

**Submission  
No 212**

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

**Name:** Mr Geoff Davidson

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## **Submissions on AJP Companion Animals Amendment (Puppy Farms) Bill 2021**

### **My Background**

I have longstanding interest and experience in animal welfare, including:

- I am a veteran dog rescue foster carer, with approx. 500-600 foster dogs having passed through my household to new homes. And in doing so I have seen dogs come into care from a wide variety of backgrounds and circumstances.
- I am co-founder of a Reg 17c authorised animal rehoming organisation charity
- I am on the executive committee of a further charity which acts as pound operator for one of NSW's highest volume and lowest kill rate council pounds
- I collect and analyse NSW pound, rescue and shelter performance over the past decade, providing that data to inform public debate on animal welfare, and university research.
- In addition I have a professional background in a legal field, including in interpretation of statute.

I believe therefore I am well qualified to comment on this issue.

### **Submissions**

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

There appears to be a great deal of scaremongering around this Bill, which from my review and understanding of the Bill is simply not warranted. Much of this scaremongering appears to come from organised industry groupings.

A useful summary of the major provisions is provided by the Australian Veterinary Association.<sup>1</sup> I believe that the provisions, on the whole, are fair and justified. There may be room for discussion exactly where the line between micro-breeder and a breeding business should sit, in the context of keeping breeding lines, but I believe the number should be around

Though I believe that the definition of "companion animal business" should be clarified, to ensure it covers only those intended businesses and that the "enterprise that rears or keeps certain dogs or cats for sale" definition does not incidentally capture rehoming organisations which charge adoption fees. I understand that it is not intended for this to include rescues. But it should be clarified for example by specific exclusion.

Overlap between the source number requirement and the rehoming organisation number and requirements already provided under reg 17C also needs clarification. This may be a result of the genesis of this Bill in the Victorian legislation, where rescues are regulated differently.

Further, I believe that overall this Bill is a better approach than the Government's seemingly rushed alternative approach to regulate breeding in its Consultation Paper 'Licensing and regulation of cat and dog breeders'<sup>2</sup>.

The Companion Animals Amendment (Puppy Farms) Bill 2021 appears to be a more comprehensive approach to the issues, whereas the DPI consultation paper was more of a

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<sup>1</sup> [Inquiry into puppy farming in NSW \(ava.com.au\)](http://ava.com.au)

<sup>2</sup> NSW DPI Consultation Paper: Licensing and regulation of cat and dog breeders, November 2021

tweak to the existing, inadequate regulation of breeders, the Code being largely written by the industry itself.

One of the deficiencies of approaching the issue via POCTA rather than CAA is that, while it may seem like a natural fit, enforcement of POCTA is delegated to animal welfare charities which are largely unaccountable and conflate enforcement powers with fundraising. See for example RSPCA submissions to the NSW Select Committee on Animal Cruelty Laws, referred to at paragraph 4.40 of that report.<sup>3</sup>

It also is a matter of resourcing, and the will to resource this properly. RSPCA NSW conducted just 201 routine inspections across the whole of NSW for the 2020/21 year<sup>4</sup>, and that included inspections of abattoirs, breeding establishments, pet shops, rodeos, circuses, etc, etc. That is 5 for each of RSPCA NSW's 38 inspectors, across what RSPCA NSW estimates are 900 breeding establishments requiring compliance checks<sup>5</sup>. Noting that RSPCA NSW's estimate of 900 establishments may well be a substantial underestimate, focussing only on the highest risk cases.

An approach to the issue via the CAA allows enforcement via council rangers, who are far more plentiful and widespread, and better engaged with the community and likely to be aware of issues. Obviously there would need to be training to ensure consistency of application between Councils, and oversight to avoid discretionary use of the new powers, but it is still a better approach overall.

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

In over a decade in rescue, I have witnessed many times the animal abuse inherent in overbreeding and puppy farming. Many times breeding females end up in pounds, including rural pounds, in extremely poor condition and with no life experience. Often they can recover well with good nutrition, a safe and comfortable foster placement, and work on behavioural issues which flow from their previous abuse and privation. Which just demonstrates that it was neglect and abuse, not age, which caused their poor condition.

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

The current Code of Practice has few enforceable provisions and is frankly hopelessly inadequate. The August 2021 "common sense" amendments were on the whole loosening of the Code, presumably at breeding industry request.

It is clear that there is no compliance or enforcement of even this limited Code, as apparent for example from there being on 201 RSPCA routine inspections in 2020/21 across breeders, circuses, abattoirs etc (*ibid*).

From experience in rescue, it is also clear than there is little compliance of record keeping and microchipping requirements.

The Code permits puppy farming.

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<sup>3</sup> NSW Select Committee on Animal Cruelty Laws in New South Wales, 'Animal cruelty laws in New South Wales', Report 1, June 2020. Paragraph 4.40

<sup>4</sup> RSPCA Australia National Statistics 2020/21

<sup>5</sup> RSPCA NSW, Your Year in Review 2020/21

**(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 government response to the 2015 Joint Select Committee on Companion Animal Breeding Practice has been, largely, to ignore it. For example recommendation 4, national chip readability, has not progressed even though supported. And recommendations 6 and 7 were “supported” but have resulted in no action<sup>6</sup>.

Recommendation 8 was rejected by government, meaning that puppy farms can be unmanned.

There has been no effective action by government to improve the situation, despite “support” for many recommendations. Government appears to be captive to the pet industry, and to the major animal welfare charities, who have little apparent interest in improving outcomes.

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

I refer to my submissions in response to that Consultation paper. The proposal in the Consultation paper has many deficiencies and appears from its timing and contents to be an attempt to block meaningful action, rather than to improve animal welfare standards.

**(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**

No submissions

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

It is currently difficult for councils to reject development applications for puppy farms where zoning permits as there is no legislative basis to do so. And equally hard to regulate standards. See for example the current debate concerning a puppy farm pumping out French bulldogs at Palmgrove in Central Coast Council area<sup>7</sup>, where an unauthorised puppy farm has ignored council directives for a number of years and is now seeking retrospective approval.

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

While not perfect, the current Bill is a good start to addressing issues that have lingered for far too long.

Geoff Davidson

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<sup>6</sup> [Government Response - Inquiry into Companion Anima.pdf \(nsw.gov.au\)](#)

<sup>7</sup> [Business runs counter to shared values - Central Coast News \(coastcommunitynews.com.au\)](#)

<sup>8</sup> [Unauthorised activity and non-compliance is rewarded yet again - Forum \(coastcommunitynews.com.au\)](#)