

REPORT ON PROCEEDINGS BEFORE

**SELECT COMMITTEE ON PUPPY FARMING IN NEW
SOUTH WALES**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

UNCORRECTED

At Jubilee Room, Parliament House, Sydney, on Thursday 7 April 2022.

The Committee met at 9:30.

PRESENT

The Hon. Mick Veitch (Chair)

The Hon. Mark Banasiak
Ms Abigail Boyd
The Hon. Emma Hurst
The Hon. Adam Searle

PRESENT VIA VIDEOCONFERENCE

The Hon. Catherine Cusack
The Hon. Wes Fang
The Hon. John Graham

* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.

The CHAIR: Welcome to the first hearing of the Select Committee on Puppy Farming in New South Wales. The inquiry is examining the provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021 and matters associated with puppy farming in New South Wales. Before I commence I acknowledge the Gadigal people who are the traditional custodians of the land on which this meeting is taking place. I pay respect to Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginal and Torres Strait Islander people who may be present. Today we will hear from a number of stakeholders, some of whom are already sitting at the table, including various pet industry representatives and animal welfare organisations. While we have many witnesses with us in person, some will also be appearing via videoconferencing today. I inform the panel that two members of the Committee, the Hon. Wes Fang and the Hon. John Graham, are also participating via Webex.

I thank everyone for making the time to give evidence to this important inquiry. Before we commence I will make some brief comments about the procedures for today's hearing. Today's hearing is being broadcast live via the Parliament's website. The transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings.

While parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the hearing. Therefore I urge witnesses to be careful about comments they may make to the media or to others after they complete their evidence. Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard it is important that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. If witnesses are unable to answer a question today and want more time to respond, they may take the question on notice. Written answers to questions taken on notice are to be provided to the Committee within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff.

Referring to the audibility of this hearing, I remind both Committee members and witnesses to speak into the microphones. As we have a number of witnesses appearing in person, and via videoconference, it may be helpful to identify to whom questions are directed, and who is speaking. For those people with hearing difficulties who are present in the room, please note that it is fitted with induction loops, compatible with hearing aid systems that have telecoil receivers. Finally, would everyone turn their mobile phones to silent for the duration of the hearing.

Dr IMOGEN TOMLIN-GAME, Chief Veterinary Officer, RightPaw, affirmed and examined

Mr NATHAN OLIVIERI, Chief Executive Officer, RightPaw, affirmed and examined

Dr KATE SCHOEFFEL, Acting President, Australian Association of Pet Dog Breeders Inc., affirmed and examined

Ms LEANNE COLE, Management Committee member, Australian Association of Pet Dog Breeders Inc., affirmed and examined

Ms DEIRDRE CROFTS, Animal Welfare and Community Liaison Officer, Dogs NSW, sworn and examined

Mrs LYN BRAND, President, Dogs NSW, sworn and examined

Ms JULIE NELSON, Managing Director, Master Dog Breeders and Associates, sworn and examined

The CHAIR: Committee members will ask questions in what we call a free-flowing format and I will avail each organisation of the opportunity to make a brief—no more than two minutes—opening statement. There will be questioning and at the end of the questioning I will allow each organisation about one minute to wrap up in case there is something you feel may have been misconstrued, or has not been said that should be said. Essentially you will get two minutes at the beginning and a minute at the end. I will start with two-minute opening statements. You do not have to make an opening statement if you do not want to but you are encouraged to do so.

IMOGEN TOMLIN-GAME: Thank you everyone for the opportunity to appear before the Committee today. I am the Chief Veterinary Officer at RightPaw. RightPaw is an Australian start-up that verifies responsible dog breeders and helps the general public find puppies from a responsible source. We have over 400 breeders so far and one-third of them are from New South Wales. We represent a wide variety of breeders, including members from all the other organisations who are here today, as well as breeders who are only registered with the Pet Registry. Every single one of our New South Wales breeders would be impacted by this bill. We have documented evidence that every single one of them are responsible breeders acting to the highest standards of animal welfare, vastly surpassing the State minimums. Almost every single one of them would be defined as a companion animal breeding business by this bill, and their breeding programs would be decimated.

Briefly I will outline some of RightPaw's main concerns with this bill. Firstly, the definition of a "Companion Animal Breeding Business" is far too broad and will encompass virtually every breeder, not just breeders breeding for profit, and certainly not just puppy farms. Secondly, the rules that would be imposed on companion animal breeding businesses would prevent responsible breeding programs from continuing to operate and have no basis in science or animal welfare research. For example, this bill is effectively banning Guardian Homes, which are an undisputed positive for animal welfare. It overtly bans more than 10 breeding bitches, which is arbitrary and has no basis in animal welfare research. It would ban breeding of a bitch more than twice in her lifetime, which has no basis in veterinary literature. Overall, this bill in its current format amounts to banning almost all dog breeding rather than defining and targeting illegal puppy farms.

The big list problem with regulating puppy farming overall is actually finding and inspecting those puppy farms. Imposing unrealistically onerous measures on responsible and visible breeders will not help define new puppy farms. It will only disenfranchise responsible breeders and drive more breeding under the radar and outside of membership organisations. This makes it harder for us to improve their standards and harder for the RSPCA to find true puppy farms. More importantly, it makes it more difficult for puppy buyers, who unknowingly are the driving force behind the puppy farm market, to identify responsible breeders to purchase from. Our submission outlines our thoughts on the bill in more detail and we would be happy to consult further.

The CHAIR: The Australian Association of Pet Dog Breeders?

KATE SCHOEFFEL: Thank you for the opportunity to address this inquiry on behalf of the Australian Association of Pet Dog Breeders [AAPDB]. The AAPDB is one of the three recognised breeder associations in New South Wales. Our breeders are committed to breeding good pets—we do not regulate what our breeders breed, only how they do it and what responsibilities they take for the puppies they breed. All of the breeders represented here, regardless of our motives, are all pet dog breeders who bring joy and companionship to more than a quarter of all the families in Australia, and we underpin an \$8 billion contribution to the Australian economy.

In the submissions to the inquiry it is clear that while we do not agree on a lot of issues, we pet dog breeders are all united in wanting to see the end of illegal puppy farms. We all agree with the submissions from the rescue organisations who want regulation of the random backyard breeders whose puppies fuel our pounds.

We all oppose the imposition of arbitrary limits to breeding dog numbers, and we are all united in opposing the Companion Animals Amendment (Puppy Farms) Bill.

The Animal Justice Party has identified welfare issues which need to be addressed, but this bill is simply designed to stop breeding for profit. It would do that, very effectively, but it would also have a disastrous consequence for all breeders' ability to breed quality pets and for the average Australian family's ability to afford a family dog. The AAPDB believes that the New South Wales regulatory framework is uniquely situated to deal with all the valid concerns raised in the bill, without the draconian measures it contains. We have the Companion Animals Register. We can identify dog breeders at point of sale with a breeder identification number. We have an enforceable code of practice for breeding cats and dogs and we have the DPI-RSPCA task force which can enforce this breeding code. This is potentially a great system.

The AAPDB recommends a universal licencing system with compulsory breeder identification and an annual registration fee for all breeding dogs that would bring them in line with cat registration currently in New South Wales and could be used to fund the DPI-RSPCA task force. We have identified a number of minor legislative changes which would prevent the loopholes which have been identified in the Victorian legislation. We fully support the RSPCA's submission, which recommends a thorough overhaul of the breeding code to address the legitimate welfare concerns they have raised, and we have also suggested how this could be achieved to avoid politicisation of the process. The AAPDB believes that every potential breeding dog in New South Wales should be traceable with a breeder identification number and deserves the protection of a strong and appropriate breeding code which is enforced by a well-resourced, appropriately qualified task force.

LYN BRAND: Thank you for the opportunity today to come here and appear. Dogs NSW welcomes the opportunity to provide our concerns on the abovementioned bill, and we appreciate the premise behind the creation of the Companion Animals Amendment (Puppy Farms) Bill. Therefore, Dogs NSW supports the best breeding practices of animal welfare in making every effort through our own code of ethics and practices to ensure the best breeding and welfare outcomes. Consequently, we do not support the type of breeding referred to in the bill as a "puppy farm". The wording "puppy farm" suggests a breeding practice such as puppy mills, which is intensive breeding. Where in this bill is the definition of a puppy farm? Dogs NSW do not find any area in this bill which addresses how to outlaw the rogue breeders who, it would appear, go under the radar. The points we raise against this bill are that the bill focuses on restricting the numbers of animals of two breeding-age females per property—over this becomes a commercial entity—and the mandatory desexing of males over the age of six years does nothing to improve conditions of animal welfare by way of limiting numbers.

Dogs NSW does not support this bill as this amendment does not apply to the Companion Animals Act. In fact, it duplicates the POCTAA document in many areas. This bill enables penalties without a right of appeal, an excessive staffing of a ratio of one staff per five animals and local council will have the power to reject applications for a small breeder who has more than two entire females, requiring a DA for a commercial premise, therefore totally stamping out the ability for smaller breeders wishing to preserve and continue breeding for genetics. Council officers will have the authority to seize all animals from those caring owners when they are not granted a DA approval for a commercial licence. This draconian bill will not outlaw the puppy farms, but will destroy the dedicated small, selective breeder of companion animals not reared in large commercial facilities.

Victorian law allows for up to 10 breeding females, with Dogs Victoria self-auditing. However, local council are in some areas refusing to renew the annual permit, therefore advising that they must remove any number of dogs over two on the premises. This bill will see the demise of our responsible breeder members, eliminating carefully-bred companion animals from our society on the grounds that we have in place stringent breeder accreditation. We have approximately 9,500 members and only one-third of these hold a breeder's prefix. Only 52 per cent of Dogs NSW members breed one litter per year, and only 1 per cent of our breeder membership breed more than two litters per year. In 2019 Dogs NSW breeders accounted for 20,735 pups born out of a total 134,387 by other breeders in New South Wales. We thank you for this invitation to present.

JULIE NELSON: Most of what I wanted to say is in our submission, but I think that the motivation behind the bill is great—except too late. I think that we really needed this sort of legislation going back 10 years ago. But in the year 2022 I see other things that are occurring in the dog world and in sales that give the ability for people to buy a well-bred puppy that does not fall to bits when they get it home. There is much greater concern than what there is with puppy farming. The minute we say "puppy farming" everybody breaks out in blisters, and no-one is really sure what it means. We presume it means that these are people who are breeding dogs in substandard conditions, but the bill would make us believe that it is people who breed more than X amount of dogs. I agree that people who have a higher number of dogs are at a greater risk of cutting corners and all of those kinds of things but, whether you are breeding a dog for profit or not, you cannot sustain that activity indefinitely without at least getting some of that outlay back in order to be able to provide things for your dogs.

The sort of infrastructure that is required in order to be able to breed dogs, even a couple of dogs, where you have a requirement to separate the boys from the girls—you know, "What are we going to do with puppies?" et cetera—it takes money. Whether your motivation is to make a profit or not, it must be to be able to sustain what you are doing. There are a high number of people who come in, decide that they are going to buy a bitch for breeding and they only last about four to five years. That is the highest fallout rate ever. It is old birds like us, who stick around forever and have plodded along, sometimes going without ourselves in order to feed the dogs. So we are looking at whether or not we are going to stop people from breeding for profit, but it is pretty hard to make a profit out of breeding dogs unless you have—

The CHAIR: Ms Nelson, we need to get to questions. Thank you for that. Sorry to cut you off, but we need to move on.

Ms ABIGAIL BOYD: Thank you very much to all of you for attending and for taking the time to write your submissions. The Committee really appreciates it. I wanted to start on something basic. Could I ask RightPaw to define for the Committee what a "guardian home" is?

IMOGEN TOMLIN-GAME: Yes, absolutely. A guardian home is what is referred to in the bill as a "breeding arrangement". It is where a breeder would usually sell a dog to a family with a contract where they have usually paid a smaller fee for the dog, and the dog is not necessarily registered in the new owner's name yet. It might still be technically owned by the breeder. So it goes to live with another family, but it will come back to the breeder for the purposes of breeding or having a couple of litters. Then eventually, when they are done with breeding, they will be desexed and go back to that original family. It is a way of a family purchasing a dog but on terms with the breeder. It is going to be used for breeding and then it will eventually go to live with them permanently. It is a really nice way of dogs being able to have a family and live in a home environment and not having to be kept in a kennel, basically, in a large breeding facility.

Ms ABIGAIL BOYD: To clarify, the dog is bought as a puppy normally?

IMOGEN TOMLIN-GAME: Yes, usually.

Ms ABIGAIL BOYD: But under an arrangement that the dog will then go back to the breeder to do a couple of breeding cycles, but the rest of the time will stay with the family?

IMOGEN TOMLIN-GAME: Yes, exactly.

Ms ABIGAIL BOYD: Is it always a couple of cycles or is it more than that?

IMOGEN TOMLIN-GAME: It would vary from situation to situation, so it would be very individual.

Ms ABIGAIL BOYD: So we have these guardian home arrangements and then we have small breeders. Do you see a difference between a small breeder and a hobbyist breeder? I just want to get a grip on what these different terms mean to you.

IMOGEN TOMLIN-GAME: Not necessarily, I guess. You can define all of those terms in different ways really. Some people would define hobbyist breeders as breeders who are deliberately not breeding for profit but are doing it as an interest. But even a breeder who may be breeding for profit, if they are only breeding a small number of dogs, we would still regard them as a small breeder.

Ms ABIGAIL BOYD: Then we have the type of facility that has outraged the community, where we have up to 200 dogs in an outside area, not housed with a family, where the dogs are being forced to breed up to 10 times or more. Are we all agreed that that type of facility is not okay and not okay with the community? What we are trying to do here is to define what "not okay" is for the purposes of the law. Does everybody agree with that, that we do want to make sure that those larger scale—

KATE SCHOEFFEL: Can I make a comment?

Ms ABIGAIL BOYD: Please do.

KATE SCHOEFFEL: Puppy farms do not define the numbers. One of the problems with the whole of the puppy farm thing is the RSPCA definition of a "puppy farm" says "a substandard breeding establishment". That can be three dogs in the backyard. We need to regulate dog breeders across the board and, yes, it is important—obviously 200 dogs, I do not think anybody here would feel comfortable with that—but it is how it is done that needs to be regulated. There are lots of submissions, if you look at the previous inquiries, from the welfare people saying two or three dogs coming out of the backyard are a problem. And with the price of puppies now people can make \$50,000 or \$60,000 a year out of their backyard, tax free. So there is a big pressure—

Ms ABIGAIL BOYD: I guess—

The CHAIR: Ms Brand wanted to answer.

LYN BRAND: All I am saying is that it depends also on the way one interprets "guardian home". As we are talking, I can see where this question was leading because many of the puppy farms that we cannot trace do sell multiple puppies out of every litter—all on what we call "breeder's terms"—and those females, we know, are recalled back four, five, six times to have a litter. Within our code of practice which is quite strict you cannot do that. We just want to know how one is going to find the puppy farmer. How are you going to trace a puppy farmer when we have a code of ethics that we monitor and we, I guess, do not consider ourselves part of a puppy farming organisation.

Ms ABIGAIL BOYD: Thank you. I guess from our perspective we have this bill in front of us but, as a Committee, we are looking at what amendments could be made and whether or not this is the right bill. These are the things that we are exploring. What I am trying to understand is if the community and you view certain facilities as being unacceptable and things that we do not want to occur, whereas there are other types of small breeders and others who we perhaps as legislators want to say are okay subject to certain codes of practice. Where is the line to help us define what is okay and what is not okay? Can we agree that there is a certain scale of puppy facility that is not okay in the eyes of the community?

DEIRDRE CROFTS: Can I just make a comment there? Again I think you are probably looking for numbers and you cannot define animal welfare on numbers alone. We abhor appalling situations where the dogs are not clean, they have not got a clean environment, they are not well maintained, they never see a vet. These dogs are not microchipped. They are mostly not vaccinated. The big problem is how did the enforcement bodies find them? They are operating under the radar now. This bill will drive further hobby breeders, small breeders, whatever, to pursue that if they want to seek the almighty dollar. They will just go under the radar. They may be microchipping, vaccinating, looking after their dogs well now but they will not be able to get the council approval that you are looking for to define them. It is going to exacerbate the problem. We all agree that these appalling conditions that some of these breeding dogs live in is just not acceptable and it does need to be addressed. But you have to find a way of how are the enforcement bodies going to enforce the robust legislation that is already in place.

Ms ABIGAIL BOYD: I think the point you have raised there about numbers is really useful because I do not think we just put a number in and that is the end of it. I think there are perhaps different levels of regulation for different sizes. Ms Nelson, you said in your opening statement that obviously there is a point where the sheer numbers increase the risk. In any circumstance you would have to say that 100 dogs in one facility is too much, don't you think?

JULIE NELSON: Too much? It increases the risk but that does not mean to say that there would not be a facility that was operating in a fashion—I have never seen one, by the way. I would imagine that if we had an oversight there where the RSPCA went in more often and did what they have got to do and that the facility was conducive to the best welfare for the dogs, I would imagine that that would be possible. But I think the minute that you start talking profit over any other motivation you have got high risk. But how do you work out what somebody's motivation is? How do you determine whether or not where we have got 20 dogs because we are doing X, Y, Z with them rather than wanting to make a heap of money. And making a heap of money is still possible, as well as looking after the welfare of the dogs. Yes, it is higher risk but I am not going to count it out.

Ms ABIGAIL BOYD: Maybe I will ask the other panellists if they have a view because my personal view is that if you have 100 dogs you are not looking after them. I view that as a factory as opposed to a guardian home.

KATE SCHOEFFEL: Yes, as an unashamed breeder for profit, I put my kids through school and through difficult periods through the drought with my dogs. They saved our bacon on many occasions through our lives. I have been breeding dogs for 26 years and I do not do it for fun; I do it for profit. I love it. It is the most rewarding job I have ever had. It is far better than being a vet. It is great. I love it. But in terms of numbers, you could have 200 dogs if you had 20 staff, if you had really good protocols, if you had the space for the dogs to get exercise and if you had protocols that said the dogs had to be socialised. I am not saying that anybody should do that. I am just saying, it is possible. If you do it well you can have a number of dogs.

LEANNE COLE: Might I just add on that?

Ms ABIGAIL BOYD: Please.

LEANNE COLE: The difficulty with this is at the moment, like, we have got the breeders that are doing the right things and then we have got the breeders that are doing the wrong things and we cannot define this and we do not have enough power. Within the RSPCA there is not enough people to police this. So the people who are doing the right thing are continually getting more and more legislation put on them, more and more rules being

brought in and we do everything we can to follow the code, to have our facilities up to a standard, have our dogs up to a standard and plenty of recreation time for the dogs. But the problem is we have—I do not want to say backyard breeders—breeders that are not doing the wrong thing and they are the ones who are bringing the heat down on the ones who are doing the right thing. It is not the numbers. It is not a number game. It literally is the care and welfare of the animals which is our utmost all the time.

Ms ABIGAIL BOYD: Can I ask you, because I think this is really important in putting your position: In your view if we had 200 dogs with 50 staff—say it was the best possible facility ever that was tidy and clean and the dogs were getting food, water and exercise but effectively they were kept within that facility for 10 years and were forced to breed twice a year—

LEANNE COLE: They do not keep them for 10 years. That does not happen. Good breeders will have an adoption program for their retired stud dogs. We generally try to retire our dogs around the age of five.

Ms ABIGAIL BOYD: Okay, so five years in a facility and they are there purely to breed?

LEANNE COLE: No, this is where there is a big misunderstanding. These facilities have playgrounds for the dogs. The dogs socialise with other dogs. They socialise with people. Puppy farms, yes, they stick them in cages and they do not look after them. But a proper a facility facilitates the needs and the welfare of the dogs so they live happy lives while they are there. When they go from there we want to see them then go and spend the next five to seven years, 10 years of their lives, in a family environment then. So it is important that we do the right things from the puppy through to the age of them retiring as a stud dog to then move on to their family homes afterwards. We do the hard miles to try to do the right things with the dogs but unfortunately, yes, we do have the element out there that are not, and that is what is making it bad for all of us.

LYN BRAND: I was just going to say this bill in fact is encouraging one to go out and have larger animals with the facility because the bill is encouraging facilities for larger numbers of animals by being so restrictive on such a minor number of animals. By restricting two breeding animals to a premise, a person, like many of our members who show dogs, may have two entire females that may have never been bred from and they may be 12 months of age. But that is included in this bill as an entire or fertile female, which has never been bred from. Under our code of ethics it may never be bred from until it passes its health, X-rays et cetera, for breeding. The bill, in fact, encourages people to go out and maybe put up a big facility that complies with the DPI, put in staff, put in concrete blocks and breed as many litters as they can and then let the females go to new homes.

Ms ABIGAIL BOYD: I have one final question and then I will hand to my colleagues. I want to clarify, do you think that the community is okay with hundreds of dogs being kept in one place purely for breeding? Do you think that reflects community expectations, regardless of the circumstances?

LYN BRAND: Publicly, no. But I did not think we were here to discuss what the community wants; I thought we were here to discuss animal welfare issues. I do not know that publicly I was here to discuss community issues.

Ms ABIGAIL BOYD: The community has views on animal welfare.

LYN BRAND: But that is not what we are here to discuss.

Ms ABIGAIL BOYD: Well, it is.

IMOGEN TOMLIN-GAME: Can I make one other comment about that? I think it probably is true that the average person would find that very overwhelming and would assume that it was being done badly. I do not think there are many facilities of that size—I have also never come across one that has been doing well at that size—but it is probably theoretically possible. More importantly, I think no matter what size facility you are, there is nothing currently in the New South Wales code of practice that discusses minimum socialisation requirements. That is something that a lot of us have put in our submissions. That would be incredibly important, probably much more so than just regulating the numbers you are allowed to keep in one place. No matter what numbers you are keeping, mandating with a standard the minimum socialisation requirements will have far more influence on the welfare of the dogs. I think that could also be communicated to the public as well. Maybe they would probably also understand that. That is probably a much more significant welfare concern.

The Hon. EMMA HURST: I have three aspects that have come up that I want to ask a few follow-up questions on based on the questions asked by Ms Boyd. Dr Cole, you mentioned that after five years the dogs are retired. Is that from breeding?

LEANNE COLE: Yes, that is right.

The Hon. EMMA HURST: I do not believe there is any specific legislation that requires that, because I understand some of these puppy farms or large-scale breeders may be breeding from an animal for their entire

lives. Would you agree with some kind of legislated cut-off on the years that an animal should be used for breeding for their welfare?

LEANNE COLE: It depends on the animal. It depends on the age and health of the animal. There is a lot of access involved. Generally we look after the health of the dog. For instance, say you have a girl and she has had two litters. You might say, "Okay, she might go two years between litters." There are different aspects for every dog. But the general rule of thumb I think around the 5½ to six years old is a good age to try and be able to move them on and let them have the next chapter of their lives. That is why it is very important in your breeding program to also have an adoption program in place for older dogs because there are a lot of people in the community who are keen to get an older dog. They do not want a puppy; they want an older dog. They are more than happy to come into the programs and take the dogs. They are welcome to come and meet the dogs, see if it is a good fit and we go from there.

The CHAIR: What about the number of litters across a lifetime? So you do not stipulate by a certain age but across—

KATE SCHOEFFEL: Our association limits the number of litters that our dogs can have to five. That is in line with Victoria. We have had that for 15 years and it has always been our upper limit. I think we say that they have to be retired by eight years of age. The risk of setting an arbitrary, age-related retirement age is that a lot of dogs have problems that do not appear—this is more for those guys than for us, who are cross-breeders as a rule. But for people breeding purebred dogs, there are a lot of age-related conditions that do not appear until the dogs are seven or eight years old. If you say, "You can't breed after seven or eight years," then you are going to be breeding dogs when you do not know whether they have those problems. So for Cavaliers, heart disease comes in at six to eight years of age. If you have a six- or seven-year-old Cavalier that does not have heart disease, you really should be breeding from it because it is a very rare animal.

DEIRDRE CROFTS: I want to make a comment on trying to come up with a mandatory age for retiring breeding females. The problem with that is we have giant breeds and some of those breeds do not live past five or six years old. So if you are saying they can be bred for their entire adult life, that I think is unacceptable. Whereas for smaller breeds of dogs, your toy breeds—your silkies, Chihuahuas or whatever—they can live to 15 or 16. I am not advocating breeding a 15-year-old. I personally do not breed anything past six years of age, and it is legislated. You cannot breed more than two litters every two years from your bitches. Victoria does have the five litter maximum; I think we have six. But they have to be health checked as well.

The Hon. EMMA HURST: But you can see that we have a problem here where there are some breeders who are outside of your organisations who are maybe still following a rule of two per year but continually breeding for that animal's whole life. Do you see that that could be problematic for anybody outside of one of these organisations?

KATE SCHOEFFEL: Can I address that? Emma, I absolutely agree with you. None of us are in any denial about needing to stop this sort of breeding. What we are saying is that the way to do it is through the code of practice. Our problem with the current legislation—we think it is great, except that the code of practice is not up to scratch. It does not address levels of breeding. If you put those in the law and fix them in the law, it is like hammering a gnat with a brick—you have no way that you can move. With a code of practice we can address zero-to-three breeders, three-to-10 breeders and more-than-10 breeders. It just needs to be revised; that is our position. I am not in any way questioning that you are not perfectly right in the things that you have identified.

The Hon. EMMA HURST: We talked a little bit about retiring some of these animals at the end of breeding. Just to clarify, as I understand it, because these are quite popular breeds that people are breeding I am assuming that some of those adult females, once they have finished their breeding life, would be fairly easy to rehome?

LEANNE COLE: Yes, general rule of thumb. We make sure they are health checked, they get desexed—everything is done. Yes, there are always people who are after the older dogs, which is really good.

The Hon. EMMA HURST: I want to go back to some questions around the guardian homes and the breeding arrangements that were asked before. RightPaw, you put in your submission that you actually support some kind of legal framework around these breeding arrangements and contracts. It is an interesting issue because it is something that is new and I think it does hold some promise to improve welfare where animals are actually living in these family homes. But the calls that we get in my office are often from people who have bought a cheaper puppy and then they have developed a bond with this animal. Then the legal contract has the animal as the legal property of the breeder and then people have been required to take that animal back to breeding when a vet has said, "This animal shouldn't be used for further breeding. It could risk her life."

Then there becomes these emotional attachments and there are these big fiery debates between breeders, who then never return the dog, or people who have the dog and then run away with the dog and move house or move State and the breeder does not know where the dog is. There is the potential for that to get messed up both ways, and this is something that is not legislated because it is such a new idea. What should that legislation look like to protect both people in that relationship, and the animal?

IMOGEN TOMLIN-GAME: I think, to be honest, we probably do not have a watertight view of that currently, but I do completely agree that there probably needs to be more transparency over whether some of these contracts are legally binding or not. Having some sort of framework around it is useful for people to understand what they are getting themselves into. Currently there is a lot of confusion over who owns the dog. Does the dog itself have independent rights outside of the fact that it is owned by someone? I know these issues are being taken to court occasionally. I just do not think there is clarity for people in these situations at the moment. Certainly it has to be fair on both parties, but if there is a contract then both parties in that contract have their independent rights. I just think it definitely needs to be made more transparent around what people need to do.

NATHAN OLIVIERI: Certainly there are examples that attest to what you have mentioned where that has happened but I think it is a rarity. I think that a lot of great breeders are very transparent and educate their owners upfront about going into an arrangement on breeders' terms to know what they are getting into and setting expectations. All the great responsible breeders would ultimately build a relationship with those guardian homes over time, be very transparent and upfront and create that community. So I do think it is probably an education piece. Again, great breeders would already be doing that. I think it is the irresponsible breeders who have not built that trust and relationship with their guardian homes, have not been upfront about what will happen and when the dogs will come back. I think that is important too.

