welfare. The way to bring change amongst breeders and implement safe guards for companion animals is through consultation with governing bodies such as Dogs Australia (ANKC), Dogs NSW, the MDBA, Greyhound Racing NSW, the NSW farmers association, Cats NSW and the NSWCFCA etc and the continual education programs through these governing bodies.

All breeders ultimately want to be breeding dogs that are well adjusted, healthy and ready to have long lives in their new homes. We as breeders do what is best for our breeds/dogs by providing the best veterinarian care available, are passionate about our breeding lines and proud of the companion animals that we have bred. Work with breeders who want to comply with legislation/ guidelines and take stakeholder feedback. We aren't opposed to change or the betterment of animal husbandry/welfare of our animals. However, we do have grave concerns for what this bill would bring and what it means for the breeding of companion animals in its entirety.

As noble as adopting a rescue animal is, people should have the freedom of choice to source an animal that has specific breeds traits e.g. (size, temperament or work ability) that suits them, their family and living situation. Rescue animals are not suited to all homes, some of them will have existing health or behavioural issues that will not suit a family environment or people may not have the means to afford the extensive ongoing medical costs of poorly bred animals.