The CHAIR: Ms Croft, did you indicate that you wanted to speak?

DEIRDRE CROFTS: Guardian homes is nothing new. It has been going on for as long as dog breeding has been happening, so it is hundreds of years. In New South Wales the legal owner of that microchip in that dog is the person who owns the dog and contract law comes into play. Both parties should be fully aware of the agreement they are entering into and very, very rarely is there any dispute about what is to happen with the dog, as the terms go on, for breeding. Some breeders just want one litter and then it is the guardian home's dog forever. Most organisations—not our organisation but other organisations—will require more litters but at the end of the day everyone should be given the opportunity to seek independent legal advice before entering into a contract. If they waive that right then they are signing that saying that they understand what they are going into. I do not think you can have legislation that is going to override contract law.

The Hon. EMMA HURST: I have one more follow-up question from this morning's questions in regard to oversight and I know a lot of you have mentioned the enforcement and RSPCA funding. The submission of the RSPCA talked about the puppy farm task force. They said that they visited 133 breeders. I understand obviously they were also visiting smaller breeders so I will not say that it was a puppy farm task force but they certainly went and oversaw a lot of breeders. They visited 133. They report that 77 per cent of those breeders were not meeting minimum legal welfare requirements under the current legislation which is quite shocking. Do you support the Government continuing funding going to the RSPCA so there is that level of oversight over breeding across the board? I know a couple of you seem to have mentioned that need for oversight of current legislation that is already in place. I might start with RightPaw.

IMOGEN TOMLIN-GAME: It is certainly our experience from talking to member breeders. I would be interested to see a breakdown because they did not put that in their submission of what were the infringements of those individual breeders. For example, there are a lot of requirements around the height of fencing and things like that. We know there are a lot of breeders out there who did not really realise they were truly going to be pulled up on having 1.8 metre fences when they are breeding small breed dogs that cannot jump those fences, or much lower fences. We know of individual breeders who have been in that situation where they have been pulled up and they have said, "Nope, you really truly have to put those fences in." Obviously that would mean that they were technically not meeting the requirement. I definitely think that we do support more resourcing of inspections of breeding premises which is only going to be a good thing. This bill does not necessarily help finding new puppy farms in itself. Inspecting breeders who are already there and pulling them up for small infringements that have nothing to do with animal welfare is not necessarily helpful.

The CHAIR: Just so you know, one of the terms of reference of the Committee is the impact of the puppy task force—

The Hon. EMMA HURST: It is outside of the bill.

The CHAIR: Yes.

KATE SCHOEFFEL: I would just like to comment on that. I think the puppy farm task force is finding most of those 77 per cent, or whatever it is, you find they are mostly paperwork, not putting fences, recording and that sort of stuff. I think they have only confiscated about 150 dogs, or something like that. I am not saying that that means that those 77 per cent were doing a great job or otherwise, because the limitations of the task force—the task force is great—is that they are constrained by the code of practice. The code of practice at the moment says you can keep a dog literally in a cage for 24 hours and 40 minutes every day. But then they say they have got to have an exercise area. Sure, they might be able to show them their exercise area on the day, but you know. The code of practice needs to be—

The Hon. EMMA HURST: What do you think needs to change in regard to how long that animal can be contained for? If it is 20 minutes a day what will that look like?

KATE SCHOEFFEL: If you are running a kennel like I do, you have got to obviously have your animals constrained. So my dogs are in small kennels at night and then they go out into a big run in the day time. There are four dogs in the run, they all run around. They have got platforms, they have got toys so they have exercise during the day. It is more exercise than your average backyard dog because they have got somebody to play with and they have got a big space. I would certainly like to see something to make sure that dogs do get out there. So that means probably, it is not so much limitation on the numbers of the dogs but it is a limitation on the numbers of dogs for a particular area that you have got available. It is not the size of your pen, but the size of your whole property. Show me that your dogs are going to get exercise. How that is put into legislation, it is not possible. We need to look at it through the Companion Animals—

The CHAIR: Ms Crofts or Ms Brand?

LYN BRAND: I am just going to comment on the fact that we are talking about people that are here today and we are talking about the RSPCA who have been able to inspect facilities or premises where they know they exist. The problem is finding these areas of puppy farms where we do not know how they exist. In my mind, the only way we can fully trace that is that mandatorily every single pet animal, cat or dog, must be microchipped and that is not happening. So therefore we are only looking at the animals that are visible that are on the microchip registry. The RSPCA can find out that there are 10 puppies or 20 puppies that have come from that address and go and inspect them. But we are talking about puppy farms. The people that we want to find are not sitting here today. The people that we want to find are out there under the radar and we do not know how to find them. How do we find them? Absolute mandatory microchipping on every animal that comes into a veterinary practice because otherwise there is no paper trail and without a paper trail we actually cannot find out where that animal came from.

JULIE NELSON: I was one of the breeders that was first inspected by the RSPCA task force. Overall, I thought it was a great idea. I thought that they went onto properties and they educated our breeders. The ones that were a little bit backwards in their records and all of that kind of thing, they were given time to get it right, et cetera. That whole statistic I would challenge. I know that there was a reasonable number of our members that rang them and asked them to come and do the inspections. In my case, I would be one of those statistics because the question was, "Where is the vet phone number?" I said, "It is there on the fridge." He said, "Not good enough." I had to move it eight feet to put it on the outside window. I do not believe that that was part of the code.

The Hon. EMMA HURST: Did you get fined for that?

JULIE NELSON: I did not get fined. As far as I know, not one of our breeders did get fined.

The Hon. EMMA HURST: So they just asked you to change it?

JULIE NELSON: But I still challenge whether or not that was a requirement under the code then. It certainly is not now. The code said that it must be accessible to staff and visitors and it was. But the interpretation, not just in that instance but across the board, was pretty shocking. What we got is a lot of reports from our breeders who were saying, "We have to keep copies of all of our vaccination certificates for when we sell our puppies." That is not in the legislation either but that was one of the things that they were coming back to check. Since then we have done some work with the RSPCA. They have agreed to change their forms so that when they pinged me for not complying with this particular sentence that would be written up as being more specific to move the vet phone number to a different place because that way I could challenge it. If you are just saying, "This is the code" then everybody is saying, "What is going on?" A lot of it you can cover it by the people that were being inspected misunderstanding it because sometimes they were recommendations and not blah, blah, blah. But the fact is a lot of what you are seeing as statistics—with 77 per cent of them that were not compliant—we need to know what they were not compliant with, in my opinion.

The Hon. EMMA HURST: We can ask them this afternoon.

JULIE NELSON: A big sin and a little sin.

The Hon. MARK BANASIAK: Just a general question to all of the panel members. The proposed bill that we are looking at as part of this inquiry has been explained as almost a direct facsimile or copy of the Victorian bill. I seek your opinion in terms of whether the Victorian bill has solved the problem of puppy farms? If not, what have been the perverse outcomes of that bill in Victoria?

JULIE NELSON: I would like to go there because we are an applicable organisation in Victoria—Master Dog Breeders—under that legislation to ensure that our members who have between three and 10 fertile females are compliant with the code. Since we became an applicable organisation, which was February last year, we see the underbelly of it. We see that there are all of these dodgy businesses turning up that are providing whelping services. Nobody knows who they are; nobody knows where they are. We have people who are whelping puppies, selling puppies et cetera from two-bedroom units—overcrowded et cetera—but because they are not the owner of the dog and the dogs are not on the breeder's property, nobody knows what is going on. This whole guardian home thing has got whole heaps of different twists on it. It is not just the way that it was described here. They are doing all manner of things in order to get around all of this legislation.

The biggest deal is probably the amount of fraud and scammers, where they are stealing numbers and identities and all that kind of thing, which I would say is the same problem across the board with New South Wales as well, where all we are doing is helping to verify the scammers. That whole process needs to be looked into. The RSPCA have already said that we have not controlled puppy farmers. We have controlled large-scale breeders that are like they were 10 years ago, but there are still reports coming to us. We got one report a couple of weeks ago of a factory in the Preston area. I have not been able to get an address or any other details to pass on to the RSPCA yet, but we work pretty closely with the RSPCA down there and the local councils. The local council interaction with the breeders is horrific. They are bullying them. The local laws are part of the problem. The State law says this but the local laws are saying other things. It is confusing, it is difficult et cetera.

The CHAIR: Dogs NSW? Mrs Brand or Ms Crofts?

DEIRDRE CROFTS: I was recently down in Victoria and I spoke to quite a number of breeders down there about their model and how it is working. Across the board they were all of the opinion that it is not working. People down there, responsible breeders, are moving to different areas as they are seeking out local councils that are more accepting of dogs. We have the approved organisation status down there with Dogs Victoria. The breeders with three to 10 bitches are told that they are okay, but their council is turning around and when they are going to pay their annual registration they are being told, "Pick two dogs and get rid of the rest. We are not going to let you have them." So they are moving to different council areas that are more accepting. Also, puppy factories are still rife down there. They are absolutely flourishing because, again, they operate under the radar. They are not applying for their PER number as an animal breeding business, which they are required to do if they have more than 10 breeding females.

KATE SCHOEFFEL: The biggest loophole of that whole shemozzle in Victoria is that the one-to-three dogs are not registered, so you can say, "I've only got three." We know of people with half a dozen golden retrievers in their backyards, selling them for \$5,500 each. They are probably making \$120,000, and that woman was collecting the pension. That limit—saying three dogs are okay—is absolutely insane. Every dog in New South Wales needs to have a breeder identification number—every single dog. If it is an entire dog, when you go and register your dog—even if you do not intend to breed it but you have not desexed it—you get a breeder identification number when you register your dog.

The CHAIR: RightPaw?

NATHAN OLIVIERI: I think, just to echo the statements that have been made already, particularly Mrs Brand's comment from earlier, it is about surfacing the breeders who are not doing the right thing. The breeders who are here today and the organisations are the ones which are doing the right thing—being visible and being transparent. This bill will unfairly target them rather than trying to surface the ones that are not represented here. So I just echo the previous comments.

The CHAIR: We are now at the wrapping up stage. I will give each organisation about a minute. If there is anything you think that you should have said that you have not said, or if there is anything you think you may have not said well, here is your chance to tidy up. I will start with Ms Nelson.

JULIE NELSON: As I said earlier, I think that every single person who breeds or sells a dog in the State of New South Wales needs to be able to be identified. We need to know who they are, where they are and what they are doing. The NSW Pet Registry is a system, if it is operating correctly, that should be able to do that.

The CHAIR: Dogs NSW?

LYN BRAND: Exactly what I said in my statement before. Just a couple of areas in this bill. Number one, the scientific evidence relating to breeding, inbreeding or numbers of litters per female does not really stack up to good breeding and animal welfare. But, again, traceability—to find the actual puppy farmers—is the most necessary option.

KATE SCHOEFFEL: Like everybody else here, we do not think the bill does the job, but we want to see the job done properly. We want to see a good breeders' code, we want to see individual identification of every entire dog in New South Wales and we want to see guaranteed enforcement of that at every point of sale. Every pet shop, every newspaper advertisement has to have a breeder ID number and the microchip number of every puppy. If you can do that, it is going to make it very difficult for everybody who is an illegal breeder to sell their dog because they will not be able to find a way of selling them. That is where we have to target: Identification and point-of-sale identification.

The CHAIR: RightPaw?

IMOGEN TOMLIN-GAME: We would just echo what everybody else has said today, that there are points in the code of practice that do need improving, especially around how long they are allowed to be kept in cages, there are no socialisation practices involved in there and identification of breeders is essential. So compulsory VIN numbers and having those linked to every single puppy—whether it is a source number or a VIN number or however it is defined—that is the only way of identifying puppy farms.

The CHAIR: Thank you all very much for your attendance today. I do not think anyone took any questions on notice.

(The witnesses withdrew.)

Dr KAREN HEDBERG, Veterinarian and Committee Member, French Bulldog Club, affirmed and examined

Mr JOHN CARR, Dog Breeder, affirmed and examined

Ms YVONNE YUN, Executive Member, German Shepherd Dog Council of Australia, affirmed and examined

The CHAIR: Would you like to make a brief two-minute opening statement? If you go beyond two minutes I will have to cut you off.

JOHN CARR: They said two to three.

The CHAIR: Okay, we will see how that goes but I am the Chair. After that we will then have questions from panel members. It is a relatively free-flowing arrangement and at the end of this process you will each be given a further minute to wrap up with anything you want to say or if something you have said may have been misconstrued you can clear that up. Dr Hedberg, do you want to make an opening statement?

KAREN HEDBERG: Yes. I thank the Committee for the opportunity to speak. We find the proposed amendments are not fit for purpose. These proposed changes will result in enormous disruption to responsible breeders as well as adding considerable impost and costs onto councils and breeders trying to apply these proposed changes. There are already a significant number of Acts that cover this area—POCTAA, codes of practice, the draft animal welfare bill and the Companion Animals Act. None of these proposed changes will directly address the problem of puppy farms; rather it targets the easily found registered hobby breeders.

There are several serious issues. First, the definition of a puppy farm. Nowhere is this clearly stated. If not defined how can the proposed changes be applied? Second, the number of times a bitch may be bred is two litters. There is no scientific or welfare basis for this arbitrary figure. Who will keep the data on this? The unregistered will continue to breed every season regardless. Third, cannot breed if an hereditary defect is identified in a previous litter. What is the definition of "hereditary defect"? Many conditions are deemed to be inherited yet there may not be a definitive test that one can run. Where there are tests available most registered breeders will do these in an effort not to produce any affected puppies. Equally by not repeating that exact mating there may be no issues in a second litter. Again, who will assess such defects? How will penalties be applied and on what basis?

Fourth, cannot breed with a dog that is related by blood. How can one quantify "related by blood"? Within a breed all dogs are ultimately related by blood. Again in this area the only ones that can be checked are the registered breeders. Backyard breeders, et cetera, rarely keep generational data, pedigrees or health data. Again, who will be assessing this? What qualifications will they need? Fifth, automatic desexing of males over six years of age. Again it is an arbitrary age. Where is the science or welfare to back up such a move? Other areas of concern are licensing. The licensing system is supposedly going to pay for this system to run. Again registered breeders will bear the brunt of the costs while the unregistered will stay hidden. Councils will have the power to issue licences which, from the Victorian experience, has produced significant and wide variations. Staffing—suggested staffing of one person per five animals in a registered companion animal business is ludicrous. This is far higher than human nursing or teaching rates. It could make it a penalty to go out and leave more than five animals alone. Again, who is going to check this? Who wears the costs of enforcement?

The CHAIR: Dr Hedberg, have you got much more?

KAREN HEDBERG: Just a very short one. In summary, we find this amendment bill to be against the public's interest. It will add considerable costs to the breeding and access to registered dogs and cats. It will actively push down puppy and kitten production by registered breeders and indirectly promote puppy farms as they will continue to stay under the radar. Registered breeders belonging to a recognised breeder association where they have to abide by a code of ethics should be granted exemptions.

The CHAIR: Mr Carr, do you want to make an opening statement?

JOHN CARR: Yes. I would like to begin by thanking the Committee for allowing me to speak on these matters. I would like to express to the Committee that I am frightened by the legislation that is being created in New South Wales. It is a monster where the amount of red tape, laws, statutes and offences has become so huge that for any breeder it is intrusive and overwhelming. It takes away our liberties and joy we have from breeding dogs, destroys our privacy and its enactment will cause many hobby breeders to simply stop breeding. In Victoria, two fellow breeders are no longer breeding by choice because of the legislation and policies introduced there. And this, in turn, affects the demand, and thereby the price of puppies in New South Wales as buyers for puppies now compete with buyers interstate. Good hobby breeding is an art form where you need to run on several specimens each of several lines, not only to build and share with others for the next generation but because not everything works. Not all litters are big, and of the stock I run on that has potential, less than half are ever used for breeding.

By restricting bitches to two litters, and the other controls you mention, you will completely destroy the art of good breeding. And by affecting the stock that a breeder can keep you affect the pool of bloodlines both the breeder and others can draw from. This I believe will lead to the loss of good bloodlines and breeds we have in this country. And as puppies become rarer, their price rises exponentially. And those people in the lower income brackets who want a puppy will be the most affected. So how do I propose we address puppy farms? Let us start with the goal line that we should be aiming for. The price of puppies is entirely market driven. By increasing the number of puppies you substantially reduce their price and, by doing so, it keeps in check many of the problems you are concerned about. It will no longer be as fiscally rewarding to set up or operate a puppy breeding farm. As such they will decline in number and those people who continue will more likely be breed orientated than profit orientated.

People will no longer have to buy puppies on contract when they can afford to and be able to choose a puppy that is not bound by one. There will be no business model as the deductions and costs that would be claimable would outweigh the profit made on a litter. Puppy buyers will be more sensitive about where their puppy comes from and be more willing to complain about substandard breeding practices if they have a choice and can choose between breeders. And the market can decide what happens with pet shops. People will have more choices of where they buy their puppy from. So how do we achieve this goal line? I allege that the catalyst of why many of our puppy farms of concern exist today is the reduction of people being able to breed their dogs and produce puppies in a home environment. For ANKC purebred registered dogs, a breeder can tick a box on the pedigree, or register it on a limited register without any due reason, for the owner of that dog to never be able to use that dog for breeding an ANKC registered litter.

The CHAIR: Mr Carr, do you have much more?

JOHN CARR: I have another page and a little bit.

The Hon. MARK BANASIAK: Can you table it and that way it becomes part of the record anyway.

The CHAIR: If you seek to table that it will be circulated to Committee members and it will go into the transcript as well. Would you like to do that?

JOHN CARR: I can but I would like to read it if that is possible?

The CHAIR: Okay I will let you do that but can I just say you are way over your three minutes already.

JOHN CARR: Unfortunately this is done routinely by many breeders who believe it is responsible to do so. We also have vets participating in the early desexing of baby puppies by breeders before selling them. There is now a substantial amount of evidence available online exposing such procedures as detrimental to a dog's development and health. I have printed out an article off the internet I am submitting at the end of my talk as proof of this. And for dogs in the community we have the unlawful push by our authorities to desex the impounded stray dogs they offer for sale. Our authorities never own these dogs—never. Our authorities are just an instrument under the Act to enforce it, that is all. They are required to sell dogs, so before selling the dogs to the public, they sell the dogs to themselves, erasing certain provisions of the Act in doing so, to desex it prior to them then selling it to the public. Welfare groups and organisations who push councils into doing such actions need to be taught the truth so they can understand what is right. All this needs to be addressed.

And so by allowing people to breed again, the natural balance of puppies in the community will be restored, the prices will come down, and the puppy farms you are concerned about will begin to disappear. This is the way I believe would have the public's strongest support, particularly if they have tried to buy a purebred puppy recently. In conclusion I have one more thing. How can our authorities enforce laws over animal owners when they so blatantly ignore the animal laws themselves? How about enforcing sections 4 and 5 of the Prevention of Cruelty to Animals Act where the unnecessary killing of an animal is an act of cruelty? Why has this law only been used in politically correct scenarios? Dogs and their lives are a political football in this State, with no authority willing to stand on another authority's toes. I have been told directly by the police that they will not pursue offences relating to our welfare authorities or councils as they are the "good guys".

The CHAIR: Mr Carr, how long have you got? You are now pushing five minutes.

JOHN CARR: It is only a couple more lines.

The CHAIR: I suggest that you table it. We need to move on or there will be no time for questions.

JOHN CARR: You are the Chair.

The CHAIR: I ask that you table that. The balance of your opening statement will be incorporated and members will get to read it. If you have a prepared speech, can you hand the rest up to assist Hansard? Thank you.

JOHN CARR: Okay. The balance of the opening statement is as follows:

If you want to make animal legislation in NSW, what is really needed is an independent authority that has the ability to take a complaint about our Authorities handling of animal matters, and have the power, the persuasion, and the enforcement, to have that matter dealt with correctly. If you want an election winning issue that appeals to the dog world, I have just given it to you on a plate. Thank you.

The CHAIR: Ms Yun.

YVONNE YUN: Good morning. Honourable Chairperson and members of the Committee, the GSDCA applauds any action that will improve the welfare of animals, recognising that the Companion Animals Act 1998 can claim great success in bringing about change. The Act was developed through a balanced and inclusive approach, recognising the rights of all, not just the objectives of a single group. Our organisations have contributed heavily and voluntarily to the current, much-improved welfare of animals in New South Wales. Yet despite these achievements, there are no exemptions in this amendment. It is the improvements from both areas that have led to the present problem of "puppy farming", a term the amendment is careful to avoid defining, so that we are all branded with one stigma. Our success in regulating our breeding activities has led to demand, creating the puppy farmer model that dictates profit above all else.

We argue that this amendment will lead to consequences such as worse outcomes for breeding animals, with random mating based on the available partners on the day; females being bred every season until they reach the litter limit—they will then be disposed of as wastage, and this cycle will repeat; the turnover of females will be extreme, with intensive breeding without respite, and then a fate that no-one knows in order to bring in another to replace them; and displacement and rapid relocation of the real puppy farmers, rather than eradication. The incident that gave rise to this amendment is evidence of how the Victorian model does not work. We would expect a concentration of puppy farmers who have relocated to LGAs where they will operate under the radar, in areas where the council does not have the resources to implement the amendment. And, of course, they can always up and move.

Local government will be burdened with yet another regulatory task that someone will have to pay for, and it will not be the ratepayer. And this is before the skills, diligence and integrity of the regulatory officers are considered. Homes will become a political weapon in the hands of some councils, where existing use will have no bearing and privacy becomes a casualty. But this is the breeder's home, and to continue they will need to make life-changing decisions. The bad guys will simply pick up and move. These are merely some of our concerns elaborated, but others include the lack of inclusion and consultation in this proposal, the lack of definitions and clarity, the lack of regulations to accompany the amendments, the failure to outline an appeals process, the lack of oversight provisions, the loss of personal freedom and the natural justice that attach to this amendment. This amendment has a singular view that ignores scientific evidence, shows no respect for achievement and improvement, and fails to provide a pathway for improved outcomes for animals. If enacted, we believe that it will undermine the very significant achievements of the Companion Animals Act 1998.

The Hon. WES FANG: Thank you to the witnesses for appearing today. I am looking to get some clarity around puppy farms themselves. I am a regional member—I live in Wagga Wagga—and I am keen to know, for the majority of puppy farms, where are they located? Do you find them located in rural or regional areas, or do you find them located in metropolitan areas such as around the Sydney area? And the next part of the question is, for the members who have issues with puppy farms, are you finding that they are located in the same areas where the puppy farms are—that is, those members who would protest or object to puppy farms being in operation—are they typically metropolitan areas or are they rural and regional?

YVONNE YUN: May I speak to that?

The CHAIR: We will start with Ms Yun and then we will work across for each member.

YVONNE YUN: I, for my sins, Mr Fang, work in local government. I would suggest to you that there is a tendency for the high-volume puppy farmer to locate outside of the metropolitan area purely and simply because if you look at local government in an LGA like Hilltops, they are lucky to have one inspector and that inspector is basically tasked with looking to all things, inspecting, running a pound, looking at livestock and doing all of the functions around that inspectorate. They may have to cover thousands of miles to get around their entire LGA. Traditionally, where local government's main focus is roads, rates and rubbish, very little money is generally set aside to do an adequate job in inspection. It is our experience that the puppy farmer will, in fact, locate where he is least likely to be disturbed. He will do business out of a car park somewhere. You will never get to go to his property; you will never see the breeding conditions. You buy your puppy online and he will meet you in a car park because it is so much easier for you to do.

The problem is that they are more likely to be in rental properties, particularly if it has a rural parcel of land to it, so they can be out of public view. If things get too tough, they just pick up and move. They have no

bond to the property out of which they are operating. Effectively, they tend to be in rural or outer urban areas. I have some photographs, which I will actually table. I happen to come from the Hawkesbury LGA. Driving around the Hawkesbury LGA on one weekend I picked up five litters of puppies for roadside sale. Now, whilst some of those breeders might be doing the right thing, it becomes very easy in that situation for purchases of puppies on a whim. It becomes very easy for people to turn over puppies and the sign disappears next week. I would suggest to you that it is not particularly an urban issue. It is more likely to be a rural or semi-rural issue and it is more likely to be where the puppy farmer knows he is not going to be subject to scrutiny.

The CHAIR: Mr Carr?

JOHN CARR: I have nothing further to add.

The CHAIR: Dr Hedberg?

KAREN HEDBERG: I would agree that it is mostly rural or semi-rural areas and it is the fringe of the urban areas that you sometimes see quite a lot of people who are a bit further out, where there is not as much control, and you start to see these puppy farms start to happen.

The Hon. MARK BANASIAK: I will pick up on your opening statement, Mr Carr, where you spoke about the blood line issue and the importance of having enough dogs to improve and maintain those blood lines. With the Victorian bill, which this bill is similar to—or is almost a direct copy of—have you seen or heard of those blood lines being reduced in specific breeds because of the Victorian bill?

JOHN CARR: It is very hard to judge on the Victorian bill because you have got people transferring dogs between New South Wales and Victoria and you have puppies going down from New South Wales to Victoria. In fact, I have more puppies from the last previous few years going down to Victoria and South Australia than in New South Wales. In terms of blood lines and things like that, to me it is something very hard to gauge because you have got new blood going down there and things like that, and the transfer of dogs and what have you. Once you start touching each State, you will then reduce the pool of blood lines. Once you start restricting breeders and more and more breeders, you will affect the blood line. I can still breed with dogs interstate but once other States clamp down and Victoria and New South Wales are perhaps two of your biggest dog breeding States, then the impact on blood lines will be more noticeable.

The CHAIR: Mr Carr, what dogs do you breed?

JOHN CARR: Saint Bernard.

The Hon. MARK BANASIAK: I might go to Ms Yun. This is something I asked in the other inquiry the other week that you appeared in and it is about your breed of dogs, German shepherds, that are used by police and Border Force. Where do you see the impact of this bill on the ability to service the police force and Border Force with those dogs?

YVONNE YUN: If I might, I will just go back to what I said previously—that is, you breed specific blood lines for specific reasons. What I breed as a German shepherd breeder is a dog that I hope will be fit for purpose in the average family. The lines that the police, the prisons, the Air Force and all of those people are looking to are not necessarily going to be suited to the average family and the average owner. Effectively they have to have access to specific blood lines, so they hold a lot of them themselves. They have their own breeding programs in some instances—I know New South Wales police do.

I feel that if they were subject to this Act, their capacity to breed for themselves would be severely restricted because they would be no different to how many animals they could maintain and how many animals they could be breeding. The situation would then be that they would be obliged, because the dog I breed is not suited to their work, to seek out those lines elsewhere overseas. They would have to import them. They would become far more expensive and you would be looking at a totally different temperament to the one I want to breed and the one you want me to breed for the community because they are hard dogs; they have to be. They are not going to back down.

The Hon. MARK BANASIAK: Thank you. It was important to get that same answer onto this inquiry. Clause 61K (e) of the bill states that a council may refuse or suspend an application if the applicant does not have sufficient qualifications. The way I read that would essentially impose a requirement on council workers or councils to have people trained in a cert IV in training and assessment and, therefore, potentially then you as a breeding association would have to become an RTO to train your breeders in certain qualifications. (A) Is that practical? (B) Is it financially feasible for councils in your view? (C) Will it address any animal welfare concerns?

YVONNE YUN: Okay, there are three questions there.

The Hon. MARK BANASIAK: And that is all.

The CHAIR: He did say he had one last question but he has bundled them up.

YVONNE YUN: Okay, value for money. The first question is: What is my view of council officers?

The Hon. MARK BANASIAK: The question was: Do you think it is for feasible for councils to have somebody trained in cert IV in training and assessment and going out assessing people's competency in essentially animal care?

YVONNE YUN: Absolutely not. The current workload for the regulatory officers within the local government environment is that they have to inspect brothels, they have to look at trees, they have to intervene in fencing disputes between neighbours and they have to manage parking. So unless you are going to have a dedicated officer, which just does not work, who does nothing but these kennel inspections, it will be a question of economics. If you have only got 10 breeders, why would you have a specialist officer? Is there going to be enough work there for him? If not, he is going to have to cross-train in all those other areas—food safety and all of those sorts of things.

Basically I do not think it is practical and local government is having enough trouble keeping up with all of the work they have to do. It is just horrendous. In terms of local government, I do not think it would be acceptable but I think you would need to canvass that through the OLG and LG NSW to understand what each individual council felt. Your second question?

The Hon. MARK BANASIAK: I think you have answered it well. I will also ask Mr Carr and Dr Hedberg because you also have specific breeds which may have specific needs in terms of care. Do you think council workers would be appropriately equipped to assess your qualifications or experience in caring for those particular animals?

JOHN CARR: Looking at the councils the way they are now and being able to assess dogs and knowing the different types of aggression, like food aggression, protective aggression and things like that, I have seen—and it is quite common for councils to put down a dog and say it is not suitable for rehoming because it may have a guarding aggression of that kennel or something like that and believe that that will make a dog aggressive towards people. I mean, the officers running these pounds and having dogs are not trained to know the different types of aggression in dogs. I would say I would not trust a council in terms of being able to decide whether a property is suitable for a dog or not, or to give an assessment on a dog. They are simply, at the present, just not trained to do those things which they are currently doing in terms of assessing dogs.

KAREN HEDBERG: I agree with Ms Yun that I think that you would have to have specially trained officers if you were going to apply this law because, to me, certainly in areas where dogs are related by blood, hereditary diseases and things like that, that is a very specialised area. It is a fairly specialised area even for a veterinarian to determine what a hereditary disease is and what is not. Personally I do not think the council officers have got a hope in hell of doing it properly or adequately.

The CHAIR: One of our terms of reference relates to the Puppy Factory Taskforce? Do any of you have an interaction or do you have views about the New South Wales Government's puppy taskforce?

KAREN HEDBERG: Yes, the puppy farm taskforce—and I heard some of the answers from the last one—has been around. They have inspected various different kennels. Most of the problems that they have found have been fairly minor. Again, they have mostly been paperwork type issues, where they have not been keeping records properly, stuff like that. I think that the amendments that they have made recently to the codes have helped but I think if you are going to do that sort of thing in the future, I think the code needs to be worked through better and come through with a more complete overview of what dog breeding should be done and how it should be done. I think fixing up the code and putting a lot more work into it is where most of this should go.

The CHAIR: Mr Carr, did you have any interaction with the Puppy Factory Taskforce?

JOHN CARR: I think I agree with most of what Karen said but I am also concerned about people's liberties and things like that, and flexibility. I think some of that has to be built into any sort of legislation involving puppy farms and puppy factories and things like that and people breeding puppies. That is all I want to say.

The CHAIR: How do you see that being worded in the legislation? Do you have a view?

JOHN CARR: It is probably difficult to put in the legislation but I think it is something that might need to be discussed more.

The CHAIR: I am happy for you to take that on notice if you want to go away and think about it and then get back us.

JOHN CARR: Yes, I will take that on notice.

The CHAIR: Ms Yun, have you had any involvement with the Puppy Factory Taskforce?

YVONNE YUN: Not personally, no. I have heard horror stories far and wide about inspections where people have been bullied. People have been pulled up on things that really, in the scheme of things and for the overall welfare of the dog, are very minor and actually make no impact on the animal's care. So for argument's sake, I have an acre property, I have fencing all around and my dogs are at liberty to run and enjoy that, but they are not six-foot fences. If I were to have an inspection I would probably have a problem. I think some of the specifics in the code of practice are absolutely ridiculous and need to be modified. I think what we need is to get a collaborative code of practice that everybody agrees on and then educate people, rather than going with a big stick and saying, "We have had a 77 per cent failure rate."

What were the failures? How can we do better next time? You will not get the breeder community—and most especially the ones you are trying to get with this—on board if they do not feel they have a stake and they do not feel they have the information they need to measure up. We are not bad people, yet we are being painted that way at all levels of legislation just now. I think something has to give because what potentially is going to happen is you are going to drive good people out, leaving more market space for the backyard breeder, for the puppy farmer, and you will just create a self-fulfilling prophecy. I think it needs a lot of work.

The Hon. EMMA HURST: I might go with Ms Yun again. We have heard that, and I have seen a lot of submissions that say, a lot of breeder organisations require their members to undertake a welfare course and to have some kind of understanding around breeding. Do you have something like that in your organisation that you require? Do the breeders have to have some experience?

YVONNE YUN: If I might explain the hierarchy, my breeder organisation is the German Shepherd Dog Council. We are affiliated with the ANKC. The regulatory body for the ANKC in New South Wales is Dogs NSW. My breeder prefix, my kennel name, is issued through Dogs NSW. As far as Dogs NSW is concerned—unfortunately I have been around a long time. In the old days we did not do any breeder education. If you want to become a breeder now, it is rigorous, absolutely rigorous. You have to do training and you have to agree to the code of ethics. I am bound by that, regardless of how long I have been breeding. I have a copy of that here, which I will submit to you. Basically I think we have come a long way voluntarily. I think that is what needs to be recognised. If you give us a chance, we can do even better next time.

What we are trying to tell you is that the people you want are not us. The people you want fly under the radar all the time. Quite frankly, they are horrific, absolutely horrific. But the amendment that you are putting in place will not get rid of them. They will just change their practice. So instead of a bitch being bred from eight months or nine months and being bred once every two or three years, which is what we are inclined to do—or what we are regulated to do—she will be bred every six months. The minute she reaches her mandated number of litters, she will be out the door. Now, given the attitude towards animals that that person is likely to have, you are likely to have horrible situations for those bitches. I think my biggest argument would be that puppy farms are driven by market demand. The purchaser needs to accept responsibility for the welfare of the animal being bred from. They need to know that that bitch has been bred into the ground in horrific circumstances, and that is why they get their cheaper puppy.

The Hon. EMMA HURST: I have a follow-up question to that. It is interesting because some submissions have said that the purchaser needs to take responsibility. On the other hand a lot of submissions are saying that there are so many smokescreens like pet shops and other issues, where people are saying that the purchaser cannot police this and that it is really difficult to know and obviously when there are dodgy practices a lot of this is hidden. The other side of that is, we get a lot of complaints from consumers who have bought a dog online who thought they had done their due diligence and who thought they had done some online research.

As you know, there are fake BIN numbers out there, there are fake microchip numbers out there and there are dogs being sold online with glossy, beautiful photos—people with all of these wonderful reviews—and then they get this sick dog. When they look a bit further into it they go, "Oh, maybe this is a puppy farm." The other problem we have is a lot of people do not realise that large-scale breeding—large, intensive breeding—is legal in New South Wales. How does the consumer actually police this? If we say, "It is your responsibility," how does the average person out there who is looking to bring a companion animal into their home know? How do they find that information out?

The CHAIR: Is that question for all panel members? I would like to hear all of their views.

The Hon. EMMA HURST: Yes, sure.

YVONNE YUN: At the risk of repeating myself, I will go back to my closing statements and my testimony in front of animal welfare. You can do two things to clean up this situation in New South Wales. You can make it illegal for any person in New South Wales to breed a dog or a cat or a companion animal if they are

not part of a recognised organisation. That is the first thing. And a recognised organisation that is accredited with some minimum standards. We are not perfect, but we have standards. They are minimum standards that people must live up to. Again, set the bar and make sure that people—as has previously been said, you issue each breeder with a number that has to appear on all advertising and that sort of thing. The current companion animal register—I have a breeder number. If you make that law, that has to appear on everything I do, on every bit of paperwork I give. I am quite happy with it. The other thing you can do is provide training for prospective purchasers. As we have seen previously, you can do that online. It could be a method by which welfare is actually paid for, so the intending purchaser has to do the training, has to be positively identified—

The Hon. EMMA HURST: Is that like ensuring that if somebody has a companion animal they have a licence to have a companion animal?

YVONNE YUN: Yes. It is alright to say that the breeders have to do the training, but somebody fronts up at my door and I do not really know them that well, no matter how hard I try. Put them through training. Make them qualified.

The CHAIR: Mr Carr, do you have something to say in response to Ms Hurst's question?

JOHN CARR: Yes, I do. I am a registered breeder with Dogs NSW and I have a kennel prefix and a breeder's registration number. Where people, particularly interstate, want to buy a puppy and they want to be assured that it is not a fake, they can ring Dogs NSW and confirm that. They can also get online to the forums and ask, "Hey, have you ever had a puppy from this person with this prefix?" And they will say, "Yes, it is genuine. It is fine. He is a reputable breeder." There needs to perhaps be some more work on the microchip numbers where—particularly for buying an adult dog, but not necessarily for puppies—a person can actually confirm that a particular microchip belongs to a particular dog and a particular person. Perhaps there can be some more work done there to actually confirm it is a real dog. Maybe the implanter number and things like that can be confirmed. But that is something that could be added to. But I would say to people buying a dog, "If you are going to buy a dog interstate, make sure you go through something like a registered breeder. If you cannot go to the place directly yourself and see the dog, then that is the assurance that you need."

The CHAIR: Dr Hedberg?

KAREN HEDBERG: I would sort of say, yes, due diligence is definitely there. For most registered breeders you can go along and actually see the parents, see where they are kept, see how puppies are raised and I would suggest that most people go and do that. I find that part of what I would call people's homework if you want to get a healthy puppy from people that are breeding properly. Most of these people will say, "Come along, you can see the parents"—or definitely the mother and the litter situation—"and you can see how these puppies are raised." I think that is part of due diligence. Getting a dog from McDonald's just because you meet in the carpark I do not think is sufficient, sorry.

Ms ABIGAIL BOYD: Ms Yun, I want to take us back to your last response to my colleague's question. We were talking about the large-scale intensive breeding. You suggested that if we have breeders needing to be part of a recognised organisation with minimum standards we are avoiding a lot of the issues. I think I can agree with you in regard to the small-scale breeding. Do you think that the community would accept the concept of large-scale intensive breeding even if the breeder was registered with a recognised organisation?

YVONNE YUN: I am going to relate this to a real instance. The problem I have with that is large-scale breeding of that nature is commercial so it gives rise to custodial arrangements where I sell a puppy as that person, and get it back for a litter at a later stage. There is no commitment or investment of time and intelligence. You do not know the animal you are breeding in that situation. So that puppy might have left at six weeks, eight weeks of age, gone into a home, comes back at an adequate breeding age and is then put in whelp. You do not know the temperament of that animal, you have no real affiliation with that animal to understand what is going to be the best breeding result. In any breeding that you do you should be selecting partners, firstly, that suit one another and will improve the next generation.

Ms ABIGAIL BOYD: Does that mean you agree with the proposition that we should not be allowing large-scale intensive farming?

YVONNE YUN: I would totally agree.

Ms ABIGAIL BOYD: Excellent. Do you also agree, Mr Carr?

JOHN CARR: No, I do not agree, even though I perhaps feel it is much better that we do not have intensive farming. I think that should be part of our liberties. I think if people are doing the right thing and complying with the Prevention of Cruelty to Animals Act and complying with trade practices and, therefore, the breed, I do not have a problem. What I think the problem is, is those large intensive farms where you are actually

breeding for profit. Those particular ones where there is no or little determination in breeding partners, where things like genetic problems and breeding to improve the breed is not really happening, it is simply there to produce puppies and to sell puppies for a commercial point of view. That sort of large-scale type of operation, I think we all agree, that that is not what we want.

Ms ABIGAIL BOYD: But you can conceive of a large-scale intensive breeding facility that is okay.

JOHN CARR: I am sure there are breeders that have more than 10 dogs. I am sure that there are people who still—not myself—have a number of particular bloodlines and things like that that are doing the right thing and are complying with the code of practice and are breeding to improve the breed. I am sure there are people out there doing that.

KAREN HEDBERG: I am against large-scale commercial breeding personally. I think that whatever you are looking at, whatever the number of dogs, it is always going to come down to welfare. How are those dogs being looked after whether you have two dogs or 20 dogs? It should be how well are these animals being looked after. Are they being properly socialised and all of those things. Are these animals getting the right care all the way through? That, to me, should be the basis of anything. But certainly large-scale commercial enterprises, I do not think you can socialise X number of animals beyond a certain point. Certainly the bigger guard breeds, you need to socialise far more than, say, the small little toy breeds. But it does not mean to say that you could have 50 or 60 toys and I still find that acceptable. No, I do not.

The CHAIR: We will have to wrap this up. Ms Yun, you will have one minute to wrap up. Before you do, I believe you said that you had some things you wanted to table. If you could hand them up to the Committee secretariat that would be fantastic.

YVONNE YUN: There are sufficient copies for all members. The German Shepherd Dog Council of Australia asks that you make a clear distinction between those breeders that are a problem and those that have the core of their activities the welfare and love of animals. The attached code of ethics governs us. The attached photos are those who need regulation and eradication. There is no comparison and we ask that you recognise our worth and provide a sensible approach to legislation that rewards best practice. With regard to concerns about consumer protection, we believe that rather than protecting the consumer, educate the consumer to understand that they have helped to create the puppy farmer and must make conscious buying decisions that reject the Gumtree approach.

JOHN CARR: I would just like to say that I would like to see an authority—not our local councils, not our welfare organisations—set up that actually has some jurisdiction over councils and welfare organisations and breeders. I believe that a lot of this legislation is hysteria. I think, as I put forward in my statement, that a lot of it is there because the price of puppies has gone up as a reaction to the lack of breeding dogs around. I come from a local council background as well in terms of animal control and to try to enforce all this just boggles my head from a local council point of view. And to believe that local council can possibly get involved and do this correctly, well you have only got to look at how pounds are run, and the people that are in the pounds, and you get an idea of what I see and what I believe. I will wrap up there.

KAREN HEDBERG: I would like to reiterate I do not think that this law is fit for purpose, this proposed amendment. I think that it is going to actually push down the responsible breeders and it is going to indirectly promote puppy farms which, I think, is totally against what anybody wants. I think that responsible breeders from recognised breeding organisations, or where they adhere to a strict code of ethics, should be given exemptions if these types of things are going to be applied.

The CHAIR: Thank you for your attendance today. When you leave and you think there are things that you should have said you have the opportunity to make a supplementary submission to the inquiry. Mr Carr took a question on notice. The secretariat will be in touch with you about that and you will have 21 days to respond. We would be keen to get your views about how you see that being accommodated, if you could.

(The witnesses withdrew.)

Ms NEMESHIA BROWN, Shop Manager, Room 4 Pets, affirmed and examined

Mr JASON GRAM, Proprietor, Room 4 Pets, sworn and examined

Mr JOHN GRIMA, Member, Pet Industry Association of Australia and owner, Kellyville Pets, affirmed and examined

Mr BARRY CODLING, President, Pet Industry Association of Australia, affirmed and examined

Mr MICHAEL DONNELLY, President, Animal Care Australia, affirmed and examined

Ms KYLIE GILBERT, Dog Representative, Animal Care Australia, before the Committee via videoconference, affirmed and examined

The CHAIR: We will recommence. I will start with Room 4 Pets. Would you like to make a brief, two-minute opening statement?

JASON GRAM: I do not really have an opening statement. I have been in the industry for 27 years. There is nothing more that we hate more than puppy farms. We would love to work out a way to get them shut down. I do not think the current way is it. But, yes, there is nothing we hate more than puppy farms.

The CHAIR: We may explore what you think is the right way as part of our questioning. Mr Grima or Mr Codling?

BARRY CODLING: Yes, we have an opening statement. The PIAA thanks the Animal Justice Party—in particular, the Hon. Emma Hurst—for presenting the Companion Animals Amendment (Puppy Farms) Bill 2021, as it was the call to action that New South Wales has needed for many years. We also thank the members of the select committee for allowing the key stakeholders the opportunity to present their input into what the industry describes—puppy farms—as a leach on our industry. The Australian public has demonstrated their need for companion animals, where 70 per cent of households now own a companion animal with many of the remaining 30 per cent either having owned or seeking to own a pet in the future. A recent survey, *Pets and the Pandemic*, found that the companionship provided by pets continues to be highly valued by Australians, and the pandemic has given an opportunity for some to experience the benefits of pets for the first time.

In both focus group discussions and survey findings, pet owners were near unanimous in advocating for the benefits of pet ownership, wanting others to experience that same joy so long as they understood the responsibilities. The demand for companion animals continues to grow throughout the Australian public, and similarly across the world. The pet industry is now the fifth largest FMCG category, generating an estimated \$30 billion in Australia alone. The pet industry is deemed recession-proof, and now COVID-proof. This focus generates the opportunity for bad behaviour and the unscrupulous acts of the few. Puppy farms exist as we have failed to both define what a puppy farm is and to bring appropriate laws to protect the consumer in acquiring an animal in an industry largely managed through self-regulation. The PIAA totally opposes puppy farming and seeks to add value to the debate through its extensive industry knowledge, whilst protecting the rights of consumers to own a companion animal and our members in providing goods and services to care for them. Thank you.

MICHAEL DONNELLY: I ask that this statement be tabled, along with a copy of a survey that we have brought with us, which is a part of my opening statement:

There are an estimated 200 puppy farms located in New South Wales, which is a legal operation producing 103,000 puppies annually.

Dogs are often living in filth, deprived of social interaction ... with animals kept in squalid conditions and forced to breed and produce litters until they can no longer cope.

... dogs are often kept in small, empty crates for most of their life without ever seeing the daylight.

Most puppy farms are secretive and out of public view and are almost impossible for authorities to locate ... there are likely thousands of dogs living in squalid conditions on these puppy farms, but because of secrecy of the industry ... it's impossible to know exactly how many there really are.

Those are not my statements, they are not from the ACA; they are Ms Hurst's words from an article dated 2 April 2022 in the *Daily Mail* UK. Also from the same article was her quote in regard to puppy farms being secretive. Animal Care Australia would like to ask, "Which is it?" We have an actual estimate with a very specific number of puppies, or is the industry so secretive it is impossible to know? Rather than play the speculation game I would like to focus on some facts. Fact: The very conditions described by Ms Hurst in that article are not legal. They directly defy welfare standards outlined in both POCTAA and the breeding code of practice. Poor food, squalid conditions, mass breeding, restrictive confinement and so on—all illegal in New South Wales.

The description outlined in that article and social media propaganda produced focuses on what the general public find abhorrent, but nowhere in any legislation or even the terms of reference for this inquiry is an agreed definition of what an actual puppy farm is. It is agreed that no-one likes puppy farms, but what is a puppy farm? ACA is appalled by the idea of puppy farming, but in the real world the primary issue we should be focused on is educating breeders and the public on what are ethical breeders and what they offer, as opposed to the unethical breeders who blatantly disregard all laws and act immorally. ACA recently surveyed all councils in New South Wales, which we have provided to you today, seeking data on the total number of DAs and DAs in the past three years, both rejected and approved, for what council refer to as a "dog breeding facility".

We received 84 responses from 128 councils. The majority reported no puppy farms—or, should I say, breeding facilities—and most of the others, just one or two facilities, were recorded. In addition, just 15 new breeding facilities statewide were recorded in the past three years. Based on the results of that survey, combined with the RSPCA NSW puppy farm task force experience, leads the ACA to seriously question whether there is a significant puppy farm problem at all and, in particular, is this problem deserving of the funding and attention it currently receives?

The CHAIR: Mr Donnelly, do you have much more?

MICHAEL DONNELLY: Just one more statement. The proposed New South Wales puppy farm amendment requires all excess dogs to be desexed if they are to be kept. It also requires all non-breeding females to undergo a hysterectomy as an eight-week-old pup or kitten, which is not cruel. Yet during this past month's inquiry into the animal welfare Act, the AJP and cohorts opposed surgical AI—a surgical procedure of far less implication than a hysterectomy. One is cruel but the other is not.

The CHAIR: I think you said you had a survey or questionnaire?

MICHAEL DONNELLY: That is also ready to be tabled.

The CHAIR: I will open the batting for questioning of this panel. This is probably more for the pet shop industry. The bill, as second read by Ms Hurst, has some clauses relating to pet shops and the sale of companion animals, particularly from rehoming organisations. Can you explain to the Committee what you see as the impact of clauses 61ZL through to 61ZO? I will start with Mr Gram and then I will move to the Pet Industry Association of Australia.

JASON GRAM: As a pet shop ourselves, we have rehomed nearly 1,400 rescue pets. We do that anyway but we also sell puppies. If we could only buy from rescue places it would literally mean that me and every pet shop that I know of would have to close because to be able to sell one or two rescue—and the rescue places are all full of staffy crosses, they are not cavoodles, moodles and spoodles like you get from pet shops. But the bottom line is if we got told that we could only take in rescue dogs and put rescue dogs in the pens that we have, we would have to close. It would be impractical. My 10 staff would be unemployed. I would lose my career. Do not think that is going to result in rescue dogs being rehomed because no pet shop would be able to do it. So, it is not going to have any impact on the numbers of rescue dogs. In fact, it would stop us rehoming the 1,400 rescue pets that we already.

The CHAIR: Mr Codling or Mr Grima?

JOHN GRIMA: I have a retail store, Kellyville Pets. We also rehome cats predominantly because dogs are not a suitable animal to rehome in a pet store—an adult dog. We do not have the facilities to house a dog of that size, and also the behavioural issues of some of those dogs. We do rehome cats in our store. We have rehomed nearly 1,100 cats and reptiles, incidentally, and some other smaller animals. We also do adopt puppies in our store as well, and it would be detrimental if we were not able to have puppies in our stores. I see the pet stores as part of the solution because we are 100 per cent transparent. An authority can come in and audit us at any time. We are already legally obliged to record where our animals come from. They are microchipped from the source. If we remove that, we are removing the only transparent sector of the industry. I believe it needs improvement—agreed—and we have talked about licensing. As an industry body we welcome licensing. We have been spruiking licensing for a long time. If we do not get licensing this sort of issue is going to continue.

The CHAIR: Do you have a code of practice for industry or for anyone who is a member of your industry association?

JOHN GRIMA: Yes, we do.

The CHAIR: Is that publicly available? Would you be able to provide a copy for the Committee?

JOHN GRIMA: We can provide a copy. It is on our website as well. Our code of practice sits higher than the New South Wales legal code of practice for breeding dogs and for pet stores as well. So, yes, we have already got one in place.

The CHAIR: When you source your kittens and pups what due diligence do you apply to the sourcing of those pups and kittens?

JOHN GRIMA: I can speak for my own store. We site visit every breeder. We provide all our breeder details to the RSPCA and the Animal Welfare League. We do a routine visit—whether it be annual or biannual. We go and visit them. We always talk about improving standards and we encourage breeders to step up. If a breeder is prepared to deal with us, we openly tell them, "We are going to provide your details to the RSPCA and they will come around and audit you." That says a lot about that breeder that they are wanting to step up and they are wanting to do the right thing.

Incidentally we also have opened up—built our own breeding facility in Bathurst because I saw the need for a high standard type of breeding facility to be built. We recently completed our facility out at Bathurst. I have actually extended to the Committee an invitation to come out and visit because I believe we have got best practice there. It is well above industry standards. In fact, it is based greatly on the Victorian model—on the 50 dog licence permit down there.

The CHAIR: Mr Gram's do you source your kittens and pups?

JASON GRAM: Yes, it is basically the same thing. I assume it is industry-wide. I think the important thing for us is the fact that, as John said, the RSPCA can walk in at any time and say, "Okay, that caboodle there, where did it come from?" We go bang, there is the address. I think that is absolutely essential. I think it is just a core of the industry, that we are the regulatable part. It just seems mad to me that people would take away our right to sell pups when we are the ones that you can look at. We can see who we have put people—there is no secrecy from us at all. I think that is a no-brainer.

The Hon. MARK BANASIAK: Mr Gram, I want to pick up on one of your comments that it would mean a lot of the pet shops in New South Wales would close. Have you seen a similar event occurring in Victoria with that legislation where pet shops are being forced to close?

JASON GRAM: Yes, I have got to say, I own my own shop so I am not a lobbyist so I have not really kept a lot of tabs. John—these guys would know much better than me as to what has happened in Melbourne.

The Hon. MARK BANASIAK: I might throw to John or Barry.

BARRY CODLING: Certainly, we have not seen any pet shops that have closed. What will happen is that the industry faces maturity no different than any other industry where the corporate giants are taking control versus the smaller independents, which both Jason and John represent. What happens is the smaller businesses go out of business or go backwards and the larger businesses survive.

The Hon. MARK BANASIAK: Have either of you sought any legal advice as to whether such a clause would constitute a restriction of trade?

BARRY CODLING: No.

The Hon. MARK BANASIAK: Mr Donnelly, I go to your submission where you are talking about the puppy farm taskforce. It says that you sought some transparency about these infringement notices and the inspections they were doing under this funding and it was refused by the RSPCA. At best, what anecdotal information have you got about what some of these infringements were actually for? We heard other witnesses say they were for trivial things like not having a 1.8 metre fence for a Chihuahua and not having your vet's details on the window rather than the fridge. Have you heard of similar stories in terms of what these infringements were for?

MICHAEL DONNELLY: Yes, we have, the same sort of stories. Ironically for the Animal Welfare Act [inaudible] had some copies of some 24N notices on that day which highlighted some of those trivial things that summaries had been written up on, such as the vet number not being where the inspector wanted it to be located; paperwork for the requirement of a guarantee not being available to the inspector at the time. The registered breeder is required to provide a written guarantee that they will actually look at rehoming the dog if there is an issue. But the fact that that person simply could not produce that written guarantee that day, they were written up for a 24N notice with that particular issue. Fencing of 1.8 metres for Chihuahuas was another. Particularly, another lady, who was elderly, was warned that if she did not do her bag of dog food up she would be issued with a 24N notice for having an open bag of dog food. I do have copies of some of those 24N notices. I am happy to provide them on notice.

The Hon. MARK BANASIAK: Could you please provide them on notice.

MICHAEL DONNELLY: Yes.

The Hon. EMMA HURST: Mr Gram and Ms Brown, this morning the Committee heard from Dogs NSW and a variety of other breeder organisations. I have read from their submissions that the organisations do not allow their members to actually sell the puppies through pet shops.

JASON GRAM: Yes.

The Hon. EMMA HURST: I am wondering do you the source from smaller breeders that are not members of an organisation?

JASON GRAM: Yes, we have got some bigger breeders that we have gone out there, checked it all out and they are all wonderful, but by the nature of the pet shop industry generally a lot of people that I get dogs from they just own mum and dad, or two females and dad. It is done at home. I do have some big breeders.

NEMESHIA BROWN: Some are members of the AAPDB.

JASON GRAM: Yes, there is a lot of AAPDB. There are quite a few different societies that a lot of them are in. But, yes, the sort of Dogs NSW rules are—and as far as I know, for as long as I have been in the industry their rules have been that you do not sell through pet shops. That has always been the way, and it is understandable. They want to protect their own market. We do not really sell purebreds as a general rule anyway—cavoodles, moodles, spoodles.

The Hon. EMMA HURST: How often do you visit the breeders that you source from?

JASON GRAM: It totally varies. If I went to one of my regulars and checked that out—Nemeshia manages the shop for me and we take Rachel, who is the assistant manager. We do road trips to check out our—

NEMESHIA BROWN: The regular breeders.

JASON GRAM: Yes. To be honest, once I have been there to one of my regular breeders and they are really good, I would not realistically be going back there every month or something. I would then be happy to meet them halfway between us or whatever.

The Hon. EMMA HURST: So it might be one inspection at the beginning of the arrangement?

JASON GRAM: Correct.

The Hon. EMMA HURST: And then only if you had a concern or something would you go back?

JASON GRAM: Exactly right, yes.

The Hon. EMMA HURST: We spoke quite a lot this morning about how at the moment there is no cap on the number of female breeders that any breeder can have.

JASON GRAM: Yes.

The Hon. EMMA HURST: There is no cap on the number of litters that any dog can have by legislation, though I know some of these organisations have different rules. There are no staffing ratios, so technically somebody could set up a reading facility with 800 dogs and breed them continuously.

JASON GRAM: Yes.

The Hon. EMMA HURST: I am just wondering, what standards do you apply? You said you had some larger scale facilities. Would you source puppies from a facility that had—there was a development application in Moama just recently for just over 300 dogs. Would you feel comfortable with that?

JASON GRAM: No.

The Hon. EMMA HURST: Where do you sit on that?

JASON GRAM: Again, it is not a hard and fast rule, but I have been doing this a while. My biggest breeders, of which there are three or four—they would not have 30 dogs, would they?

NEMESHIA BROWN: Yes, 30 dogs would be—

JASON GRAM: Maybe 30. I do not know exactly, but definitely none of my breeders have 50—nowhere near.

The Hon. EMMA HURST: Would you feel uncomfortable if you found out that one of the breeders suddenly did change and had 100 dogs?

JASON GRAM: Not necessarily because to me it is more about quality—the way they look after their dogs and do they love their dogs. You can do that with four dogs; you can do that with 30 dogs. I do not know. I have had no experience of someone who has had a hundred dogs. If they could do it as well as they could do 30 dogs, fine. I do not see a problem with an actual number, but that is getting pretty big. I personally do not buy off anyone—no-one has ever approached me who has been that size, put it that way.

The Hon. EMMA HURST: Do you think, as a pet shop, that if a consumer came in with a lot of questions—some of the submissions we have seen and some of the problems that people have highlighted with pet shops is they can be smokescreens.

JASON GRAM: Yes.

The Hon. EMMA HURST: You are sort of even saying, "Oh, I don't know, if they did move up to a hundred then maybe that would be okay. I am not sure." Obviously somebody who would be a consumer—whether or not people in the public find that acceptable, or whether they want to buy from a facility that has a hundred dogs, if you are making that decision rather than the person coming into the pet shop, do you feel a responsibility as a pet shop to work out what would be acceptable to your customers who are coming into Bondi Westfield and saying, "This is what we want. This is what we don't want"?

JASON GRAM: Yes. Realistically, I can only be as successful as the reputation. You have to have a very good reputation in this industry to make a go of it, and that is exactly what it is based on. It is me making the decisions. Do I buy off someone who has a hundred dogs or do I stick to 30 dogs? Having done it—I have owned the Bondi shop for 12 or 13 years, or something like that—that is how you get a good reputation. So, yes, I would assume that they are assuming that I have made the correct ethical—that when I go out and visit one of my regular breeders, they trust that I am looking for the right thing. If I am happy—it is not a formal thing, but yes, that is what my reputation is.

The Hon. EMMA HURST: You have got some brand damage issue going on. Do you think it would be easier for you if we had some kind of legislation that provided at some point a cap or a restriction on the number of litters or the number of dogs, or some other kind of aspect? Something that we heard this morning was that everyone should be part of a registered organisation that comes under those rules. Do we need more legislation? Otherwise I imagine it is a lot of work to be running a pet shop and then having to also suddenly be a regulator and making decisions as to what the community would find acceptable for your shop.

JASON GRAM: I would think as long as those regulations are not what I would consider crazy stuff, yes, it would be great. If you wanted to cap it at a hundred, that would be great, but things like, "You can only breed a female dog twice", or something like that—I am all for animal welfare regulations, and anything that will make it easier for us to know that every dog we purchase has been raised perfectly is great, but within reason. It has to be practical. You cannot tell people the way to do stuff so much so that it makes it impractical for them to ever breed a dog. But, yes, if you can find the balance, I have no problem. We are already regulated. I have no problem with people knowing what is going on.

Ms ABIGAIL BOYD: So, some restrictions, but it is just not necessarily the levels or caps that we have in this particular bill. But would you agree that we do at least need to—

JASON GRAM: Yes. For instance, no-one should be allowed to breed a dog more than once a year. That is a basic animal welfare thing. I assume puppy farms breed them more than twice a year. And how long you can breed your dog for and how old do you have to wait for them to be before they can breed them, I am not anti-regulation at all. Anything we can do to stop dodgy breeders is great, but we have got to do it without stopping good breeders.

Ms ABIGAIL BOYD: We will come to Mr Grima and then I will come back to you.

JOHN GRIMA: I think there is a cap on how many litters a dog can have. I think the latest change to the code of practice says that a dog cannot have any more than six litters. So there has been some change there, but the thing for me is that associations need to be there. There needs to be an authority that can actually go out and visit breeders and actually see what they are doing. At the end of the day, associations can only cancel a membership. They cannot actually prosecute and they cannot actually make anybody do anything. They can only cancel those memberships. The critical thing here is that we have always talked about bringing in licensing. We strongly believe that is the only way we are going to eradicate the puppy farm issue: licensing for all dogs and all breeders. At the moment, the entry level for a breeder is to own two entire dogs and you can call yourself a breeder. That is why we have an issue with puppy farms. We need an external regulator—we already have some, being the RSPCA and the Animal Welfare League—or a separate government regulator, but we need an external regulator to regulate pet shops and breeders to ensure that they are abiding by a code of practice and an improved code of practice that we have already.

The CHAIR: Can I ask a question about this code of practice that you can provide for us. Because of the code of practice, have you had any individuals leave your organisations—like, lapse their membership—because of the code?

JOHN GRIMA: Yes, we have, particularly in Victoria. When the Victorian legislation was changing, we had some members who did not want to abide by our code of practice. They had to hand in vet orders for their breeders and they refused to, so we cancelled them as members. But, again, we are an association. We are not an authority. All they could do was cancel their membership.

Ms ABIGAIL BOYD: Mr Gram, I was hoping to ask you some specific questions around—I hate referring to dogs as sort of dishwashers—the market for pets. How much would the average puppy be sold for?

JASON GRAM: That is a "how long is a piece of string" type question. Us being in Bondi—

NEMESHIA BROWN: Four.

JASON GRAM: Yes, four is our average. There you go. Nemeshia manages the shop for me.

NEMESHIA BROWN: \$4,000, yes.

JASON GRAM: It goes anywhere from \$5,000 to \$3,000, but on average \$4,000.

Ms ABIGAIL BOYD: Again, apologies to my furry dog friends for referring to them as products, but what is the profit margin on that?

JASON GRAM: Whatever I pay—this is just me, but it is roughly the industry average—we multiply it by 2.25.

Ms ABIGAIL BOYD: Okay.

JASON GRAM: And that is what you have to do to be in Bondi Westfield.

Ms ABIGAIL BOYD: And how many would you sell per year, do you think?

NEMESHIA BROWN: We sell nine a week, nine on average a week.

Ms ABIGAIL BOYD: So we are looking at kind of 500 a year?

NEMESHIA BROWN: Five hundred a year.

JASON GRAM: Yes.

Ms ABIGAIL BOYD: I can't help but give a good pun: I just want to say, that is oodles of spoodles and cavoodles!

JASON GRAM: Yes. We do give a lifetime rehoming guarantee as well with every one of ours. So if in five years time, someone gets sent overseas we guaranteed they can bring their dog back to us and we rehome it. But because we are selling oodles, we only get one a year sort of thing that needs rehoming.

Ms ABIGAIL BOYD: You say that you have been operating for about 12 or 13 years or you have been involved for 12 or 13 years.

JASON GRAM: I have been doing this 27 years.

Ms ABIGAIL BOYD: Oh, wow. Okay.

JASON GRAM: My current shop I have had for 12 to 13 years.

Ms ABIGAIL BOYD: Obviously it is not going to be very precise unless you have this data, but I am curious as to how you have seen the trend in prices increase over the last even 10 years.

JASON GRAM: Slow and steady. There has not been a dramatic—the dog that we are now selling for four grand we were probably selling for three grand five years ago. They have always been fairly expensive, which is good. It is like we want it to be, that people have to think about it a lot. And it is all reputation: If you have a good one, you can charge more. But, no, there has not been a dramatic increase in prices. People seem to think there has.

Ms ABIGAIL BOYD: Yes.

JASON GRAM: Cavoodles have always been expensive.

Ms ABIGAIL BOYD: In terms of then the supply, in terms of how easy it is to go out and purchase the puppies in order to sell them, has that supply sort of stayed steady as well or has it increased?

JASON GRAM: COVID was different. Things went crazy in COVID. Generally speaking, no, it is no harder or easier than it was 10 years ago. It is roughly the same. It is all reputation. We only buy off—we are very picky, and you have to be to be in Bondi. You have to be to be in a pet shop anyway, because we are right in the public eye. No, it has not really changed much at all in the last decade.

Ms ABIGAIL BOYD: I have noticed—I live on the Central Coast and I know that there are now pretty much no pet shops that sell puppies.

JASON GRAM: Yes.

Ms ABIGAIL BOYD: But as was alluded to before, it does seem that we now have a bunch of really quite large corporate, very big pet shops—

JASON GRAM: Pet Barns.

Ms ABIGAIL BOYD: —which are presumably making most of their profit off of buying and selling huge quantities of pet accessories.

JASON GRAM: Yes.

Ms ABIGAIL BOYD: So what percentage of your average profit per year would come in from the sale of puppies, versus the sale of all of the other stuff?

JASON GRAM: Our sales, this is a bit of a guess, but roughly 30 per cent.

NEMESHIA BROWN: Thirty-five per cent.

JASON GRAM: Thirty-five. There you go. It is good to have the manager here.

Ms ABIGAIL BOYD: Thirty-five per cent would be sale of puppies?

JASON GRAM: Of livestock—

Ms ABIGAIL BOYD: Of livestock.

JASON GRAM: —which is basically the only pets we sell, our puppies and rescue pets. We do not do birds, fish, mice. Yes, so, it is 35 per cent.

Ms ABIGAIL BOYD: Thank you, that is really useful.

The Hon. CATHERINE CUSACK: Thank you to the witnesses. I just have a question about the microchips that are used in dogs. It occurs to me that the capacity of the microchips themselves must be far greater today than when we first started using them. I wonder if more could be done with the microchip: For example GPS tracking of the animal, if needed; actually storing data about the animal's history, if needed; and that way a microchip that was installed in a pup could ensure and guarantee absolute transparency around the history of that animal.

MICHAEL DONNELLY: If I may?

The CHAIR: I think each of the panel should respond. We will start with Mr Donnelly.

MICHAEL DONNELLY: The concept of the pet registry under the Companion Animals Act in New South Wales is designed to do exactly that, what Ms Cusack is suggesting. It is designed to record the traceability of that pup from the time that it is microchipped to the time that it dies. The problem that we currently have in New South Wales is that that pet registry is not functioning correctly. If that pet registry was corrected and updated and formalised in the way that it was intended and the way that the current stakeholders have actually been consulting with the Office of Local Government, then it will do exactly what Ms Cusack is actually asking. The other issue that you do have regardless, is that microchips do not always last, regardless of how good they are or what brand they are. They are not always scannable either. It does take a little bit of ingenuity from a vet or council pound or whatever to be able to trace that microchip, if it has failed.

The CHAIR: Mr Codling?

BARRY CODLING: There are other industries already using blockchain technology to actually monitor the full supply chain of product. Yes, the information is ready to use and should be considered. And I reiterate the same, the current pet registry program is on hold because of lack of funding, I believe.

The CHAIR: Mr Gram, do you have a view about microchipping and maybe expansion or enhancement?

JASON GRAM: Not really anything other than that every pet or rescue pet that we rehome, everything is microchipped. It starts in the breeder's name and then into our name and then whoever adopts the dog, it goes into their name. As you say, it is from birth to death. I have not really found the issues that you guys have with the microchips; we have always found it works pretty well. Everything is on there. The council updates it. We send the paperwork off to council and they update it. We have not really found any issues with it at all. But I understand what you are saying.

The CHAIR: Thank you, Catherine. Ms Hurst has a clarifying question.

The Hon. EMMA HURST: I just have a very quick clarifying question to Mr Grima. I think that you mentioned the code caps the number of litters to six. Are you talking about the Pet Industry Association's code? I just had a quick look at the New South Wales code and it is not in there.

JOHN GRIMA: The industry association code is five litters but if I understand it correctly, the latest release on the New South Wales code, which was done in August last year, it changed that to six—unless I confused it with something else.

The Hon. EMMA HURST: No, I cannot find it in there.

JOHN GRIMA: Okay.

The Hon. EMMA HURST: It does say that there is a limit of two litters for two years.

JOHN GRIMA: If I could just put that on notice and I will come back to you.

The CHAIR: If you could take it on notice, that would be good.

The Hon. EMMA HURST: Thank you, that would be fantastic.

MICHAEL DONNELLY: Mr Chair, if I may just for a second touch on something from the conversation that has been having here in relation to staff ratios and larger breeding facilities. Animal Care Australia does not agree that there needs to be any restrictions placed on large breeding facilities. There is a recognised one in 20 puppies—for one staff member a ratio of one in 20 puppies—that is internationally recognised. If there was that implementation—not one in five that has been suggested but one in 20—then there would be no reason why those larger facilities would not be able to operate satisfactorily and provide all the necessary needs for those puppies. As long as, again, they were being monitored—and we agree with what the PIAA have said—if there is the appropriate authorities monitoring all of those facilities and the council are aware of those larger facilities, there is no reason why those larger facility should not be able to operate.

The CHAIR: Okay, thank you. Our terms of reference, as you would appreciate, are quite expansive. It is a bit more than just the bill proposed by Ms Hurst. One of the things that we are keen to look at is the Victorian legislation and any lessons that may be learnt from the implementation of the Victorian legislation. This is probably a question more for the PIAA and ACA, but have your members in Victoria got any views about lessons to be learned from implementation of that legislation?

JOHN GRIMA: I think Victoria is a good place to start. They have got some good codes of practice there, especially around the dog behavioural and social needs, because our code of practice does not allow for that. There are some good lessons to be learnt there. They also allow a 50 female-dog breeding facility with a commercial license under permit which is renewed and inspected and audited regularly, much like a licensing system.

The CHAIR: It is an approval by the Minister, I understand?

JOHN GRIMA: That is correct. It is an approval by the Minister. The banning of pet shops and you cannot own a pet store and a breeding facility as well, which I do not agree with. It has a good foundation of codes of practice for breeding dogs and ensuring good welfare practices.

The CHAIR: The ACA?

BARRY CODLING: If I could also add, if I may? I think the greatest of the fear was the fact that we went through the COVID period where consumers were looking for animals and, unfortunately, there is not a very clear register to actually understand who is an approved source and who can sell animals. That was a problem and the black market still existed through the COVID period.

MICHAEL DONNELLY: I will defer to Kylie, who is actually in Victoria and is our dog representative. But before Kylie does answer, I would like to add that that the 50 breeding cap that is approved by the Minister actually has not stopped anybody from doing that. What they have done is they have simply split their numbers off and they have set up separate domestic animal businesses and capped each one at 50, despite

the fact that all of the profits, all of the margins and all of the puppies are still coming back through the same actual business. So it is not actually proving to do what it was aimed to do.

KYLIE GILBERT: Yes, certainly from a Victoria point of view, obviously, I live in Victoria, I am a dog rep for ACA and I am also a dog breeder myself, a third generation breeder. The legislation in Victoria has not done anything to stop that practice. It has actually probably just given licence to breed to people who can afford to set up separate yard facilities and have staff. The flip side of that is that it is also set up for people to own two dogs and be able to do whatever they want with them with no oversight. They need to register with the Pet Exchange Register but there is no requirements for council inspections where breeders who traditionally—within their house it is hard to maintain genetic diversity, health testing, they are actually the ones that are facing consequences from the legislation.

There have not really been many cases reported around puppy farms and I think that is where we need to be very careful because for me a puppy farm is bad welfare. It has nothing necessarily to do with numbers. Traditionally we have had dog breeders in the past who have owned multiple breeds. In order to maintain genetic diversity, they have had multiple dogs on their property and to ensure the welfare of those animals they went out and did things like buying boarding kennels so that they had room for their dogs, they had staff and all of these sorts of things. It is not possible now because in Victoria you cannot have a breeding licence and also own a boarding kennel, for example. Pet shops are a totally different subject down here.

We have also got the issues around the planning laws in Victoria. With the changes in DAA [inaudible] planning laws. So if you own more than two dogs on a property, and you want to breed, you have to change your land use. That comes back to giving a licence to people who [inaudible] large-scale facilities because the average person cannot afford to get all the permits for their change of land use and most councils actually will not accept them. In my eyes, the Victorian legislation has gone too far to over-regulate the people who are already regulated and it is done nothing really to stop bad welfare. Our shelter numbers that we are seeing—they are not coming from good breeders; they are coming from people who are breeding dogs to make money. In my eyes, unfortunately, doing what I have done for a long time, if you are breeding dogs right, you would actually make money out of it after you have done the health testing and raised those litters. It is all about maintaining the genetics, bringing in from overseas, and all of those sorts of things. If I could speak to the Committee to say that I would not be following in the Victorian legislation. We have some great codes of practice. They need work as well but the overall Domestic Animals Act has not achieved what it was meant to.

The CHAIR: We are going to have to wrap this up here. I emphasise that you all have a minute now to wrap this up from your perspective. If there is something you think you really need to say to the Committee, or if there is something you think you did not say well in response to a question, you get a minute. I will start with Mr Gram.

JASON GRAM: I have nothing to add, if there are no more questions.

The CHAIR: Mr Codling or Mr Grima?

BARRY CODLING: I guess from the PIAA's perspective, we still do not understand the definition of what a puppy farm is. I think at the outset we need to at least understand a clear, concise meaning of what that is so we can all work towards eradicating that from the industry.

MICHAEL DONNELLY: Yes, from the Animal Care Australia perspective, we would just like to point out that unethical breeders and/or puppy farms, whatever that definition ends up becoming, are not going to go anywhere regardless of the outcomes of this inquiry. The only real way of reducing them is to actually start educating the public. For example, when was the last time you saw an advertisement from the Government on responsible pet buying or responsible pet ownership or responsible pet breeding? If you want to stop the unethical breeders, you have to pull them out of the shadows by educating the public and allowing them to highlight where these people actually exist because legislation and laws are not doing that.

The CHAIR: I believe some questions were taken on notice. The secretariat will be in touch with you about arranging your response and you will have 21 days to respond to the questions on notice. When you go away and you think that you should have said something else, you have the opportunity to make a supplementary submission to the inquiry. Thank you very much for attending the hearing today. Safe journeys and stay well.

(The witnesses withdrew.)

Ms MICHELLE GRAYSON, Treasurer, NSW Cat Fanciers Association, before the Committee via videoconference, affirmed and examined

The CHAIR: The way this will work is we will allocate a couple of minutes for you to make an opening statement and then go to questions from Committee members. At the end of your session, I will allocate about a minute where you can wrap up anything that has not been said that you would like to say, or if you think you have said something that may have been misconstrued, you get that one minute to end your session. You have a couple of minutes to make your opening statement.

MICHELLE GRAYSON: Sure, thank you. Thank you for the opportunity to attend today. We all see the pictures and hear the stories of puppy and kitten farmed animals and the conditions that they are kept in and this how society visualises or describes the puppy farm. NSW CFA agrees that no animal should be forced to endure that sort of life. It should be clearly obvious to everybody that the people who breed dogs and cats in those conditions have no intention of complying with the various laws such as POCTAA, and the breed code of practice of the Companion Animals Act. It is these people that need to be targeted and not the people who are doing the right thing in meeting the current regulation.

The people who keep animals in these conditions are not members of recognised registration bodies who hold their members who are breeders accountable. They do not provide pedigree and registration papers for their puppies and kittens. They do not microchip. They do not desex puppies or kittens before they go to their new home. They are not here trying to educate you on breeding. They do not welcome prospective owners into their homes. They do not spend hours and hours interviewing prospective owners and they are not applying for development applications for breeding facilities. They do not educate pet owners on responsible pet ownership. They do not consider genetics, health or social and environmental enrichment of their animals.

When I have just listed are not the traits of responsible and ethical breeders who do all of the above plus so much more for the animals, who for most breeders are their family pets. The puppy farm amendment bill is the roadmap to stop breeding for anyone who is not able to meet the requirements of the business. It will not stop people breeding in contravention of the rules of law and will allow enough people who are not meeting the legislative requirements to continue to fly under the radar whilst in practice the laws will continue to target breeders who are in plain sight. It is a far better welfare outcome for all involved, animals and humans, for people to be able to research and choose the pet that is suited to their lifestyle. That may be from a breeder or from a rescue. People should not be made to feel guilty about buying a dog or a cat from a breeder by animal rights activists who berate people into submission because their opinion differs.

Those picks from shelters are not always the right choice for everybody. I watched a recent episode of the Dog House Australia and one of the dogs that was showcased was a German shepherd cross. I am not a dog breeder but I do know what a German shepherd looks like and the dog in question showed no resemblance to a German shepherd. Breeders are able to provide information about the chosen breed, about the traits, the behaviours, the enrichment and the life cycle of the animal. There are far too animals in the shelter system and being euthanised, but we need to drive for more detailed data so that we can all work out where these animals are coming from to be able to determine what else is required to reduce the number of animals that end up in these situations. I would like to table a small amendment to our inquiry response. On page 9 under item (f) of our response, the number of pregnant or lactating females for a small breeder should be five or less, not five or more. I thank you for your time and I welcome your questions.

The CHAIR: That appeared to be a prepared statement, Ms Grayson, so could you email that through to the secretariat? It helps Hansard pull the transcript together.

MICHELLE GRAYSON: Yes, I will do.

The CHAIR: Thank you.

The Hon. MARK BANASIAK: I will start with one particular clause of the bill. You did not mention it in your submission but others have raised it as a concern. It is 61ZE, which is a mandatory vet certification before breeding. It says that within four weeks before breeding a dog or a cat, you must receive a certification from a veterinary practitioner that obviously the cat or the dog is okay to breed. We have seen submissions that state that cats do not have regular seasons, and even some dogs do not have regular seasons. Is that the case? And what would the impact be if you are not able to predict when a cat is going to come into its mating season? Would that make this clause pretty difficult to adhere to?

MICHELLE GRAYSON: It does make it difficult in the fact that, certainly with cats, you cannot guarantee when they are going to come into season. To set a time limit to say that four weeks before a cat is to be mated it needs to have a veterinary health check completed—because you just cannot predict it. There is no issue,

as such, to having regular health checks, but that may be after the cat has already come into season. You may only have a short window whilst that cat is in season, which is normally up to 10 days, before it then comes out of season again. Then it waits until it is ready again and its hormones are back in the right position, and then it comes back into cool again.

The Hon. MARK BANASIAK: Potentially, if this clause was allowed to stay in the bill and this bill was passed, cat breeders could find themselves foul of the law simply because they were not able to predict when their cat was coming into season and could not get them to a vet for weeks in advance?

MICHELLE GRAYSON: That is correct.

The Hon. MARK BANASIAK: The bill that is being proposed is of a similar nature to the Victorian one, and you have obviously listed some concerns there. Is it the view of the Cat Fanciers' Association that we should not be duplicating the Victorian legislation because of the knock-on effects that you have listed in your submission?

MICHELLE GRAYSON: Yes, that would be our position. The legislation that comes into effect sits in a position where it stands alone for a certain period of time, and then there are other laws that then come in and they then impact that original legislation. It becomes a flow-on effect, and then you get to a point where you cannot work, you cannot own a certain number of animals, you cannot have five pets and a breeding girl or you cannot have five entire animals on your property. So we think that the legislation should be relevant to each individual State. We think the legislation should take into consideration what is happening in each individual State rather than an overarching model that then is simply applied to each different State as they go through their processes to review laws and legislations.

The Hon. MARK BANASIAK: I have one clarifying question. You said that you have this legislation and other legislation comes in afterwards. Are you talking about planning laws or local environmental plans through council? Is that what you are talking about, these other laws that come in on the side that then somehow elevate or make these clauses in this bill worse?

MICHELLE GRAYSON: Yes. The example, as I have stated, in Victoria is the initial legislation was that breeders could keep up to 10 fertile females after they have applied and been approved for a domestic animal business. Planning rules were then changed that then said you could only have five animals on your property. There were then different planning laws that came into effect that said people needed to have their property zoned differently and they were only able to have two animals on their property. So it has knock-on effects as each different government department or council department makes changes to different laws. It all then has a flow-on effect to what that initial legislation was designed to do.

The CHAIR: Ms Grayson, I have a couple of questions. Did you have much to do with the Government's consultation paper *Licensing and regulation of cat and dog breeders*?

MICHELLE GRAYSON: Yes, I did. I wrote the response for the New South Wales CFA for that paper.

The CHAIR: What was your view about the consultation by the Government on that particular regulation?

MICHELLE GRAYSON: It was rather open-ended. It left a lot of opportunity for people to go off on different tangents as to what their opinions were or what their thought processes were. I felt that it probably could have been a little more targeted, asking some specific questions, not "What do you think should happen?" But the New South Wales CFA does not have an issue, as such, with a breeder licensing scheme or a licensing plan.

The CHAIR: Can I get your views on the Animal Welfare Code of Practice Breeding Dogs and Cats? Do you think it is adequate? What are the pitfalls and what are its strengths?

MICHELLE GRAYSON: One of the pitfalls that we are seeing as the New South Wales CFA is that it deems everybody who is involved in breeding as a commercial business, which then has flow-on effects that inspectors can come onto your property and into your home because they have deemed that commercial activities are happening. The code in itself is outdated. There are quite a number of things that probably need to be brought up to date to bring us into the current times. The New South Wales CFA put forward a draft code of practice to that paper, and we have provided that to DPI with some amendments and some changes that we felt would bring it more into current times and to improve the welfare of animals.

The CHAIR: One of the other terms of reference is the involvement of local government, particularly around puppy farms. What sort of interaction do your breeders—cat and kitten breeders—have with local councils?

MICHELLE GRAYSON: Very little. There is no involvement other than going to your local council to register, to go out on registration, to hand in the change of ownership forms, or to pick up microchip forms or change of ownership forms. So there is no real involvement currently for cat breeders that I am aware of.

The CHAIR: This probably comes under "any other related matter" in the terms of reference, but one of the issues that comes up from time to time is around cat hoarding. Policymakers grapple with how we can address this issue. We understand that there is a lot more than just hoarding the cats; often there are other issues to be considered. Do you have any suggestions on ways that we can address, or at least try to minimise, the instances of cat hoarding?

MICHELLE GRAYSON: It is a very difficult situation in the fact that unless a council knows, or unless an inspector from the RSPCA or the AWL is aware of the fact that there is a person hoarding cats or dogs or whatever, it makes it very challenging to be able to identify those people. Some of the things that we would suggest are that local councils are responsible for lifetime registration of dogs and cats, and that they are also responsible for the annual payment fee. There is a requirement that if you have an un-desexed cat or dog that is older than four months, you must pay an annual fee—I think it is about \$80. If councils were a bit more proactive on following up those things, there might be an opportunity that they can build a database as to how many animals a person might have on that given property. The breeder licensing scheme would also help with that from a breeder's perspective because there would be data that is available through whatever licensing scheme is in place to be able to identify how many cats live on that property as their home base or as their permanent residence.

The CHAIR: That is interesting.

The Hon. EMMA HURST: One of the things that was mentioned in the Cat Protection Society's submission was that obviously kitten farming is not at the scale that we see with puppy farming, but one of the big problems that we do have with cats is backyard breeding of cats or accidental litters of cats. I am wondering, what do we need to do to address that problem? I know it is a massive problem. There is a huge number of cats, specifically, that are being euthanised in pounds. How do we target that and make sure that our legislation stops that backyard breeding or those accidental litters of cats because we have such an oversupply?

MICHELLE GRAYSON: It is very challenging, and I appreciate the difficulties and the challenges to write legislation and enforce legislation to accommodate these things. Certainly one thing that could be done is a licensing scheme. So, anyone who breeds a cat or a dog would need to register that litter with a licensing scheme. Another option is that all breeders would need to be a member of a registration body, such as NSW CFA—there is a variety; I think there are three others in New South Wales—Dogs NSW, MDBA and those types of places. That then allows some tracking to occur as to who is breeding animals and whether they are held accountable under a code of ethics and things like that.

Part of the problem is also irresponsible pet ownership. People will have an accidental litter or buy from a backyard breeder and then do not desex. Then the cat gets out, the cat is left to roam and, five minutes later, the cat is pregnant and they then do not desex, they do not microchip those kittens before they give them away to other people. The new owners then do not desex and the life cycle continues over and over again. I think there is a big piece around responsible pet ownership that needs to occur. I think that local councils can probably get involved there a little bit in relation to keeping up to date, keeping on track for cats and dogs that are registered and microchipped and making sure that they are following up on those sorts of things.

The Hon. EMMA HURST: I just want to ask a couple more questions, particularly around this whole idea of a licensing scheme—and this is something we heard this morning suggested as well. What we heard this morning was that part of that licensing scheme would also require rigorous training for breeders. Is that something that you provide, and do you think that there would be training for breeders and then breeders would be licensed? Do you think that would start to clean up a lot of the problems we are seeing?

MICHELLE GRAYSON: I am not sure whether training before being given a licence would curb the problem. Certainly what NSW CFA do is we require a member to be just an ordinary member for a minimum of six months before they can apply to hold a breeder's prefix. They need to complete a questionnaire, and it is about a four-page document, and there are questions in there about specific legislation—code of practice, POCTAA, what their requirements are—so that we can understand that that person has an understanding and has a grasp of legislation before we then provide them with a breeder prefix.

We are open to providing mentorship; we are open to providing assistance. We hold cat shows; we have an affiliate that holds cat shows. There is a good breeder network that, if you come up against an issue or a problem that you have not seen before, there is help available through the network of breeders that we have. I am just not sure what a training program might look like and whether there would be a cost involved. I probably would need

to see a bit more about how that might work and what the restrictions might be and put some thought into how that might work to be able to give a clearer answer on what I think about that.

The CHAIR: Can I follow up there. Does the Cat Fanciers Association have its own code of practice or code of ethics?

MICHELLE GRAYSON: We do. We have our general constitution, we have operating procedures and we have a code of ethics. Our code of ethics includes a clause that breeders must meet all regulations or legislative requirements, such as POCTAA, the breeding code of practice and the Companion Animals Act. Whilst we have set our own regulations in relation to the practice of breeding, we require our breeders to meet the government-legislated requirements.

The CHAIR: Are you able to send through to the Committee your code of ethics?

MICHELLE GRAYSON: Yes, I can.

The Hon. EMMA HURST: I have one more question around the licensing—and it was also brought up today by one of the other breeding organisations—around the idea of people having a licence to care for cats and dogs. People are already required to have a licence to have a snake or a lizard. Do you think that that would also help? I know you mentioned about accidental litters and people not really knowing how to actually provide the care for that animal. Do you think we should look further into this idea of people having a licence to have a cat or dog as a companion animal?

MICHELLE GRAYSON: No, I do not. I do not think it is a way that is going to be easily monitored. I do not think people should have to apply to be a pet owner. I think there needs to be a whole lot more education through breeders, through shelters, through rescues and through pet shops in relation to responsible pet ownership, whether that is a pack, whether that is an agreement that they sign with a breeder—that they are going to make sure that they do the things that are required. I am not convinced that having to hold a licence to be a pet owner for a dog or a cat is a viable solution.

The CHAIR: Ms Grayson, you have a minute or so to wrap up. Is there anything you would like to say that you think has not been said, or anything you would like to clarify?

MICHELLE GRAYSON: No, there is nothing else that I think has not been addressed. I think our submission is quite detailed as to our position and what our thoughts are on this inquiry and what needs to be done. No, I do not think there is anything else that I wish to raise.

The CHAIR: Thank you for your time today. I believe you took one or two questions on notice. The Committee secretariat will be in touch with you about those questions. You will have 21 days to respond to those questions on notice. Thank you for your attendance and for your submission. It has been quite valuable.

(The witness withdrew.)

(Luncheon adjournment)

Dr ROSEMARY ELLIOTT, President, Sentient, before the Committee via videoconference, sworn and examined

Dr KATHERINE van EKERT, Vice President, Sentient, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome to the inquiry. The way that we are working this today is that you will be availed the opportunity of a brief two-minute opening statement and then we will go to free-flowing questions. At the end of the time I will allow you a minute or so just to wrap up in case there is anything that has not been said that you think should have been said or if you feel that something you have said has been misconstrued. You get a chance to just correct the record. I am not sure who will be making the opening statement on your behalf, maybe Dr Elliott? Away you go.

ROSEMARY ELLIOTT: Thank you. Companion animals are an important part of our society and have long moved in status from being mere pets to loved members of our families. The way animals are bred has lifelong implications for those animals and their offspring. It is, therefore, unacceptable that the regulation of companion animal breeding in New South Wales is virtually non-existent and falls so far behind other jurisdictions that our State is being referred to as a haven for puppy farmers. New South Wales has no breeder registration system, allows the unregulated sale of animals in pet shops and imposes no cap on the number of breeding dogs or cats, or on their lifetime number of litters.

Needless to say, we have no progressive legislation that would effectively ban puppy farming. The *Animal Welfare Code of Practice Breeding Dogs and Cats*, 2009, is an outdated document with very basic mandatory standards of care. It mostly consists of voluntary guidelines. For example, it is only a guideline that "All dead animals or waste products such as faeces, bedding, and food wastes should be disposed of promptly and hygienically...". Is it any wonder images of dogs and their puppies living in cramped cages filled with excrement continue to be captured through exposés by animal organisations, or rare cases where the authorities actually locate and inspect these premises?

The New South Wales Joint Select Committee on Companion Animal Breeding Practices in New South Wales recommended a breeders licensing scheme with a comprehensive database of breeders and a system of periodic audits and spot inspections. The New South Wales Government rejected this key recommendation. This was a missed opportunity that has allowed the puppy farm industry to thrive. Companion animal breeding has become another form of cruelty in the hands of the unscrupulous, and this includes backyard breeders. The focus on profit, the lack of transparency in how animals are kept, the breeding to surplus requirements in the context of companion animal overpopulation and the complete lack of attention to whether animals are fit to breed has had a devastating impact on animal welfare.

The consumer protection issues of this situation are also profound. There are countless stories of hopeful pet owners whose desire to find a companion animal and whose emotional reactions to photos of animals up for sale, have been exploited. Particularly during COVID-19 many potential owners bought dogs or cats sight unseen and were either scammed or received animals with health and behavioural problems related to irresponsible breeding practices. There are similar outcomes with pets purchased from standard pet stores. We need more than education to prevent these tragic scenarios; we need regulation. For too long, people have acted in good faith to rescue animals from appalling conditions, supporting supply chains that should be abolished.

Sentient welcomes and supports the provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021, which would ban puppy farms and backyard breeders, whilst promoting responsible breeding informed by the health and behavioural needs of animals. In our review of this bill, we were particularly struck by provision 61ZE, which requires that proprietors of companion animal breeding businesses must obtain veterinary certification before breeding. This could be amended to include the requirement that veterinarians refuse to certify as fit for breeding any dogs or cats at risk of conformation-related health and welfare problems that would be passed on to their offspring. The veterinary profession has a professional and moral obligation to prevent, not just minimise, the negative impacts on animals of extreme morphology and inherited disorders. The current approach of breeding companion animals for appearance rather than health and temperament, along with the demand for brachycephalic—sorry.

The CHAIR: Dr Elliott, do you have much longer to go?

ROSEMARY ELLIOTT: No, I have one sentence.

The CHAIR: Okay.

ROSEMARY ELLIOTT: I am sorry. No pun intended. The current approach of breeding companion animals for appearance rather than health and temperament, along with the demand for brachycephalic or flat-faced dogs and cats is responsible for animal suffering that is entirely preventable and should be banned in animal welfare legislation. These animals suffer gross physical deformities that make everyday life unbearably stressful. The current breed standards need complete revision, and we advocate this be the basis of a further inquiry. Thank you.

The CHAIR: Thank you. I gather that was a prepared statement. Would you be able to email that through to the secretariat so that it can be handed over to Hansard to assist in the creation of our transcript.

ROSEMARY ELLIOTT: Of course.

The CHAIR: Thank you. I am going to throw to Ms Hurst to commence the questioning.

The Hon. EMMA HURST: This is to either of you. In a veterinary opinion, why is limiting the number of animals that a breeder can have an important animal welfare measure?

ROSEMARY ELLIOTT: Thank you. I think we could probably share this. The first point I would make with this is that because we are unable currently to regulate the intensive industry of what we call puppy farming—but I am also referring to kitten farming; it just is not as lucrative but it is out there—we need a cap on the number of litters.

The Hon. EMMA HURST: Sorry, a cap on the number of dogs or a cap on the number of litters, or both?

ROSEMARY ELLIOTT: Both. We need a cap on the number of dogs definitely to prevent these really intensive systems. We need a cap on the number of litters as well because what is happening with intensive breeding is dogs are being bred too young and basically they are pregnant or breeding all their lives and this shortens their lifespan. They do not have the opportunity to recover in between breeds, in between litters. It increases their risk of issues such as mastitis or metritis, those sort of inflammatory conditions of the reproductive tract. It is happening in situations where they are probably not getting the additional nutrition that they need because their nutritional requirements are greater during breeding and lactating.

The Hon. EMMA HURST: Something that we have heard today is that someone could potentially have 100 female dogs, 200 or 300 female dogs, but still be provided with clean water, food, veterinary treatment, the legal sort of limit of daily exercise. Is this basic welfare enough—

ROSEMARY ELLIOTT: No.

The Hon. EMMA HURST: —or do these animals need more?

ROSEMARY ELLIOTT: I would say that would be an existence, that would not be a life worth living. I have had a good look at the breeding dogs and cats document, which is obviously the legal requirement and the standards are minimal. If you have 100 dogs you would certainly need good staffing levels to make sure that those dogs had appropriate exercise, enrichment and company. Dogs are actually domesticated for companionship. We domesticated them. They appreciate human companionship. I sometimes wonder why. But a life in cages with a short walk during the day and just basic food and water is not a life with enrichment. They need far more stimulation. They need to explore, they need to play, they need to interact with goal specifics, they need human attention. I do not think you can provide that to 100 animals.

KATHERINE van EKERT: Further to that too, may I just add too that the whole point of puppy factories, puppy farming, is obviously to provide pets for sale. So part of that has to be rearing animals that make them conducive to later becoming pets. As Dr Elliott mentioned, they are not provided sufficient enrichment at the best of times. They are not setting these puppies up for successful rehoming in their family homes later in life.

The Hon. EMMA HURST: Absolutely. I guess another question I have is that we have heard from other inquiries about animals that are in shelters for too long experiencing kennel rage and the problems that occur with an animal being in a shelter environment for too long. Obviously some of these shelters are very well run. They are set up to often rescue animals. Is that sort of similar concerns that could happen with having a large number of breeding animals in one establishment? Will they experience the same kind of health issues that we are trying to avoid with animals in those shelters for a long period of time?

KATHERINE van EKERT: Yes. There was actually a study done in 2017 up in Queensland. It reviewed seven published articles and other reports of dogs that were born in high-quality commercial operations and, sort of, what you described. Yes, compared to dogs that came from other environments, there were increased levels of a lot of behavioural problems, notably aggression towards owners and then other members of the family and other dogs; increased fear; and then other undesirable behaviours like separation anxiety. Yes, there definitely

are significant behavioural issues stemming from animal being raised in those conditions. And, more to the point, yes, they are not ideal in shelter circumstances either.

ROSEMARY ELLIOTT: I guess another conclusion from that study—well really all published studies have identified that pretty similar to other mammals, if there are major stresses during the puppy development stage, even in the prenatal stages, and then postnatal because we [audio malfunction]—

The Hon. EMMA HURST: I am sorry, you have cut out there. Dr Elliott, can you repeat that?

ROSEMARY ELLIOTT: Yes. Most of the published studies that have followed on from that have also indicated that when there are stresses for the breeding female during both the pregnancy period and once the puppies have been born, those issues have an impact on those puppies' development. It is very similar to other mammals.

The Hon. EMMA HURST: Are those stresses in any way related to the number of animals in one facility?

ROSEMARY ELLIOTT: I think that is one part of it. The number of animals means less attention but it is also the cramped—you know these are not dogs with large spaces. They are not dogs that can go and have a walk in the yard and come and sit on the lounge and then cuddle up or have a sleep and get privacy when they need it. But they are in environments that are sterile and cramped. Often they are filthy, and we know that from the exposés. They are also likely in pain if they have untreated medical conditions, and there are lots of things that can happen. We know from humans that pregnancy is a stressful time on the body, the nutritional requirements are higher. There is a lot of risk of issues like infection. I think also there is the noise, the bright lights, the lack of stimulation or lack of positive stimulation and who knows what the handling is like? [Disorder]

The Hon. EMMA HURST: I have only a couple more questions left. I want to dig into the whole idea of a cap on litters. What are some of the consequences from a veterinary point of view if we have repeat births for dogs and cats? What are the welfare implications?

ROSEMARY ELLIOTT: Well, the body never has a chance to recover if an animal [audio malfunction] is giving birth and then pregnant again. It is very hard to keep up the nutritional needs for them and it is very hard to avoid them getting infections. They do not have a lot of time to recover in between. You could see a reduced immunity [audio malfunction]—

The CHAIR: Dr van Ekert, could you try to answer that question? Sorry Dr Elliott, you are still breaking up. Maybe if you turn off the video.

KATHERINE van EKERT: Yes, a great example of that was actually in dairy cows. Obviously the dairy industry is designed to continuing produce calves so that the female and other cows can make milk. What that has led to is that cows generally have a life span of about five years now as opposed to a good 10 or even 20 years naturally and that is just because those mothers, the females, are just constantly deprived of sufficient calories and calcium and other nutrients. It is the same with dogs and the same with people. I have just actually had my second child and I can say it takes a long time to recover from all of the nutritional demands that it takes to grow a baby and then also to constantly nurse that baby. Dogs can be prone to hypercalcemia at the best of times. So if you are breeding animals back to back, which we can assume a lot of puppy farmers are doing because they are primarily motivated by profit, then there is just not enough time for the body to recover its nutrient demands.

The Hon. EMMA HURST: What would you suggest from a welfare and veterinary point of view, where should we cap the number of litters? Where should we cap the number of total breeding dogs in a facility?

KATHERINE van EKERT: To be honest that is a little tricky. We are happy with the proposal of two litters for dogs. There is such a variation in breeds—and I know that you want to [inaudible] numbers for the sake of legislation—but it should really come down to the particular breed. For example, a Great Dane has a much shorter life span than, say, a Maltese, or something. I do not have a concrete answer for you. I think a couple of things that would probably be more important are if you are going to increase the numbers beyond, say, two litters that you are going to be wanting to ensure a good gap between matings, and with at least one cycle ideally [inaudible]. If you are wanting to stick to a limited number, and not include spacing between matings, I think having a cap on two is appropriate. If there is room in legislation for also mandating breeding spacing, then you could probably go up to, say, in Victoria, five litters or more provided there was at least a break of one cycle between subsequent pregnancies and ideally two.

The Hon. EMMA HURST: The second part of the question was about a cap on the total number of breeding females. Do you have any sort of opinion about where a good, comfortable welfare would sit in regards to the total number of female breeding dogs at one facility?

KATHERINE van EKERT: Per operation?

The Hon. EMMA HURST: Correct.

KATHERINE van EKERT: As Dr Elliott said, the more animals the more stressful it is in general and the harder it is for people to look after them and to provide sufficient enrichment. Ten seems like a reasonable number. Obviously this is all highly subjective but we feel pretty confident that 10 provides the ability for a typical family, like one primary, two primary carers to look after a dog with a ratio of one human to five dogs. Again, to be honest, it is very subjective but you could theoretically have more dogs on a premise provided that they were not all housed in the same building. One concern there is with increased numbers is the noise and the general chaos that comes with having multiple animals housed in the same environment. Assuming that it is not really realistic to have multiple different buildings to house different groups of animals, then ten seems reasonable to us.

The Hon. MARK BANASIAK: We heard from witnesses earlier on today who are vets, and also through submissions, that some of these amendments in the proposed bill are not found in veterinary science or any animal welfare principles. Do you have any comments on that? Are there any amendments that you do have concerns about?

KATHERINE van EKERT: Is there something specific?

The Hon. MARK BANASIAK: They did not specifically mention anything; it was a more broad, general statement. I note, Dr Elliott, that you mentioned clause 61ZE, the mandatory vet certification before breeding.

ROSEMARY ELLIOTT: Yes.

The Hon. MARK BANASIAK: The Cat Fanciers' Association raised the concern that this time period of four weeks prior to coming into a mating season was problematic because cats do not have designated seasons, and I think also dogs do not necessarily have designated seasons, and that season is quite short for cats. So there was a concern that potentially cat breeders would find themselves foul of the law because they were not able to adequately predict when their cat would come into season and then somehow get in to see a vet four weeks prior. I am putting you on the spot a little bit.

The CHAIR: Is this for Dr Elliott?

The Hon. MARK BANASIAK: If Dr Elliott is available.

ROSEMARY ELLIOTT: I am available. You cannot see me but can you hear me?

The CHAIR: We can.

The Hon. MARK BANASIAK: Yes, we can.

ROSEMARY ELLIOTT: I was not sure in the bill where it said four weeks before breeding whether it meant before whelping or before mating. Certainly before whelping we would want them to be seen. I think it definitely would be applicable to dogs, and most of the intensive breeding does involve dogs and puppies. In essence, what really matters here is that these animals are certified as safe to breed from before you breed from them, before you mate them. The timing can be negotiated with the vet, but if they are not certified as safe to breed from—and by "safe" I mean for themselves and also for the puppies or kittens they deliver—then that is unethical breeding. We are just perpetuating inherited disorders and morphological features that cause huge welfare problems in terms of health and behaviour.

The Hon. MARK BANASIAK: While I accept all that, I cannot really accept that the time frame could be negotiated with a vet because if it is set in legislation, the vet and the breeder have to follow that. Is it perhaps that we maybe carve out cats from this provision because it is a little bit unpredictable, or we do not set a specific time frame and talk in more general terms?

KATHERINE van EKERT: I think, as Dr Elliott said, potentially removing the "four-week prior to mating" and substituting that with something like "prior to intended mating" or "as soon as possible after pregnancy is discovered".

The Hon. MARK BANASIAK: Thank you, that is helpful. I have one final question. I note from your submission that you did not really pass any comment on the Victorian model. I note that this bill is largely modelled on that. We have heard some concerns from other witnesses that the Victorian model has not really done the job in terms of cracking down on puppy farms. If anything, it has pushed them further underground. I seek your view and your thoughts on the Victorian model of legislation.

ROSEMARY ELLIOTT: I think it was a good model, and a good model for us in New South Wales. It is difficult to know whether something is working when you have not been able to locate any premises in the first place. My understanding from what I have read—and I am happy to take this on notice and look it up further—is that a lot of puppy farmers have left Victoria and crossed the State, and there are applications in New South Wales to set up breeding facilities. Yes, you could say that is going underground but it is going underground here because we do not have that same protection.

The Hon. MARK BANASIAK: Sure. I might invite you to take it on notice if there is anything further that you want to add to that question.

ROSEMARY ELLIOTT: Thank you.

The Hon. WES FANG: It is predominantly a philosophical question that I have that is established from the opening statements that you have made but also the answers which I have been listening to during your testimony. There was some [inaudible] about—

The CHAIR: Wes, you are dropping in and out.

The Hon. WES FANG: Sorry.

The CHAIR: Are you able to turn off the camera?

The Hon. ADAM SEARLE: Wes, it is the same problem as yesterday.

The Hon. WES FANG: I had this yesterday. I am going to go to—is this any better?

The Hon. EMMA HURST: No. You are going to have to turn your video off.

The Hon. WES FANG: Is that any better?

The CHAIR: Start again, Wes, and we will see how you go. Otherwise you might have to turn off the video.

The Hon. WES FANG: I have just turned the camera off anyway. You have still got me? Is that any better?

The CHAIR: That is better.

The Hon. WES FANG: The question I have comes out of the opening statement that you made but also some of the answers that have been given to this point. It is about the survival of an animal who is perhaps not what you would say an ideal pet or an ideal companion. In human terms, obviously we have children who are born who have a number of impediments, whether they be things like OCD, ADHD—you know, that is me—or even autism, which I am also familiar with. That would potentially make them not good pets but they have the right to live and a right to exist. In fact, they make a wonderful contribution to people's lives, and I am saying that from a personal perspective. Animals who are not perhaps ideal pets but are born from a puppy farm or in the wild still have a right to exist, I would imagine, in your opinion. But I get you are advocating for a reduction in puppy farms or a reduction in that sort of style of breeding because it does result in less [audio malfunction] animals. Philosophically it almost seems like you are trying to dictate what we have coming from the animal world, which we would never accept in the human world.

KATHERINE van EKERT: I think the primary difference is intent. We would never intentionally bring into the world, regardless of species, individuals who are going to suffer to the extent that many of these animals suffer, most notably because of the popularity especially with brachycephalic breeds: bulldogs, Persian cats and whatnot. These animals' basic existence is one of suffering: They literally cannot breathe properly, they cannot sleep properly, they cannot walk properly. We absolutely agree with you that—and I am the mother of a neurodiverse child myself—we think that everybody has the right to life, but we also do not think that we should be intentionally bringing life into the world that we know is going to suffer.

If it is brought into the world, we want to do everything we can to reduce suffering, which is why Dr Elliott and I became veterinarians. But we do not want to be intentionally breeding it in, which is exactly what puppy farms are doing. Their primary motivation is meeting demand, which is just basic capitalism. There is nothing wrong with that except when it comes to the wellbeing of individuals who have the capacity for suffering, and that is where legislation has a role to play both to protect animals and to protect consumers because at the moment there are a lot of people that want to bring animals into their homes as companions. They are motivated to bring in bitches to their home based on how those individuals look without necessarily knowing the repercussions for that. Part of the terms of reference for this is obviously consumer interest and protecting consumers. We need to make sure that we are best setting consumers up for success as well in not imposing

unnecessary veterinary costs. A lot of these brachycephalic animals are going to incur thousands of dollars worth of surgery by their very nature. Does that answer your question?

ROSEMARY ELLIOTT: Can I answer that too? Thank you, Katherine. Katherine has spoken about is that what we are doing is we are breeding for appearance because people think these animals are cute, but they actually have lots of problems in their physiology, which reduce their quality of life. I think what we need to do is learn to breed for temperament, which will breed people dogs who are more compatible—you know, health and temperament. Then you will get dogs who have a longer lifespan et cetera. The other thing I do want to raise, though—and I think you mentioned it earlier—is the issue of aggressive or behaviour problems. These are also directly related to a lack of socialisation.

A good breeder will keep their puppies until they are ready to be weaned from the mother, and that is a gradual process. It will not be taken away too soon or suddenly. They will also make sure that those puppies and kittens have plenty of opportunities to socialise, which means getting used to a whole lot of different experiences. It is like a little kid going to preschool and then school and all that kind of thing. So it is their brain development, and that affects their behaviour. I think if they have been raised in intensive situations, they do not get that. That is also one of the reasons why some of the owners who buy these dogs are then disappointed that they find they are really aggressive, really anxious or just not easy to train. That is preventable. Certainly, if you get a dog like that then you do everything you can, and there is help available for rehabilitation. But as Dr van Ekert said, I think if we can avoid creating it through poor breeding practices, then we should do.

Ms ABIGAIL BOYD: Good afternoon to you both. Thank you again for your submission and for coming along to another inquiry. I will pick up on one of the comments that I think you were making, Dr Elliott, in relation to that bond between the mother dog and puppies. In the submission from the Australian Association of Pet Dog Breeders, who we saw as a witness earlier today, on page 5 they talk about—basically it appears that they are trying to make the argument that if you allow a mother dog to actually have puppies, you are contributing to them having a better life. I will quote from it:

A mother dog with her puppies in that first three intense, emotional, weeks postpartum, experiences emotions that no desexed pet would ever feel. It could be argued then that guardian dogs are having the opportunity to live their “*most excellent life*”?

Can you respond to that, and particularly the difference between the ideal period for a dog to be with her puppies and for the puppies to be with her, versus what we are routinely seeing in these larger breeding facilities?

ROSEMARY ELLIOTT: Yes, thank you for the question. It is not that we are against breeding; we are in favour of responsible breeding. But it needs to be done with a view to the fact that we do have a companion animal overpopulation issue. There are many dogs who do need homes who do not always get them. Also, breeding has to be ethical for all of the reasons that we have discussed. Having said that, I have no doubt that a female dog engaging in natural behaviours such as suckling puppies and raising puppies is experiencing something absolutely wonderful. If a dog has the opportunity to do that in a safe way, it is not that we are opposed to it, it is just that it has gone too far in the other direction with over-breeding and I do not think it is an enjoyable experience for an animal who is very, very stressed. In fact, in some situations she may even reject the puppies. It is also a philosophical, ethical question as much as an animal welfare question.

A lot of people would say, “We should never desex animals because we are depriving them of the opportunity to engage in these natural behaviours.” But on the other hand, if they are all allowed to breed willy-nilly, then we are going to have a bigger issue in terms of dogs needing homes. If they are not going to be bred, then desexing is very protective for female dogs. I think, having had female dogs who have had puppies, obviously those who had puppies—I mean, I used to rehome ex-breeding dogs and I would not say that the female who I got as a puppy who was desexed had any less satisfying a life because of the affection and the stimulation and the training and all of the activities that she had. They do not know what they have not had. But I do think that if somebody makes an informed choice to breed from a female dog, then they really do need veterinary advice about whether that dog is fit to breed and to not have them breeding throughout their lives. I do not really think that is necessary and I think, as Dr van Ekert said earlier, it does place a strain on their body. And there is the other issue of welfare—an ethical issue—of what happens to all of those puppies?

Ms ABIGAIL BOYD: From a psychological perspective for the mother dog, what is the ideal amount of time for her to continue to be with her puppies before they are taken away from her?

ROSEMARY ELLIOTT: I think it is probably longer than we—by law it is eight weeks. I would need to take this on notice. I am not sure about the research that is out there on this, but I would certainly say 12 weeks would be better. There are a lot of things that they learn, and they are still in that socialisation period. With the mother and their litter mates they learn about behaviour with conspecifics. A lot of dogs do not have any idea about how to relate to other dogs, and I think that they did not get that nudging and slight nipping from their mums to know not to be too in your face. I personally would like to see it as three months.

Ms ABIGAIL BOYD: What happens to the puppies from breeders, whether they be a small-scale or a large-scale commercial breeder—what happens to those puppies that a vet looks at and decides are not fit for sale?

KATHERINE van EKERT: Generally euthanasia.

Ms ABIGAIL BOYD: And that covers behavioural issues as well as other physical issues?

KATHERINE van EKERT: That is a bit more subjective. I am not sure that a lot of vets would be comfortable euthanising dogs on their own grounds. We might have to take that on notice. I am not sure if that information actually exists statistically. But from my own experience in practice, if you have a good breeder who loves their animals, sometimes they will keep them—or they say that they are going to keep them as companions. Yes, there may be instances where a vet will euthanise on behavioural grounds—a puppy—but I do not know of that. Otherwise I guess surrender it at a shelter, in which case they are going to be euthanised there.

The CHAIR: My question is to Dr Elliott. In your opening statement you made some comments around the *Animal Welfare Code of Practice Breeding Dogs and Cats*, I believe. Can you explain for the Committee what you think are the deficiencies in that particular instrument, but also what are some of the strong points that may be in that instrument?

ROSEMARY ELLIOTT: It is outdated; it is 2009. We have learned a fair bit about animals since 2009, so it is due for updating. I cannot speak very highly of it because, as I said earlier, the mandatory standards of care are pretty basic. Some of the issues that are actually voluntary—for the staff who are employed to care for animals to have formal qualifications. I think people purchasing animals should expect that those selling the animals can give them some guidance and that those people have actually known how to look after the animals. So there are no formal qualifications. Anyone really could do it. I think that is really concerning, that that is not in the code. I think a lot of the animal organisations have also been concerned about that. There is a point there are about environmental temperature being controlled. If you have 100 dogs in a puppy farm and they are all in those small crate-type cages and it is a humid day, there is an awful lot of risk of heat stress there. I do not think that thermoregulation or the control of the external temperature that assists animals with thermoregulation should be voluntary. I read out earlier about the cleanliness and hygiene issues. They are not always screening for any inherited disorders; that is again voluntary. These are things that really speak to whether we are breeding animals who are safe and sound and should they then be bred from themselves.

The CHAIR: Did you have any input into the New South Wales Government's consultation paper entitled *Licensing and regulating of cat and dog breeders*? What is your view of that consultation paper?

ROSEMARY ELLIOTT: Would you mind telling me when that was?

The CHAIR: It went out last year.

ROSEMARY ELLIOTT: I somehow think we missed that. We were part of a discussion. No? I am going to put it over to Dr van Ekert, but I think we missed that.

The CHAIR: Okay.

KATHERINE van EKERT: Yes, unfortunately we missed that. We might have to take that on notice.

ROSEMARY ELLIOTT: Thank you for letting us know.

The CHAIR: That is okay. We are about to wrap up, so are there any other questions from Committee members?

The Hon. EMMA HURST: I have one.

The CHAIR: Ms Hurst, one quick question and then we will wrap this up.

The Hon. EMMA HURST: I just noticed that there was something in your submission where you said—obviously a number of submissions that we have received in this inquiry say that the last Committee in 2015 did not recommend a restriction on the number of animals kept by breeders. But you said in your submission to this inquiry that it is something that you actually argued for in your evidence, an actual restriction on the number of animals kept by breeders. Was your evidence ignored or was it not included in that formal report?

ROSEMARY ELLIOTT: I think we will have to look it up. Yes, we did put that in. We do think that restriction is important, otherwise how do you get away from puppy farms. I will have a look and take that on notice as to whether we were actually quoted in the final report.

The Hon. EMMA HURST: Thank you.

The CHAIR: Dr Elliott, you have a minute or so to wrap this up. Is there anything you would like to say that has not been said or is there anything that you would like to tidy up where you may have been misconstrued?

ROSEMARY ELLIOTT: No, I do not think that. We are very grateful for being present. I would like to repeat that I do think that we need to be working towards another inquiry into breed standards. I know that those in the veterinary profession, whilst there may be disagreement, there are a lot of strong feelings and a lot of research that is leading us towards a conclusion that the breed standards—we have actually reached the maximum capacity of squashing a dog's head in the wrong direction and the implications for animal welfare are shocking. I think it is really an urgent issue to be addressed.

The CHAIR: Dr van Ekert?

KATHERINE van EKERT: No, that is it. I guess the only other point that we wanted to emphasise was a need for independent enforcement as is the case for much of these animal industries.

The CHAIR: Thank you very much for your time. I believe you took several questions on notice. The Committee secretariat will be in touch with you about that and you will have 21 days to respond to those questions on notice. Again, thank you very much for your time today.

(The witnesses withdrew.)

Ms JOANNA RANDALL, International Head of Companion Animal Campaigns, FOUR PAWS, before the Committee via videoconference, affirmed and examined

Ms TARA WARD, Solicitor, Animal Defenders Office, affirmed and examined

Ms SARAH MARGO, Solicitor, Animal Defenders Office, affirmed and examined

The CHAIR: Before I ask you to make a brief opening statement, the opening statement should be about two minutes. We will then go into free-flowing questions. To assist with Ms Randall's contribution, if members are asking Ms Randall could they indicate that is who they are the directing their question to. It helps Hansard to record who you are talking to. At the end of the questioning you will get about one minute or so to wrap up in case there is anything you think may not have been said that should be said or if there is anything that has been said you think you have been misconstrued or misrepresented. You will get a chance to tidy things up. It is about a minute at the end. I think we will start with Ms Randall. Ms Randall, have you got a brief opening statement?

JOANNA RANDALL: I do, thank you. I will get right into it. Thank you very much for the invitation to give evidence today. As I said, I am the head of companion animal campaigns at FOUR PAWS International and I also represent our Australian office today. Our response to the inquiry generally supports the provisions in the Companion Animals Amendment (Puppy Farms) Bill 2021, on the basis that it would strengthen protections for both animal welfare and consumers. FOUR PAWS has been working to improve the breeding, sale and acquisition of pets internationally for around 15 years culminating in a multi-stakeholder project to end the illegal puppy trade in Europe, joining with classified ads sites and identification and registration database providers. In that time, we have seen the application of equivalent measures applied in Europe particularly, with good outcomes for both people and animals. As such, we greatly welcome the bill's proposals.

In particular, we welcome the improvement proposed by the new bill that breeders must not breed from a female dog or cat more than twice. In comparison with the previous restriction for breeding the animals not more than twice every two years, this is a very welcome and positive step. We also welcome the restriction to keep no more than 10 fertile female dogs or cats by any breeding establishment. We greatly welcome the proposal that pet shops offering puppies and kittens should only offer dogs or cats above a minimum age from rehoming organisations. However, in this case the Animal Welfare Code of Practice Animals In Pet Shops also needs to be revised. Most importantly, our submission to the inquiry notes that in FOUR PAWS' experience it is the traceability of pets and the individuals involved in the breeding, keeping, transporting and selling of pets that is key for ensuring the welfare of animals, protecting consumers and preventing disease spread.

It is largely due to the nature of the way pets are traded online, with little to no verification of the people selling the animals, or where the animals originated, that has led to the illegal puppy trade being recognised by the European Commission as organised crime with severe implications. A possible solution to this is to compare microchip numbers of pets sold on classified ad sites with the animal's registered data to ensure further traceability and protect consumers at the point of sale. We look forward to the bill being passed in order to meet the standards expected by the millions of people in New South Wales who bring companion animals into their homes and families. I hope my comments and evidence today are helpful to the Committee.

The CHAIR: That is spot-on two minutes, well done. I believe you have read from a prepared submission. Are you able to email that to the Committee secretariat, which it can forward to Hansard to assist in the preparation of our transcript?

JOANNA RANDALL: Yes, I have done so earlier today.

The CHAIR: Thank you very much. Does anyone from the Animal Defenders Office have a statement?

SARAH MARGO: I have a brief statement on our behalf. On behalf of the Animal Defenders Office, thank you for the opportunity to provide evidence at this inquiry. The Animal Defenders Office [ADO] is a not-for-profit Community Legal Centre that specialises in animal law. Our team is constantly at capacity to meet the demand for our services. I volunteered for years as a solicitor for the ADO and I have been fortunate to provide services in a part-time capacity recently thanks to a grant from the New South Wales Government. The reason for seeking this grant was precisely because our caseload skyrocketed during the pandemic. This was largely due to complaints from people after purchasing an unwell puppy or kitten.

Given the current legal framework, the best we can usually advise the client is to consider a private civil action through Australian consumer law. The problem is that Australian consumer law is designed to a standard consumer transactions and it does not accommodate issues around sentient, living beings. The challenges of accessibility and limited remedies of consumer protections are insufficient as a means of providing protection against rogue breeders.

As we all know dogs and cats hold an especially high place in terms of personal, familial and community value. The community expects that dogs and cats should be afforded the highest levels of legal and regulatory protection. When we discuss the regulations and legal system today, we have to remember that anything short of best standard is failing these animals. This means that any business with a high number of breeding mothers and litter outputs must be considered through a strict lens and the question should be what kind of businesses can provide the level of individual care and attention expected of animals bred to be family members. The ADO supports the precedent of a maximum of 10 breeding females per business at any one time as the current best standard established by other Australian jurisdictions.

Likewise, it is time for New South Wales to modernise the pet shop industry. Just as Victoria and Western Australia have already done, the logical next step for New South Wales is to close the cycle of over-breeding and oversupply of animals by facilitating the rehoming of rescue animals through pet shops. Pet shops have an important role to play in this by helping to educate the public on these issues. These important reforms, alongside significant enforcement reforms, are reflected in the bill that we are discussing today. The ADO supports this bill and strongly encourages the New South Wales Government to pass the proposed amendments into law.

The CHAIR: Again you are reading from prepared document. Would you hand it over to the Committee secretariat?

SARAH MARGO: I have some handwritten notes. I will supply a clean version after today, yes.

Ms ABIGAIL BOYD: Good afternoon, it is good to see you again. I want to start by asking about why we need a limit on the number of breeding cats or dogs in this State given the evidence this morning from a number of witnesses that what really matters is the welfare standards rather than the absolute numbers of breeding animals. What is your response to that? Why do we need to cap the number?

TARA WARD: I am conscious of the finding, I think it was, in the 2015 inquiry that made the finding that the number of animals is actually not sort of linked to welfare outcomes. However, I think there must be—it stands to reason that the more animals, the more potential welfare problems you are going to have and, therefore, in an industry that should be regulated—because we are talking about dealing with sentient animals, and sentient animals usually end up in someone's family home—it just makes sense that the legislation and all the regulatory framework imposes a limit provided there is scientific and other evidence to support that limit. I would suggest if it has been done elsewhere, say, setting it at a certain number such as 10 in Victoria, a neighbouring jurisdiction, then that is a good precedent to follow.

SARAH MARGO: I would add to that as well in addition to what my colleague has stated, that we have heard from experts in shelter or rescue environments that this concept of a capacity for care has a limit, and that capacity of care refers to managing an animal population at an optimal level. The lower that number, the higher the capacity for care; the higher that number the more risk there is to those animals in the facility. Ultimately, in terms of capping the number of breeding animals, we support any measure that makes it harder for puppy and kitten farms to operate in New South Wales.

Ms ABIGAIL BOYD: I will ask you as well, Ms Randall, and maybe I could ask in addition to why you would need a cap, if we were not to have a cap, and if we were to do what some in the industry have asked and instead to require, I guess, certain standards for those larger, intensive, large-scale breeding facilities, what would you need to have in place in order for the welfare standards to be sufficient in a facility for say 50 or 100 breeding animals?

JOANNA RANDALL: I think the short answer to that question is that the welfare standards could not ever be met sufficiently in an establishment of that scale. In our time as an organisation investigating and researching the puppy trade around the world, I do not think there has ever been a case of viewing an establishment of that scale that was ever able to provide adequate welfare to the animals in it. I think the question here is what is adequate welfare for those animals. The science would say that companion animals like dogs and cats need regular interaction with both people and other animals in a way that facilitates their natural behaviour and that encourages healthy behaviour at a young age as well. Providing the proper and adequate socialisation and learning from a young age for puppies as well is incredibly important.

An establishment of that scale, going on the provisions made in this bill, would require hundreds of staff members to be able to monitor the welfare of the animals adequately potentially. Depending on the number of breeding dogs kept there, it would require enormous improvement in veterinary care, in sterilisation, in vaccination, in any kind of disease prevention efforts to be made and, I think, in addition to that, you know, is this meeting community expectations? I think not. I think that is very clear due to the number of submissions we have received to this inquiry alone and to reports on this issue in Australia. So yes, the answer is that that simply would

not be possible but if it were to be attempted it would require enormous investment from the proprietor of the establishment and in our experience we have never seen that done adequately.

Ms ABIGAIL BOYD: Thank you, that is very clear. In relation to the pet shop market, we heard earlier today concerns that if these restrictions, or similar restrictions, were to be placed on the sale of dogs from pet shops, we would be looking at a lot of these pet shops going out of business. Is that what happened in Victoria? Do we have any lessons out of the Victorian experience that could maybe shine a light on what we would expect to happen those pet shops? I will start with ADO.

TARA WARD: Just to mention that we are not from Victoria. It is one of the jurisdictions we focus on less than others just because there are other animal law experts—it is blessed to have other animal law experts—in Victoria. So from the outset I just want to clarify that we are certainly not experts in the Victorian regime or scheme. However, I would suggest that, while I did try to listen in this morning from the bus up from Canberra—it dropped in and out—I did not hear any evidence of where pet shops had closed due to this. In fact, I heard—and I think we have all experienced this—that there are thriving pet shops that do not sell any animals at all, and certainly they are staying in business and expanding, if anything. While it remain as hypothetical, we wait to see the actual evidence to show that there is any kind of realistic prospect that that would eventuate.

Ms ABIGAIL BOYD: Thank you. Ms Randall?

JOANNA RANDALL: Yes, thank you. Likewise, also I am located in the United Kingdom and I have been for the last four years. I cannot comment extensively on the Victorian impact. However, I can offer some insights into what has happened when a similar ban was brought into place in the United Kingdom. In 2020 there was a ban on third-party puppy and kitten sales beginning in England and spreading out across the rest of the United Kingdom. That obviously included a ban on any third-party sellers, including pet shops, no longer being able to sell puppies or kittens under the age of six months. I can really confidently say this has had no negative societal consequences. And, as my peer said earlier, pet shops are thriving like never before all across Europe—and in Australia too, according to reports—largely due to a huge increase in the number of people acquiring pets during the pandemic but also due to, I think, heightened expectations about how to provide pets with the appropriate treatments, products, accessories and things like that that you can buy for your pet in order to give them quality of life. So personally I have no problems about the pet shop industry being able to continue to try to adapt to the situation.

The Hon. MARK BANASIAK: Welcome back again. It seems like it is almost a weekly occurrence at the moment.

TARA WARD: I could get used to this.

The Hon. MARK BANASIAK: I have a couple of lines of questions for the Animal Defenders Office. The concept of a breeding arrangement has come up several times during today's hearing. There have been some concerns raised about it, including that it has implications for breeder-to-breeder arrangements, where you might have a male and female coming together from two different breeders, as well as concerns about whether this clause or amendment is best placed in the Companion Animals Act. I will maybe ask if you could take it from a purely solicitor point of view, purely from a legal point of view. I appreciate that you have some philosophical views about animal law, but is the Companion Animals Act the best place to deal with this, or would this sort of arrangement be better placed somewhere around consumer law but also tying in perhaps an expert from the veterinarian field to assess that suitability to continue in that breeding arrangement or not? Would that be a better place to house it, or do you think the Companion Animals Act is the best place to house such a thing?

SARAH MARGO: I think our position on that would be that the Companion Animals Act is the most appropriate place for those kinds of provisions. When we defer to consumer law to guide us on these kinds of issues, there are a lot of shortfalls and obstacles for any kinds of clients—or consumers, in that case—that do not adequately address or provide the kinds of remedies that would be sought if there was an issue with a breeding arrangement. Ultimately, at the centre of the breeding arrangement we are talking about the welfare of animals, so it must appear or be carefully regulated in our animal welfare legislation.

The Hon. MARK BANASIAK: Do you think a council worker is the best person to adjudicate that, or do you think someone from Fair Trading in conjunction with one of the ACOs or a vet is best placed to adjudicate that? Under this legislation it would be a council ranger who would be going out there and making that decision based on a letter from a vet.

TARA WARD: Can I ask for clarification? What particular—

The Hon. MARK BANASIAK: It is 61B.

TARA WARD: When you are talking about breeding arrangements, we are not talking about the guardianship?

The Hon. MARK BANASIAK: Yes.

TARA WARD: What kind of decisions would the council—apologies for the questions in return.

The Hon. MARK BANASIAK: I am only assuming that because this falls under the Companion Animals Act and the Office of Local Government, it would fall to someone in local council to make a decision about a local breeding arrangement. I would probably argue that someone in the animal welfare field might be better equipped. Whether that is an ACO, a vet or DPI—I am happy to have suggestions, but I think perhaps—

The Hon. EMMA HURST: I do not think that is in the proposed legislation that I have put forward that the council would oversee a breeding arrangement—just to clarify.

The Hon. MARK BANASIAK: It is unclear. It is silent in terms of who would make this decision.

TARA WARD: I am sorry, what decisions will be being made?

The Hon. MARK BANASIAK: Whether the breeding arrangement ceases between the two parties and whether the animal goes to the person who wants—

TARA WARD: Usually our experience has been that these arrangements are subject to contracts—a contract of sale, although it is not a sale. It is some kind of contract—in fact, they clearly make out that it is not a sale because there is this strange sort of not quite transfer of ownership. We are talking about situations where a member of the public would pay a certain amount of money for a puppy or a kitten, and for all intents and purposes would take ownership of that except for this clause in the contract where the breeder would with able to regain possession of the animal for breeding purposes. Is that what we are talking about?

The Hon. MARK BANASIAK: Yes. It seems like a very complicated and convoluted consumer arrangement.

The CHAIR: It is almost like leasing of the animal. It is quite strange.

The Hon. MARK BANASIAK: Yes, it is like a lease-buyback.

TARA WARD: Yes, it is very strange.

The Hon. MARK BANASIAK: This is why I think it is maybe not the best place for it in the Companion Animals Act. It needs to have some sort of element of consumer law.

TARA WARD: The problem would be that if you have regulatory clauses in other types of law, we are getting further and further away from the core issue, which is that we are dealing with sentient animals. At least in the Companion Animals Act—and if it were not to be in that, we could suggest it would be in POCTAA.

The Hon. MARK BANASIAK: That is why I asked, I am happy for suggestions.

TARA WARD: Somewhere where it keeps front of mind that we are dealing with animals. This is part of the problem. In our experience we have seen that there will be issues that arise, veterinary issues, that crop up, say, some time after the new owners have taken possession of the animal, usually a dog. Situations arise where something needs to be done—for example, the animal, for veterinary reasons or whatever, needs to be desexed. We have had cases such as those and yet the contract would prevent that. In that case, in the best interests of the animal, certain action needs to happen. But that would, in a sense, terminate, and it is currently out of the hands of the current keepers of the animal to make that decision.

The Hon. MARK BANASIAK: I think I have piqued Mr Searle's interests here.

The CHAIR: Yes.

The Hon. MARK BANASIAK: I am happy, and then I have one more related question.

The CHAIR: We will allow the barrister to have a go.

The Hon. ADAM SEARLE: I am far from expert in these matters, although I do have some companion animals. You were just describing this arrangement of how people would sell or transfer ownership of a pet and then have this claw-back, as it were, for breeding purposes. Should that be lawful?

TARA WARD: Great question.

The Hon. ADAM SEARLE: I am asking you because you come from an organisation that seems to be expert in this sort of field. Is this the sort of thing that happens regularly and should it continue to be permitted by law?

TARA WARD: I would suggest from our experience that it should be regulated, much as is proposed in the bill. It is certainly an area that needs regulating because these issues do arise and legally it is a very strange situation where, for all intents and purposes, a title is being transferred and yet it is not. The keepers of the animals end up in quite a difficult situation with no recourse other than breach of contract. There are all sorts of ethical issues associated with it from our limited experience that we have had exposure to. I think we detailed those in our submission, so I will not go over them other than the obvious: The fact that they are dealing with an animal who is unwell and needs certain veterinary treatment, and yet that would be in breach of the contract; having to take the animal—even the animal is not unwell, physically, travel back to the breeders, and they can be long distances from where the animal has ended up, so there is all of that travelling time; and if the animal is a female animal, then they are away from what has become their family home for a long period of time. The ideal outcome would be to not allow such proposals in the interests of the animals, but currently they are happening and, therefore, regulating them would be the minimum that New South Wales should do.

The Hon. ADAM SEARLE: My follow-up question goes to what I think you were saying before, that some of these contracts actually have a provision for preventing the desexing of an animal?

TARA WARD: Yes.

The Hon. ADAM SEARLE: All of the animals I have purchased, whether it is from RSPCA or from a pet shop, all had to be a minimum age and they all came desexed. Shouldn't that be the default setting?

TARA WARD: Absolutely.

The Hon. ADAM SEARLE: Secondly, given some of these curious practices in the industry, should there be not a list of things that should be banned from these contracts, to make it clear that these things are not lawful?

TARA WARD: Absolutely.

The Hon. MARK BANASIAK: I have one final question on one of the other clauses. It is section 61ZE, and I raised this with Sentient just before. This is about prescribing a time frame prior to breeding of cats and dogs where they have to get that mandatory veterinary assessment. There have been some concerns raised through the inquiry that it is possibly not suitable for cats who have a bit more of a sporadic mating season and it is hard to predict. I wanted to seek the Animal Defenders Office's opinion as to whether you would be amenable to amending that, to make it a little bit more flexible for cats in terms of when they have to go get that assessment given that they have a sporadic mating season and a very short mating season? It seems that four weeks—

TARA WARD: I think 10 days. Was that mentioned?

The Hon. MARK BANASIAK: Yes. It seems like the four weeks may not be the best legislative setting for such a thing. I am happy for you to take it on notice and have a think about it.

TARA WARD: I think the bottom line is that a veterinary check happens. Of course, this is what these consultation exercises are about: finding the appropriate time frame. But as long as a veterinary check or certification occurs—because we see the other end of it, and that is when these animals end up in a new home and there are serious health problems that usually can be traced back to the breeding situation. I think that would help all sides, including the animal, if there could be a check. It is just a question of when, and I am sure the best period or flexibility built into the legislation could occur.

The Hon. EMMA HURST: I will start with ADO, and I do have some other questions for Ms Randall—we have not forgotten you. What we have been talking about this morning is that in New South Wales there is no legislative cap on the number of dogs, no legislative cap on the number of litters and there are no staffing ratios. Potentially somebody could say tomorrow, "I want to set up a facility with 500 female dogs. I am going to breed from them their entire lives with them having two per year and I am only one person that is going to try and look after those 500 dogs." That would be legal at this point when they are setting that up.

The arguments that have been made by some of the industry submissions is that one person cannot look after 500 dogs, so eventually they would end up breaking some law under POCTAA and enforcement officers might fine them and then they would be prosecuted, so therefore it would eventually become illegal. I wanted to get your thoughts on this reactionary approach, and relying on underfunded enforcement agencies to actually try to discover these facilities breaking the law, or whether we should have laws that actually prevent that cruelty

from happening in the first place by actually legislating some of these caps and litter limits and staffing ratios so it does not get out of hand.

SARAH MARGO: I will start with this and then defer to Tara afterwards. At the heart of this we are talking about offences against animals. Animal cruelty—we are talking about criminal law. I think it would be unwise to approach criminal law in a reactionary way. We need to have very clear regulations and limitations and guidelines for people to know how to operate safely within the law before something becomes a criminal offence. In some cases things may be regulatory instead of criminal, but ultimately we are talking about welfare being at risk. I think it is also important to note that other jurisdictions have already introduced precedent that surpasses what we have in New South Wales, and in best legal practice we should meet those standards that are provided in other jurisdictions. Those have been subject to inquiry and have been considered in depth already and have been found to be suitable and satisfactory to be passed into law.

The Hon. EMMA HURST: Can I ask a follow-up question on that one? We have had some submissions saying that if we imposed a cap similar to other jurisdictions where you say there is that precedent, essentially they would all go out of business and that animals would cease to exist—that dogs particularly would cease to exist. Is there any evidence that that is what has happened in other jurisdictions or potentially overseas where we have tougher laws on this?

SARAH MARGO: Just to clarify your question, do you mean that we would cease to see the existence of companion animals were we to cap the number of breeding females?

The Hon. EMMA HURST: That is some of the submissions that we have received, yes.

SARAH MARGO: I cannot imagine that being the case. I think the demand for companion animals in Australia is strong. Most families, most households have companion animals. I cannot imagine there would be a reduction or there would cease to exist companion animals, quite simply.

TARA WARD: Or that demand would suddenly, drastically outstrip supply. I think we also need to keep in mind the many tens of thousands of healthy animals—cats and dogs—who are put down every year because they cannot be rehomed. We must remember they are in this equation as well, and that is a huge welfare issue. I think we have to factor those creatures into the equation before we can talk about there being some sudden lack of supply.

The Hon. EMMA HURST: I have another question for Ms Margo because I know you talked a little bit about the whole consumer side of the issue. It was brought up this morning that really it should all be placed on the consumer and it should be their responsibility to educate themselves and to investigate and make sure that they are not buying from a puppy farm. Do you think that that is a fair way of doing this? Do you think that that is going to work realistically in practice, that it is up to consumers out there or people who are looking to adopt an animal to actually do all of that investigative work and make sure that they are not supporting these puppy farms, even if they are legal?

SARAH MARGO: No, I think that would be an inadequate course of action. No consumer that I have come across intentionally wishes to purchase from a puppy or kitten farm. The fact that these operations are covert and have clever ways of operating below the line that we are unaware of is the very reason we have issues in the first place. The consumer law as it currently exists is already inadequate. I am happy to go into those issues if that is of interest to the Committee.

The Hon. EMMA HURST: Yes, just briefly.

SARAH MARGO: Sure. Essentially, when we have a consumer law issue with a person who has purchased a puppy or kitten and they find that animal to be unwell within days or sometimes in a matter—for our clients—of hours of purchase, it suggests that there has been an issue at the point of breeding and it implies that there are substandard or inadequate breeding practices. This does not immediately denote a puppy or kitten farm, but it does strongly suggest or allege that the breeding practices are noncompliant. The problem for our clients is that there is a very high threshold. First of all, it is intimidating and expensive to commence legal action. It is stressful. You have just adopted a sentient being into your family and suddenly you are faced with this legal course of action, and the threshold for establishing that the problem was established by the breeding facility is quite difficult to achieve and it requires a lot of veterinary expert evidence, which can sometimes surpass the cost of the animal in the first place.

And then when we get to remedies under Australian consumer law, they consider the finance and that puts on a dollar amount, which really does not get to the heart of the issue. So some people will offer a refund or return of an animal, which none of our clients have considered as a reasonable course of action for compensation. You become bonded to an animal quite quickly, you have invested time in their treatment and welfare, they are

part of your family and returning an animal for a refund is simply unfeasible. Also, when courts do award compensation, it is usually significantly low and it is not worth the trials of going through the consumer law in order to seek remedy here.

The Hon. EMMA HURST: Do you think though that within the consumer law—just stepping away from the legislation that we have discussed or that I have put on the table with the Animal Justice Party—we need some kind of extended liability scheme for breeders where there is some kind of responsibility on breeders to cover for veterinary costs, for example, if an animal is sold that turns out to be sick?

The CHAIR: Any other related matter.

The Hon. EMMA HURST: Yes, any other related matter.

SARAH MARGO: I think that is a really interesting approach. Some things that are built into the bill already would go some way towards this approach, such as the required veterinary checks, reports, being registered and limiting the number of animals that you have. All of these kinds of provisions not only protect animal welfare but in some sense would also protect a breeder in establishing that they have sound, compliant practices. I think that would be a matter that, unless Tara would like to speak to it, I would like to take on notice to address further.

The CHAIR: Yes, you can do that.

TARA WARD: Just one further thing that I might add is, just thinking of some of our cases, that there is also an issue with pet insurance where the new keepers of the animals have been unable to rely on the pet insurance even though the breeder in some of the cases has actually paid for the insurance, because there is a seven-day or a certain period from transfer of ownership in which you cannot actually rely on that policy. What we are finding is that if you take possession of an animal from the breeder and it is immediately obvious that the animal is unwell, you cannot rely on that pet insurance. So once again, the new keeper is faced with huge vet bills on top of the already huge cost price of the animal themselves.

The CHAIR: Just before we go on, Ms Randall, you dropped in and out there a few times whilst we were asking questions to the Animal Defenders Office. Were you able to hear the full inquiry or did it just drop right out on you?

JOANNA RANDALL: I have been able to [inaudible] so far, thank you. The quality [inaudible] dropping in and out. It may be because I am moving things on my desktop.

The CHAIR: It is okay, I just want to make sure that you are still with us.

The Hon. EMMA HURST: I just want to ask about councils as well. We have heard reports that a lot of councils on the New South Wales-Victoria border have had a dramatic increase in development applications for large-scale intensive dog breeding facilities. One of those councils actually got some legal advice because they had a development application with over 300 dogs, which they did not want to approve. The legal advice said that if they rejected the development application, they could end up in the Land and Environment Court. Obviously for very small regional councils that are underfunded, this is quite terrifying territory for them to end up having to go to court. It is actually reported in the media that they have had an 800 per cent increase in development applications for these large-scale intensive dog breeding facilities. Is this a real issue for councils and particularly some of the small councils, that they could end up going to court with these development applications if there are not any caps, so there is no legal basis to be rejecting them?

TARA WARD: That is slightly outside our area of expertise. I think it just shows that where a particular industry is unregulated in a particular jurisdiction, that is where people will go. According to those accounts, breeders have moved from the regulated jurisdiction to the unregulated. I think that makes it clear that what you need is regulation and a much stronger regulatory framework than New South Wales currently has. New South Wales unofficially has the reputation of being a free for all in effect, because it is so unregulated.

The Hon. EMMA HURST: We heard today a couple of the breeding organisations suggested that one way to get rid of puppy farms is to say that every breeder has to be part of a registered breeding organisation. Do you think that if we found some way to make that a regulation, we would end up seeing a whole lot of new substandard breeding organisations that have very little rules and little oversight to get around that? Is that a real problem that we could be facing if that is the direction that we went in?

SARAH MARGO: I would say yes to that question. I think that the thing that we really need is harmony and for the same set of laws and regulations to apply statewide. I think deferring to specific organisations to come up with their own minimum standards will just create issues for breeders and issues for consumers. There will be a lack of clarity and ultimately less regulation, and less assurance that animal welfare standards are being met.

The Hon. EMMA HURST: We have heard a bit this morning as well around the fact that there has been no agreed definition of a puppy farm. I am just wondering if you think that from a legislative framework perspective that is problematic or whether an actual definition needs to be in the bill to define what a puppy farm is? Or is it not necessary in regards to the legislation to operate and improve conditions for animals within the industry?

TARA WARD: I think the expression or term "puppy farm" is simply a colloquial term that we use to refer to any kind of breeding set up that has poor animal welfare outcomes at a certain level. I do not think that it should be defined in legislation. I think that it should be kept for what it is and that is a sort of term that we use in the vernacular, so to speak. It would just be very problematic to try to define that. Of course legislation has to be clear. We have to be clear about what are the policy issues that we are dealing with, the policy problems. Provided that is clearly defined in either explanatory material or the legislation itself, then that is the problem solved. If we are talking about, for example, just intensive breeding of dogs and cats, then that is the issue that we are dealing with. A definition of puppy farm or whatever other colloquial expression that we want to use becomes redundant.

The Hon. EMMA HURST: Thank you. I also wanted to ask about the whole idea that within the legislation there is a proposal to ensure that there is a fit-and-proper-person test for anyone looking to run a companion animal breeding business. I want to get your thoughts around that kind of provision and whether you would support it.

TARA WARD: From memory, the new WA legislation has incorporated this concept. That has passed and last time I checked, had not commenced but is due to commence at some point. In other words, it has passed. It is early days, but I think it would be a useful check and balance or accountability measure to ensure that some kind of checks have occurred regarding individuals who want to take on this practice of breeding dogs and cats.

The CHAIR: Can I just follow on from this? Part of this issue about a fit-and-proper-person test is that someone who may well be breached for animal welfare issues in Victoria or South Australia then comes across to New South Wales, essentially come across with a clean sheet and it is not picked up. Do you think it is important to have this cross-border acknowledgement of animal welfare breaches in other jurisdictions?

TARA WARD: Yes, I think that would make sense. With everything that we are talking about when it comes to animal welfare, the problem of having the different jurisdictions and little communication between them is a perennial problem. Including even from a dog management—always dog management—situation, another area is dogs that are declared dangerous et cetera. We need to have that cross-border flow of information.

The Hon. MARK BANASIAK: Do you think this fit-and-proper-person test should be well defined to the point where it really only deals with those animal welfare breaches? I know a clause in the bill talks about if someone has been found bankrupt they would also not be able to become one of these companion animal breeding businesses. Do you think it should be quite tightly defined around animal welfare?

TARA WARD: I think it is a fairly standard legal concept and there would be a plenty of precedents and examples out there.

The Hon. MARK BANASIAK: A lot of the precedents are quite broad and vague in legislation.

TARA WARD: I do not know then how you would justify having a very narrowly defined context in this particular instance. It would be either relying on sort of tried and true, standard definitions of the term or being able to justify very narrow interpretation or definition of it in this particular context.

SARAH MARGO: Just to carry on from that point, I think, from memory, there are sections in the proposed bill that create a different standard of criteria that are discretionary and mandatory for consideration when we are talking about registration of companion animal businesses and the like. Something such as bankruptcy could be a discretionary consideration but I think that certain things such as a prior animal cruelty offence must be a mandatory criterion for excluding someone to be a fit and proper person, especially because we are we dealing with people who are in charge of a vulnerable, sentient being.

The Hon. MARK BANASIAK: Sure, agreed, that is the final point I was trying to get to, yes.

The Hon. EMMA HURST: I have questions for Ms Randall. I want to ask about community support and where you felt that the community sat in regards to this large, intensive factory farming of companion animals in these commercial facilities. If somebody was running one of these large, intensive commercial facilities for dogs, but their basic welfare legal needs were being met, whether you felt the community would support that kind of framework or whether they would expect more when it comes to the treatment of companion animals?

JOANNA RANDALL: I think undoubtedly the community expects more [audio malfunction] animals and I think they have done for a very long time now. We as a society have cats and dogs as members of our family,

are considered to be members of the family, and there are a lot of people who would be appalled by the existence of any kind of intensive breeding facility. I think the public in general has been quite vocal about this question that you are asking already, and have high expectations of the treatment of animals. Yes, certainly but I do not think any person who is familiar with the needs of a cat or dog, and the socialisation they need, the attention they need, the individual care they need could ever really consider an intensive breeding facility, regardless of whatever the standards are that they are required to meet, to be an appropriate way of producing new companion animals.

I think there is a lot that needs to be said also about the way the treatment of animals by responsible breeders is communicated to the public, and we see this everywhere in the world by the way, that we have [audio malfunction] we have responsible breeder [audio malfunction] we will have breeding associations and we will have fantastic, reputable breeders who really need to be given the ability to talk about what the difference is between what they are providing versus what an intensive breeding establishment is providing in terms of quality of product and whether that is going to [audio malfunction] fit-for-purpose in a family environment.

The Hon. EMMA HURST: I will quickly go back to the breeding arrangements if that is alright. One of the submissions that we have received said that the breeding arrangements as they currently stand are fine because consumers are already protected under fair trading laws. Is that correct? Do you feel that the fair trading laws as they currently stand help anyone that is stuck in one of these breeding arrangements and, say, they are the person caring for the dog? Do the fair trading laws help in that situation or do they need to go further?

SARAH MARGO: I think the fair trading laws in those scenarios would default to standard contractual provisions. They would not set a minimum standard of welfare of expectation specific to the breeding of animals and that needs to be provided for elsewhere, such as it is in the bill.

The Hon. EMMA HURST: On the topic of fair trading, earlier we talked about consumer law if people end up being sold a sick animal. Our office gets lots of calls about somebody that has bought a sick animal and they have called the breeder and who says, "That is fine, return the animal and we will reimburse you." When they ask what will happen to the animal, the breeder says "We will kill the animal." And then they are told "If you don't return the animal then we will not reimburse you." So there is whole mix of emotions and stuff and people do not want to return the animal that they have built a relationship with, knowing the animal will get killed. What do we need to do in that situation, given that it is not returning a lamp or a car? How do we fix the legislation in that space?

TARA WARD: One possibility, I mean obviously we have not given any sort of extensive thought to that particular question—

The CHAIR: You can take it on notice if you wish.

TARA WARD: Yes, I will just reiterate—we will take it on notice—that the whole idea of offering a refund for an animal or a companion animal is just so often not appropriate and doomed to failure in this instance because you are dealing with companion animals. I think as we said in our submission, people bond extremely quickly. They do not even have to have met the animal and they have already bonded with the animal due to the video footage provided by breeders as the animal grows to the minimum eight weeks when the animal can be rehomed. It is just an inappropriate measure or remedy in this instance dealing with sentient animals.

The Hon. EMMA HURST: I have a couple more questions. One is about the penalties in the proposed bill. The proposed bill penalties mirror the most recent New South Wales penalties around aggravated cruelty for the higher level offences in the proposed bill around actual intensive factory farming of dogs, the puppy farming aspects of the bill. There have been concerns amongst breeders that those penalties are too high. I want to get your thoughts around those penalties and if it is an appropriate mirror to animal aggravated animal cruelty if someone was actual running a puppy farm?

SARAH MARGO: I would suggest that it is appropriate. I think as we have seen in the majority of animal cruelty prosecutions and precedents set by the courts, very rarely is the full scope of penalty enforced. We usually see very low lenient sentences handed out, if any at all. Reducing the maximum available penalty would not serve the purposes of disincentivising the action in the first place. Ultimately those maximum penalties are there for the most severe cases of those offences. It would not be the case that every person is suddenly slapped with a very large fine or imprisonment for a minor offence. It would be proportionate.

The Hon. EMMA HURST: Would introducing the idea of a source number and traceability scheme also help authorities to track down dodgy backyard breeders? I guess that is something else that has come up in the inquiry that there is a focus on these large-scale intensive dog farms, and then we have also got some dodgy backyard breeders, who are just people who do not know what they are doing but might have one litter or two litters. Do you think that the source number process and traceability scheme is a mechanism? Do you think that we need to go beyond that mechanism to try to stop those unethical backyard breeders?

SARAH MARGO: Just to start on the first part of your question. I think it is a very important mechanism. The thing that allows these kinds of covert operations to flourish is an easeful point of sale. It is very difficult to find them. Otherwise, as we know, enforcement issues with surreptitious or clandestine operations are very challenging. But the point of sale is essentially the part of the transaction that these operations depend on to be profitable. If we can introduce any kind of measures that would hinder the sale of an animal, or create an extra step for someone to be assured that they are purchasing an animal from a reputable or legitimate breeder, we fully support those kind of measures. That was the first part of your question. I apologise I have blanked on the second.

The Hon. EMMA HURST: The second part was what other measures should we be looking at potentially to clamp down on dodgy backyard breeding? Ms Randall might have an answer to this as well.

TARA WARD: Great. I will refer very quickly. Sorry, Ms Randall, I will be very brief. In the ACT, a licence is required for anyone breeding an animal. Whether an accidental breeder or your mum and dad letting the pet cat or dog have one litter, anyone is required to get a licence. We would support that kind of measure as well where we are not trying to distinguish between types of breeders and numbers. Anyone breeding should go through those checks and balances and accountability measures to get a licence to breed.

The Hon. EMMA HURST: Is that working in the ACT? Is that system working in the way that you would hope it to?

TARA WARD: I would need to take that on notice. It is a little bit difficult getting this kind of information, but we would be happy to look into that. But certainly from our experience we have seen people who are not even your typical backyard breeder but they are your person whose dog got out and then has an accidental litter being issued with fines et cetera for being in breach of that requirement.

The Hon. EMMA HURST: Ms Randall, did you have anything on that question as well?

JOANNA RANDALL: Your question is around traceability and what mechanisms can be put in place to look at traceability. As I hear most, it is about the consumer user experience when buying a pet online, which is where the vast majority of pets are bought and sold these days. It is normally happening on a classified ad site or sometimes on social media sites as well, where it can actually [audio malfunction] between the seller and a buyer as well. But more often than not, people are still using online classified ad sites for advertising their pets for sale. This is where quite often cruelty and suspect practices can thrive. The online marketplace provides anonymity for unscrupulous puppy farmers and dealers who do not want members of public to know the conditions in which they are breeding animals. They do not necessarily want to be meeting them face to face or having conversations with them before luring a buyer with a lovely image of a puppy that they have already fallen in love with before they have even met them.

Traceability is absolutely crucial to ending the cruelty inherent in puppy farming. One way that you can do this is certainly through source numbers. We actually find it very exciting to see the inclusion of source numbers and the description of them in this bill, combined with the breeder registrations as well. I think that this would put New South Wales on par with what we see across the EU now since the implementation of the EU Animal Health Law, which came into effect in April last year. Within that law there is a requirement for anyone in the business of breeding or selling animals to register with their national competent authorities and to have their registration details and all the kind of information that is included in this bill as well filed with their competent authorities so it can be verified.

In addition to that, we are also trying to harmonise identification and registration of pets across the EU. This is what you already have in New South Wales as well. That identification and registration of pets requiring a microchip number, the source number and your breeder registration files as well provides a tremendous data point to be added to secure traceability. What we work on at FOUR PAWS is developing a technical system that would then enable that data to be connected directly with classified ad sites. We are developing a system with a body called Europetnet at the moment which would certainly be applicable in Australia or anywhere in the world in order to ensure that anyone buying a pet online would know that the person who was advertising that puppy is the registered and verified owner of that puppy, and that their information is held somewhere in a database that is accessible to authorities and to enforcement officers, so that if something goes wrong later on down the line—if the buyer finds that the puppy has fallen sick soon after purchase, for example—and they want to seek compensation, they can identify the exact origin of that puppy, where the potential source of the disease outbreak might be stemming from, and the person selling the puppy online cannot simply disappear seemingly and not be able to be found by authorities to be able to seek appropriate compensation. This is a really important part of ensuring traceability for the online trade.

We would really like to see some inclusion of the role of classified ad sites, if possible, within this bill or any following legislation to make it mandated that classified ad sites will be required to do those verification

checks as well. We recently saw some legislation in France come out at the end of last year in its national animal welfare legislation where this was made a requirement, and we are seeing it come through in other countries across Europe as well. It is quite an exciting and interesting time when it comes to improving the traceability of pets around the western world, so we would really encourage the inclusion of that and a real focus on what can be done to improve traceability around the online trade, in particular for puppy sales.

The Hon. ADAM SEARLE: There was a discussion earlier about whether we should have a definition of puppy farms in the legislation, but in the bill there is already a definition of a companion animal breeding business. Isn't that really what we are talking about here?

TARA WARD: Exactly. That adds to making it clear what is the policy issue that the legislation is there to deal with.

The Hon. ADAM SEARLE: That is the distinction between a business versus someone giving away animals?

TARA WARD: That is right, yes.

The Hon. ADAM SEARLE: This is my last question, and I am happy for you to take this on notice. I am interested to know whether or not this bill would be groundbreaking in terms of what happens around the country or whether the provisions contained in the bill are, for example, operative in Queensland, WA—

The CHAIR: Victoria.

The Hon. ADAM SEARLE: —or Victoria. That would be useful for us to know. I think you were talking about harmony earlier. Not that there is anything wrong with being a trailblazer, but it would be interesting to know what the relationship between the proposed measures in the bill is, if any, with regimes operating in the other jurisdictions.

SARAH MARGO: There is a lot of variance between each jurisdiction, although those that have stepped up and produced progressive reforms—including particularly Western Australia, Victoria and the ACT—the provisions provided for in the bill for New South Wales would meet those best practice standards. I do not believe it would go significantly beyond.

The Hon. ADAM SEARLE: Would it be fair to say then that the measures in the bill, although different in their own ways, would be consistent with the progressive direction of other jurisdictions like Victoria and WA?

SARAH MARGO: Yes.

The CHAIR: We will now wrap this up. Ms Randall, if there is anything that you would like to say that you feel has not been said that you really want to put on the record, or if there is anything that you want to clarify or that you think may have been taken out of context, you get a minute to do so right now.

JOANNA RANDALL: Sure. I will take the minute, thank you, to say in conclusion that I congratulate the Committee on taking on this ambitious piece of legislation. I think it will bring New South Wales on a stronger platform and on a par with what is happening around the world with regard to the way companion animals are being traded, especially with regard to the online trade and improvements of traceability around pets as well. I would say that any further measures that can be taken to improve the traceability of the online trade would be very welcomed by FOUR PAWS as well. I am encouraged by and shall not underestimate the public sentiment on this topic. [Inaudible] would want to have a trade in New South Wales that is considered as an organised crime, like it is now considered in Europe as well. Really strong measures and strong enforcement of those measures would be very welcome in order to put New South Wales ahead of the game in that regard. Thank you very much for the invitation to speak with you today; it is much appreciated.

The CHAIR: Would someone from the ADO like to make that one-minute wrap-up?

SARAH MARGO: I did have one very swift comment in relation to an earlier question on the topic of source numbers. I would like to add that I had read in some of the other submissions that relying on the existing framework should be sufficient. We disagree and submit that the existing framework is a somewhat haphazard approach because some adverts will list a microchip number, others will list a breeder identification number or a rescue organisation number. This really needs to be streamlined because with the existing framework, it is simply too easy for puppy and kitten farms to sell. In terms of a general comment, again, thank you very much for taking on this topic. It is very much needed, and urgently so. The ADO strongly supports the provisions put forward in this bill and looks forward to a State without puppy farming.

The CHAIR: I believe there were some questions that were taken on notice during this session. The Committee secretariat will be in touch with you about responding to those questions on notice. You will have

21 days to respond, so you will be hearing from the wonderful Committee secretariat soon. Thank you very much for attending and for your submissions.

(The witnesses withdrew.)

(Short adjournment)

Mr MATTHEW GODWIN, Chief Inspector, Animal Welfare League NSW, before the Committee via videoconference, affirmed and examined

Mr MARK SLATER, Chief Executive Officer, Animal Welfare League NSW, before the Committee via videoconference, affirmed and examined

Dr LIZ ARNOTT, Chief Veterinarian, RSPCA NSW, affirmed and examined

Ms KATHRYN JURD, General Counsel, RSPCA NSW, affirmed and examined

Mr SCOTT MEYERS, Chief Inspector, RSPCA NSW, affirmed and examined

The CHAIR: Welcome to our next panel of witnesses. The way it work this afternoon is each organisation will get a couple of minutes to make an opening statement, then there will be free-flowing questions and, at the end of the session, you will have about a minute to wrap up. If there is anything you think you have not said that you would like to put on record, or if there is anything where you feel your statements have been misconstrued or misrepresented, you have a chance to tidy that up. There will be a minute for each organisation at the end to do that. The Animal Welfare League may make a brief, two-minute opening statement.

MARK SLATER: I might throw to the Chief Inspector in regards to the puppy farms given that it is predominantly an inspector issue.

MATTHEW GODWIN: Thank you for giving us the opportunity to be part of this. I have not prepared anything as an opening statement, so I have nothing to present at this point in time.

The CHAIR: That is okay. Do not feel compelled. Thank you very much. Is there someone from the RSPCA? Dr Arnott.

LIZ ARNOTT: I might just take one of their minutes, if I can.

The CHAIR: We will see how we go.

LIZ ARNOTT: The breeding of dogs and cats is undertaken on different scales, for different motivations and using different approaches. Regardless of the differences, in all cases it is a community expectation and a moral obligation for dogs and cats to be bred responsibly and ethically. RSPCA NSW inspectors regularly encounter breeders who have clearly neglected their animals. These breeders can have few or many animals. The neglect can primarily be the result of greed and maximising financial gain, while others have seemingly lost control of the situation, possibly contributed to by human physical or mental health issues. In cases of obvious failure to care for animals, RSPCA is empowered to identify and investigate illegal activity under the current prevention of cruelty to animals regime. The capacity of New South Wales police and the approved charitable organisations to do so is limited by available evidence and the resources necessary to adequately enforce the law and subsequently care for the animals.

For the many members of our community who are concerned about the care afforded to breeding cats and dogs in New South Wales, they will feel reassured that RSPCA NSW was over the last 18 months able to check on around 8,000 of these animals used for that purpose. The prioritisation of inspectorate resources, according to an intelligence-led auditing program, has been effective, with noncompliance identified and addressed in a vast majority of cases inspected. However, if this inquiry simply focused on the cruelty that exists in these noncompliant and neglectful breeding obligations, this does little to inform decisions about what regulatory changes are likely to be effective to ensure ethical, responsible breeding activity and high welfare standards. The issues that require closer examination are, firstly, whether compliance with the current laws and codes related to breeding are sufficient to achieve acceptable animal welfare and, secondly, whether large-scale breeding establishments carry an unacceptable risk to either compliance or to good welfare.

Our submission describes why compliance with POCTAA and the code for breeding of dogs and cats in New South Wales alone is not synonymous with good welfare, so we support a meaningful review and update of this standard. The decision to exempt certain breeds or categories of animals—for example, greyhounds or, as some suggest, hobbyist breeders—needs to be carefully considered. In our view there are currently no compelling arguments to carve out exemptions in a welfare standard designed to improve the lives of animals being bred in New South Wales. The second issue—as to whether large-scale intensive breeding operations should be permitted—is a complex one, as it encompasses considerations of both animal welfare sites and ethical decision-making around what compromises to welfare standards are acceptable to meet consumer demand.

On both a theoretical basis and supported by some research on the point, high-volume breeding establishments are at higher risk of producing animals that have lifelong challenges. Keeping animals in numbers that requires their prolonged confinement increases the risk that they will experience boredom, frustration and

poorer welfare as a result. As an organisation responsible for sheltering thousands of animals every year, RSPCA is very familiar with the challenges confinement presents to animals, and the subsequent requirement to invest time and to invest resources to prevent poor outcomes. But ultimately it is our reliance on foster care and expediting adoption and removal from confinement that really confers the animal welfare benefit. While it may be possible for intensive, large-scale breeding establishments to comply with the laws relating to breeding, we do believe it requires closer examination as to whether the animals' welfare can be sufficiently safeguarded in these environments and what level of staffing, staff qualifications and animal care that would require.

We believe a sensible starting point would be to require licensing of anyone who breeds cats and dogs to ensure that transparency and accountability is possible. Over time this would allow the possibility of linking licensing to competency requirements, performance monitoring and the ability to set licence conditions, which may certainly include limits to animal numbers where justified. Since 2012 there have been several versions of inquiries into companion animal management in New South Wales, with various outputs described as a result. However, our evaluation of the success of any of these outputs or evidence of actual outcomes are apparently absent. We hope that this Committee will be—by adopting a considered, evidence-based approach—more successful at driving real change for cats and dogs in New South Wales.

The CHAIR: I will open for questioning and then move to Ms Abigail Boyd. I have a couple of questions. First, Dr Arnott, in your opening statement you talked about no carve-outs. Can you elaborate on what you mean by that, and what are the concerns of RSPCA NSW about there being carve-outs?

LIZ ARNOTT: Yes, I guess that issue has been raised in a couple of different contexts. Certainly the licensing paper released by the DPI last year largely spoke to who should not have to comply with the standard for breeding dogs and cats. It makes no sense, and I have not actually seen a justification to be considered as to why certain dogs or cats should not be afforded these protections. The Prevention of Cruelty to Animals Act alone would then be left to protect these animals, and simply providing food, water, shelter and veterinary care does not really do much to go to those issues I was talking about that equal good quality welfare and ethical breeding standards.

The CHAIR: Animal Welfare League, do you have a view about whether there should be carve-outs?

MARK SLATER: Yes, we do. Thank you, Mr Veitch. We agree with what Ms Arnott was saying in its entirety.

The CHAIR: I am interested in the digital intelligence officer who assisted the puppy task force officers. Can you explain a bit more about what that role is and how it works? Is that you, Mr Meyers?

SCOTT MEYERS: Yes, that can be me. The digital intelligence officer mainly uses open-source investigation methods to pick up similarities in a number of different things, and then we create a database from there and do proactive inspections.

The CHAIR: The puppy task force is one of our terms of reference. Can you advise the Committee how that came about and what role the RSPCA played in the creation of the puppy farm task force?

SCOTT MEYERS: I think it was something that we identified quite some time ago after doing a number of large investigations in relation to companion animal breeding of dogs. It grew from there obviously with different conversations with government and about trying to investigate large-scale breeders. The problem—it is not really a problem—in terms of the task force we did not receive a list of breeders or anything like that. We used our own methods to investigate and identify breeders and went through a process of investigating a number of large breeders. But pretty much it was every complaint we received or intel we had, so there has been some suggestions that we have worked off a list to be able to target certain members of different breed organisations or associations and that is completely false. At the end of the day we do not know what is in someone's backyard when we walk up the driveway.

The CHAIR: When you talk about large breeders, what is the definition of "large"?

SCOTT MEYERS: We have got stats from every inspection we have done over the last 12 months. Out of 448 inspections done in the last 12 months, there were a number of people that had over 50 dogs, between 50 and 100 and then over 100. I think a very important point to make is that we have seen people with 10 dogs or under 10 dogs, where there are a number of issues: noncompliance with the law, a number of welfare issues. We have seen people with over 100 dogs do it very well and we have not been able to identify any welfare issues or compliance issues with the code. So for me I would say that I agree that it is harder to maintain compliance with the code of practice with the more animals that you have got, but there certainly are very well run facilities across the State.

The CHAIR: What are the current figures for activity of the puppy task force? How many facilities have you visited more than once? How many breach notices have you had to issue? Do have those statistics to hand?

SCOTT MEYERS: I do. For a period from August '20 through to February '22, there were 448 inspections and those 448 inspections generated 199 revisits. Revisits are normally conducted when it has been identified that there is a noncompliance issue with the code. There were 224 section 24N notices issued, which obviously then would generate a revisit. Normally a 24N notice is issued when there is noncompliance with the code or it could be a fail to provide vet treatment under POCTAA, it could be a number of different issues. From that there were 62 infringement notices issued, three prosecutions initiated, 141 animals seized for 8,678 animals inspected.

The CHAIR: Okay.

The Hon. EMMA HURST: Can I ask some follow-up questions? You are still going.

The CHAIR: There are a lot of numbers there to write down. We will go to the follow-up questions, because clearly we are going to have to analyse those now. Ms Hurst?

The Hon. EMMA HURST: Is that alright? I just want to jump in because your submission says that of the 133 breeding facilities that you inspected, 77 per cent were not compliant with the minimum requirements of relevant animal welfare laws. We had comments made this morning and I want to give you the opportunity to give your side of what was said. Essentially we heard breeders say that within that 77 per cent were minor offences. They said most of those offences would have just been paperwork offences and the height of fences. One accusation was that they had the vet number on the fridge and they had to move it to the window and that would have been included in the 77 per cent. I want to get your side of that—

SCOTT MEYERS: Certainly.

The Hon. EMMA HURST: —given that is what they have said.

SCOTT MEYERS: Specifically, I guess in the previous code before the updated version in August, one of the requirements was actually that the number for your veterinary surgeon or veterinary practitioner had to be in a location where it could easily be seen by visitors and members of the public. On a fridge in somebody's dwelling may not be able to be easily seen. In that case I would be very surprised if there was a 24N direction issued. It would be a conversation: "Do you have a number or do you have the details of your vet?" "Yes, it is on my fridge." "It needs to be somewhere else." And it is moved. I would be surprised if that made it into a 24N. However, having said that, we only have the legislation that we work towards. So in terms of fence heights, I agree that there was a lot of talk about fence heights, but when you are investigating a complaint about a dog that has been mauled because it has been stuck on the top of a fence because the fences have been noncompliant, we obviously enforce the legislation.

The Hon. EMMA HURST: You are saying that within those 77 per cent, if we had a breakdown of what those offences were, some of those things are actually major welfare issues potentially? I think one submission said that it had something to do with blankets. But I am assuming that if you have a dog that has no access to any kind of blanket or bedding—

KATHRYN JURD: I can jump in. The minimum standard within the legislation, section 24N, is that in order for an inspector to be entitled to issue a direction in accordance with that provision, it requires a suspicion on reasonable grounds that a contravention of a provision of the Prevention of Cruelty to Animals Act or regulations has been undertaken in respect of an animal. There is a statutory threshold that has to be met for the issuing of a section 24N written direction. I think we have discussed in several inquiries so far about these kind of "paperwork" standards. Not only have they been elements of the law and regulations and codes for upwards of 20 years, sometimes longer, they relate to very fundamental aspects of the keeping of animals safely in somebody's custody. If an inspector attends a premises and says, "How many animals do you have on this property?" and the answer is given either "I do not know" or a number is given that turns out to be incorrect, then the inspector is, you might think, justified in thinking that this proprietor does not have a very good hold on the animals they are taking care of every day.

So what might be considered to be kind of vague paperwork obligations actually might be, for example, obligations that relate to the keeping of vaccination certificates. Unvaccinated populations of animals are at high risk of lots of illnesses and diseases, communicable diseases. Certainly I take issue with these kind of paperwork claims not equating to real animal welfare risks and certainly the statutory threshold has to be met in respect of the giving of 24N directions. In that regard, the court has oversight over when and whether powers are properly exercised by inspectors in respect of matters that come before it every day of the week. I am unaware, I do not

know, of one occasion where a criticism has been made by a judicial officer about an inspector giving a person the opportunity to rectify issues.

The CHAIR: Mr Meyers, you said the numbers there on the notices, that you might be to break those down for us. Are you able to provide that to the Committee on notice, just so we have an idea of the number and categories of offences?

KATHRYN JURD: I am just inquiring; are you asking for a breakdown further for a description of type of issue on the 24N notice?

The CHAIR: Yes, you can take it on notice.

KATHRYN JURD: Section 24Ns are given in real life. They are handed over to a person and we keep a copy in a real-life book that is maintained by the inspectorate. To go through each and every one over a 12- or 18-month period will require an individual person to go through and categorise those.

The CHAIR: You do not already keep those statistics?

KATHRYN JURD: In a paper form but not individual things like that, no.

The Hon. EMMA HURST: Not online.

KATHRYN JURD: Not without going through the books.

Ms ABIGAIL BOYD: I wanted to ask also in relation to the three prosecutions that came out of this task force and the 141 seized animals. Were those 141 seized animals coming out of the same three incidents that led to the prosecutions, or are you able to give us more detail around that?

SCOTT MEYERS: I might—

KATHRYN JURD: I do not know if I know the answer to that question. I think all three of those matters are still before the court.

The Hon. EMMA HURST: With the 77 per cent, I mean it is quite shocking that the majority of breeders—and I suppose you did clarify, Mr Meyers, that you were not just going to a list of breeders; you were actually seeking out complaints and doing some online investigations, but 77 per cent is quite high. The majority of people that you visited were not meeting the minimum requirements. Is that really because most of these breeders and facilities have never been inspected before? Is that one of the reasons why we need to be doing more proactive inspections on breeders to make sure that those standards are being met?

SCOTT MEYERS: Yeah, I believe so. I mean, I know this personally as well, but I also hear it from the inspectors on the ground that you turn up at a property where animals are bred, or dogs are bred or cats are bred, and the first thing they will say is, "I am a member of X breeder association". Then we will say, "Okay, that is great, are you aware of your obligations under breeders code of practice?" They will say, "I don't know what you are talking about." So throughout this process we had, out of three main or major breed associations, a number of them were very good and very proactive in reaching out and speaking to their members, getting their members on board to have inspections and see how they went, whether they were compliant, noncompliant, what they needed to do to make sure that they were providing safe facilities, they were keeping everything they were required to keep under the code, which obviously then contributed to best animal welfare practices with their animals.

The Hon. EMMA HURST: Given the success of this program—and I am not sure if there is any funding left in the program—but do you feel this is the sort of program that needs to be continually funded by government to maintain that oversight, given it is an area that has not been proactively inspected previously?

SCOTT MEYERS: I certainly think it needs to continue. Obviously with the funding that is now finalised, we are still doing work in this space with two dedicated people. However they are now twice as busy, okay? I think when you look at all the trade inspections, this is probably the one that requires the most notice. When you look at how busy our inspectors are on a day-to-day basis, doing proactive inspections is something that is not a priority because we are responding to ASAP jobs and urgent jobs in relation to animal welfare complaints. I certainly think it is something that needs to continue on.

The CHAIR: Did you do any mapping? Are we looking at postcodes? Are there issues that are specific to geographic locations? Are there issues specific to breeders? You said there are breeder organisations and some people would say they are a member of X, Y, Z, breeder organisation. Are we doing any work on the data that is available from these notices and visits around that sort of activity to help inform things like education programs?

SCOTT MEYERS: We certainly keep stats in relation to where people are located. But one thing we have quickly established is it not a regional thing and is it not a metropolitan thing. We have had jobs in the past

in the last 12 months to two years where we have seized 60 dogs kept in cages stacked three high out of a two-bedroom unit in Sydney. It is not something that is based either, as I said, metropolitan or regional. It is a bit of a problem; it is across the State, personally.

The CHAIR: I have got a lot of questions on different areas and then I will hand over to Ms Boyd. Today we heard testimony about the NSW Pet Registry and whether it is fit for purpose. Do you have any suggestions on what could be done to improve the NSW Pet Registry? I might start with the Animal Welfare League and then I will come across to the RSPCA. Mr Slater?

MARK SLATER: Yes, in terms of the content of data that is gathered up with pet registries, if we can make it an easier piece to use—right now it is fairly labour-intensive—we would see that in the shelter. I am not sure how the RSPCA feel about it. I would think that creating a map and/or something that is much easier to use, as far as vets [inaudible] concerns as well, it would be a great starting point. It would be much easier for us to harvest data as well which can be referred to veterinary practitioners, new owners especially when you are rehoming animals and/or for inspectors to do follow-up checks with new owners as well.

The CHAIR: Thank you. I am not sure who at the RSPCA will take that question. Any suggestions on how we can improve the NSW Pet Registry?

LIZ ARNOTT: I just do not believe it is dealing with its full functionality, so hopefully that will happen. I will probably defer to Scott. In terms of it really assisting his investigations, I do not understand that it is at a point where it has been particularly useful in that respect. I do not know if Scott would agree.

SCOTT MEYERS: Yes, I would agree with that. I think the only time we are probably using it is to confirm ownership details of seized animals. We certainly do not go looking through the database for data or intel. It is normally only used, as I said, to confirm microchip details of a seized animal or a stray animal an inspector might come across on the side of the road.

The Hon. MICK VEITCH: My last question relates to compliance activity. Whenever there is a new regime put in place, I gather there is animal welfare reform going on and is subject to another Committee, Ms Hurst's bill. If the legislations get up, how long does it take your organisation to gear up for your compliance activity against the new standards that are in place? Do you look at the capacity to enforce the compliance requirements? I might start with RSPCA this time, then I will go across to the Animal Welfare League.

SCOTT MEYERS: I think obviously certainly with any new legislation or change of legislation, there is a period of time where we need to be able to understand it, interpret it and enforce it. I think it is probably appropriate to mention that the advertising guidelines now have been particularly difficult. We have received a lot of complaints in relation to animals that are advertised for sale that do not meet the requirements. It is extremely hard to investigate those matters because you are coming across some breeder identification numbers that are false and are just made up, microchip numbers that are just made up, because on a lot of these online advertising mediums, you just need to put in a 15-digit number. So when we receive that information, we might just have a mobile phone number. We will call the mobile phone number. We need to advise who we are, we cannot pretend we are someone looking to buy a puppy and it goes nowhere very quickly. Yes, we need to be able to understand the legislation, as I said, and to interpret that to be able to enforce it.

The Hon. MICK VEITCH: Would you require a phase-in period?

LIZ ARNOTT: It is related. I am sorry, obviously enforcement is not my area but this does have a knock-on effect to our shelters and vet clinics—quite a significant one—some of these changes. My response to your question would be that if there are likely implications, there would be increased enforcement activity and, therefore, there would be more animals that we come across that require immediate care and seizure. It does take a real demand on our resources to provide for those animals in terms of the shelter and the veterinary hospital. So, yes, that requires some planning and it requires money and resourcing.

KATHRYN JURD: Can I have a third go? If the commencement date is 12 months from the date of assent, presumably as at the date of commencement any female dog over the age of 12 months that has had more than two litters is, therefore, no longer able to be bred from. If that interpretation is right then a very large number of dogs will need to be desexed and become available for either rehoming or retention as a pet by the breeder, hopefully. But the demand on veterinary services to desex this whole population of animals, and a population of animals that may have come out of a breeding facility that does not necessary lead towards them being pet-ready, particularly, then there will be as at the date of commencement, a flow-on consequence.

I think it is right—and I agree with the Animal Defenders Office—that some time is given but I am a little bit concerned about what will happen in that 12-month period and how many litters will attempt to be bred in that 12 months and then what happens to the dogs no longer eligible to be bred from as at the date of

commencement. It is not, I am sure, the intention of this legislation to increase wastage so it is just something that has to be considered. If a number is to be given at some point as to the limits on breeding and size of breeding facilities, then some form of grandfathering over time down towards a more socially acceptable limit might be appropriate.

The CHAIR: Mr Slater?

MARK SLATER: In terms of getting ready for any sort of new legislation, I agree that there needs to be a period post-assent. We continually work—so our board has animal welfare advisory committee and we also have an ethics committee that we work with. Our budgets, whilst set over a 12-month period, are reviewed every three months, and we look at our corpus in regard to these kinds of changes as well. While we could not ramp up in the space of a six-week period, we can do so accordingly with a 12-month notice period to our capacity. What we would be prepared to do, as we had done previously, is do a tour of our facilities and also provide this Committee or any other committee that was interested our capacity and our working ratios as well. We do not work on a staff-to-animal ratio, we work on a headcount ratio based on 80 per cent of our capacity in our shelters. That would give context to this Committee and any other committee that is interested as to what our physical capacity was. Matthew, would you like to add to that?

MATTHEW GODWIN: Listening from an inspectorate point of view, there is a period of time to get familiarised with the changes and what is required of the inspectorate. But, again, it comes down to the resourcing of personnel and finances to be able to implement a strategy from the inspector's point of view.

Ms ABIGAIL BOYD: I wanted to touch on some of the issues that were raised this morning, in particular the pushback on the idea that we needed to cap the number of dogs and cats that are kept at these facilities. What is your view on the interaction between—and I have read your submission; thank you very much for the detail that you have put in here about this, but if you could elaborate it would be great—welfare outcomes and pure numbers of animals, particularly around that point of difference where you have got animals in the domestic environment able to go and do what they like versus those that are kept in facilities with 200 others and are necessarily kept to a cage? Could you elaborate on that?

LIZ ARNOTT: I am happy to start. You mentioned pushback this morning; I was interested in some of the evidence from breeders who did acknowledge the benefits, I think, of having smaller breeding colonies. I think it was the RightPaw representative who said in talking about guardian homes that it was a nice way for them to be kept and they said they have not come across breeding facilities in the hundreds that were doing it particularly well. I think the gentleman from the Room 4 Pets place said he does not source from places generally over 30. It was interesting to hear the experiences of those people, and that definitely does accord with my informed intuition on what is best for animals. Certainly there are some studies, I think *Small Animal Veterinary Psychiatry* quotes Appleby and colleagues from 2002 that found a benefit to animals bred in homes rather than in a kennel environment. It is probably reasonably obvious why, but I am happy to speak to it further. The animals themselves are afforded more choice and control, so it is not requiring a human to provide them entertainment all the time. It is not required for them to anticipate whether they are hot or cold or exactly where they would like to lie. If they have the run of the house and the garden, they are given opportunity to meet their own needs and are less likely to be frustrated, bored or whatnot.

I think a really significant issue is for the offspring born to those animals. What we know is that the more closely the stimuli of the dog's environment in those early years and in that socialisation period, that sensitive period, approximates to where they are expected to live as adults, the more likely they are to be prepared in adult life. It stands to reason that pups that spend that first three- to 12-week period in a home around whether it is kids, other dogs, cats, the vacuum cleaner or the washing machine will be more likely to meet community expectations, which, quite frankly, can be quite high for our pets—come into my home, don't be scared, don't be nervous, don't be aggressive, accept the children. We are really setting them up for success when they are in that environment and not in a cage and, as per the legislation, kept in a 3½ square metre cage for 23 hours and 40 minutes a day if someone was to meet those minimum compliance standards.

Ms ABIGAIL BOYD: This is a question for Mr Meyers and also Mr Godwin. In terms of the enforcement burden, would it be necessarily helpful for there to be a cap in terms of not needing to inspect those much larger facilities? If, for example, under the legislation we had that 10-dog cap, would you anticipate that your enforcement actions would be easier, or not necessarily?

SCOTT MEYERS: I think that certainly the more dogs or animals that are located on a property, generally the longer it takes to investigate and seek compliance with those types of situations. But, as I said earlier, even under 10 we have certainly seen massive welfare issues and total noncompliance with legislation and, on the flip side, numbers of over 50 and people who run a very good business. But certainly the more animals on a property, the harder it is, I would think, because it is not just noncompliance with the code. You have socialisation

issues and then you have behaviour issues with dogs that tend to lead to other sorts of things that require veterinary treatment. So it has an ongoing effect.

Ms ABIGAIL BOYD: Mr Godwin?

MATTHEW GODWIN: I am in complete agreement with Chief Inspector Meyers on this one. Also from a resourcing point of view, obviously the larger the operation the more resources are required. That is a complication, but I do not think all welfare standards discriminate between large and small operations.

Ms ABIGAIL BOYD: Finally, before I pass to my colleague, I want to ask about the lessons that have been learnt from Victoria. In your submission you talk about the loopholes that have been existing in Victoria, particularly around puppy brokers et cetera. What can we learn from Victoria that has not already been addressed in the bill that we are considering?

The CHAIR: Do you want the RSPCA to start?

Ms ABIGAIL BOYD: Yes, please.

LIZ ARNOTT: I might correct our first dot point on that page, which I have sought clarification on but which also answers your question. Rearers and puppy brokers are covered under their code, which is called breeding and rearing. The issue that they have identified is that the legislation does not require many details of the rearers to be kept on their version of the pet registry. Although breeders have to provide quite a lot of information, when they go to investigate an issue with a puppy broker and use their pet registry, I think it has perhaps a name and a mobile number, which gets them nowhere. That is one piece of feedback that we were given. Other than some high level feedback, I do not have a lot of expertise in what is happening there and how successful it has been. The thing that I have reflected on is they speak of the result being the fracturing of businesses to smaller businesses, and that idea that individual animals are being sent to keep numbers low. From a purely welfare perspective, perhaps that is beneficial, I do not know. I assume that the aim of these types of laws is not to frustrate people's income potential. If one person owns them and if it is to improve welfare then we go back to talking about if there are fewer animals in homes to keep the numbers low, perhaps that does meet the outcomes that we discussed. But I obviously do not have any experience in that State.

KATHRYN JURD: Apparently they have some definitional problems whereby the definition provision refers to "enterprise" but the offence provision relates to "premises". Generally a premises constructed properly would indicate one place, whereas a single enterprise might occur at multiple locations. There are some tips for new players, I suppose, about that, but that is kind of unique to their context, I think. I suppose from my perspective, I heard a lot of evidence and I have read some submissions that are very concerned about those definitions—what is a puppy farm, what is a large-scale breeder, what is a small breeder or a micro breeder, for that matter. From my perspective, it accords with Chief Inspector Meyers' view that we encounter good and poor animal welfare in lots of places, and particularly labelling it, from my perspective, "puppy farming", "puppy factories" or "puppy mills", whilst that has a lot of social cachet, I suppose—and it means a lot to people. I am not saying it does not mean a lot to people.

What I am saying is, in a regulatory regime, it is way more outcomes-focused than that, possibly. I personally talk of breeding compliance because our plan is to get breeders compliant with, at the very least, very minimum standards of animal welfare regulation and then we hope for more. I choose to focus on that kind of language rather than on getting too caught up in the definitions about things.

The Hon. EMMA HURST: Can I just follow up on something Ms Jurd just said. I just wanted to check, when you were saying that you do not want to get caught up in the definitions, do you mean that a piece of legislation, whatever that looks like, would not need to define a "puppy farm"? Like, legislation can just have breeding regulations and that is enough in and of itself?

KATHRYN JURD: I think too, from the perspective of the people who are the subject of that enforcement activity, to have it labelled in a way that to them is disparaging, when what we are trying to do is get them to comply with—and potentially they believe they are doing the right thing. They think that colloidal silver might treat a dog fight wound, whereas we know that antibiotics and modern medicine is required. To kind of, in the very legislation that you are using, try to in their mind to somehow diminish what it is they do is possibly not the way to go about it. That is just my personal view. I have been involved in other fora where it is not received very well, so there is a resistance to the very idea of regulation called a "puppy farming bill", rather than whether or not they are actually concerned about, "Do you have more than 10 dogs?"

If you have no more than 10 dogs and you breed them appropriately and you get them veterinary treatment when they need it, then this bill kind of does not apply to you. But they think, "I have been grouped in with this group of puppy farmers," or people who do really horrendous things to animals. If they do not feel like that hat

fits what they do, they are just going to up stumps. The worst that we want is to target harden, and this place sees it all the time and all sorts of criminal law enforcement. I watched it in respect of drug offences in the early 2000s. It is a very bad idea. I guess the best of my judgement is that labelling that way is not necessary to get good law done and might be counterproductive.

The CHAIR: Mr Slater, do you have any comments to make in response to Ms Boyd's question?

MARK SLATER: I do. Thank you, Mr Veitch. If you do not mind, I will refer to a conversation that came up in the ACO inquiry the other week that you and I had. That was about education. I think the nature of animal ownership in Australia could be described as parochial. If we are going to enact laws for the benefit of animal welfare, which we are entirely supportive of, I think we have to look at the laws in parallel to support that work but then also the education of people about intensive breeding practices and what may or may not constitute good welfare outcomes, and look at and educate people as to what the baseline of welfare actually is. I think if we can define success—to put it in layman's terms—with the breeding groups, the breeders associations, and work with them, induct them into our businesses and how it all works, there should be less resistance if we are speaking with them rather than at them.

The Hon. EMMA HURST: This is for both RSPCA and the Animal Welfare League. Are there situations where you are able to seize dogs and prosecute somebody under POCTAA, but the person is able to acquire new dogs and continue breeding or operate the breeding facility under the name of a family member? Are there loopholes like that that are proving to be problematic?

KATHRYN JURD: The August 2019 amendment of the Prevention of Cruelty to Animals Act—maybe it was July—tried to fix that by extending the orders available against persons convicted of criminal offences contrary to POCTAA, and the regs for that matter. It prohibits participating in keeping or attending any arrangement whereby an arrangement is made, so it would capture these breeding arrangements that are described in the draft bill. Then, subsequently, during the maximum penalties amendment, the definition of "disqualification order" was effectively taken out of section 32 as it was then and put into section 26 of POCTAA and, generally speaking, that works quite well. As long as the court inclined to make such an order, then—

The Hon. EMMA HURST: Do you find that the courts are making those orders? I know sometimes there are mandatory, automatic bans, but are you finding that when you are going to court those orders are being made appropriately?

KATHRYN JURD: It is difficult to answer. There is differing judicial opinion out there. Sometimes, as any litigation lawyer will tell you, you have easier and harder times of it in certain places. Sometimes the defendant does not oppose the application made by the prosecution in that regard, so it is an order that the defendant accepts is appropriate for the court to make, and the court makes it effectively as a matter of consent. Sometimes I take a prosecutorial discretion to either limit ownership rather than outright banning someone. For example, for a very aged person who has one desexed companion animal in their home, I take a kind view, frankly, that they should not at this point have that animal taken off them—if what they have done is not some egregious form of cruelty. So it is a bit of a synthesis. You hear a lot of judicial officers talk about instinctive synthesis on these points. Really, that is an example of that.

The Hon. EMMA HURST: I also wanted to ask about the large breeding facility that has been reported on quite a bit in the media on the border of New South Wales and Victoria that was linked to a man who was also found guilty of animal cruelty in Victoria. I understand he got a ban but the ban was on operating a breeding business; it was not an animal ban. Is this another problematic thing that we have in New South Wales, and is there something that we need to change to be able to overcome that? I know that the council said that they did not want to approve that facility—it had over 300 dogs—but they also felt hamstrung by the laws.

KATHRYN JURD: I think the problem there is how the Victorian legislation speaks to the New South Wales legislation, not the other way around. It was specific to the law in Victoria, but it was also specific to the particular order in respect of that individual, so there was no overcoming it, is what I am saying. I read and I have reviewed that order twice at various people's requests. It is not particularly useful, I do not think, to try and legislate for those very specific instances that are unlikely to occur again. I think we did make a submission about this point in our submission on the draft animal welfare bill about the intrastate recognition of prohibition orders. Frankly, until we get to a level—and I still fall into calling them prohibition orders even though they have been disqualification orders for nearly 12 months—of uniformity of language across the Australian jurisdictions, there is going to be some trouble there I think.

The Hon. EMMA HURST: I have a question for Mr Slater as well. First of all, I have a question that I spoke to the veterinary experts from Sentient about, and that is about this whole idea of animals being at a large facility, but having all of their basic welfare needs met. One of the mirror ideas I proposed to them would be

having an animal in a shelter environment, where it is a well-run shelter, where they are getting good access to veterinary care, water, good food, exercise, outdoor time and interaction with other dogs. At the same time, we were talking about the fact that obviously within shelters there is still this emphasis of getting the animals out of the shelter because of things like kennel rage or moving them through foster care situations to improve their welfare. I wanted to get your view around whether that is similar to potentially some of these larger operators performing at their best. Is there still that risk of behavioural issues associated with those commercialised environments and that lack of living in a family environment?

MARK SLATER: It holds true for our facilities as it does for any breeder's facilities, if they are industrialised. If I can group those facilities up as being shelter facilities, it is counterintuitive to think that any animal would thrive in those sorts of facilities, which is why ourselves and the RSPCA have a massive network of foster carers as well, which is akin to a guardianship program. It should be a part of the baseline of welfare that is provided for animals in any care environment or commercial facility. It should be a barrier to entry, essentially, because you can achieve diminished results for animals in a home environment as well if intensive breeding practices are being undertaken and the animals' welfare, regardless of the species, are not being focused on with enrichment and food and suchlike. They may be shoved into a garage or a laundry and essentially left to their own devices. I think the baseline of welfare really does need that in terms of those facilities. Does that answer your question?

The Hon. EMMA HURST: Yes, that was great. Thank you. In regard to the guardian arrangements—we have spoken about them quite a bit today—you seem to be implying that if we are going to say that shelters are similar to "better run facilities" and a guardian arrangement could almost work like a foster care system, do you think that we need to in some way regulate these guardian arrangements? I have had complaints to my office from both sides, and I have read articles where breeders have said that people have disappeared with animals and then I have had calls to our office where the breeder has said that the animals are their property and they have to return them, even though the vet is saying that it could potentially kill this dog. What do we need to do with these breeding arrangements to make sure that they actually work, if they are to remain a thing?

The Hon. ADAM SEARLE: Or should we ban them?

MARK SLATER: Again, I think it is an education issue. We have seen some issues unfortunately unfold and become civil issues when the guardian has obviously taken ownership of an animal—the animal-human bond cannot be underestimated. They are asked for the animal back, for example, for the animal to be bred, and all of a sudden emotional baggage or emotional issues come into play. They do not want that animal to be bred. I think educating about a guardian program and what it means is a big piece of the puzzle because unlike foster—with foster we refer to fostering animals being a positive thing. You might have a foster carer who takes an animal on, essentially falls in love with that animal and that animal can stay in that home environment and does not have to go and find their new home. That is probably the one massive difference between a guardian program and a foster care program. Again, let me reiterate that education is key, and a widespread education campaign—for people to understand what it is and what it means.

The Hon. ADAM SEARLE: I wanted to ask perhaps all of you whether or not these breeding arrangements should actually be lawful, or whether they should be banned practices?

SCOTT MEYERS: I think in terms of the guardianship, we saw a spike in that a couple of years ago. The hardest thing about that is we only know if we are told because there are no records that exist. So, whether it is a way of just moving animals around to avoid compliance with the law, I am not sure, but there has certainly been a spike that we have seen in the last couple of years.

KATHRYN JURD: And trying to undo those sorts of civil arrangements. I have heard reference to there being contractual arrangements. I personally have never seen a contract that achieves however you describe these arrangements. I personally have never seen such a contract. Of course, I am mostly focused on crime, but we do get a number of matters that, to untangle that web of ownership, after a successful prosecution—because it is not the RSPCA's job to determine ownership of sometimes very valuable property. Unfortunately this is where we are. I have heard evidence being given about these sentient creatures, and that is all well and good—of course I agree and I believe that they are—but, at the end of the day, some of them are very valuable aspects of property. If you can sell a puppy for \$6,500 and breed potentially 12 of them a year, then that in anyone's book is a lot of money. These contracts do not actually exist in real life, in my experience. I think, if you are going to permit this sort of arrangement, then the requirements for establishing them, monitoring them and being able to check on the welfare of the animals that are the subject of them is vital.

The CHAIR: To wrap that up, Mr Slater, does the Animal Welfare League want to respond to Mr Searle's question?

MARK SLATER: In terms of breeding in total, Mr Veitch?

The CHAIR: No, with regard to the lawfulness of the guardianship arrangements.

MARK SLATER: I agree with what Ms Jurd was saying: I think it is quite a complex matter. I think it is something that our paths need to be focused on. You can have people move animals around. I think there are issues at both ends of the agreements in regard to the breeder and the care provider as well. It is not clear enough. As soon as an animal goes into a private home it is very difficult to resource where that animal has gone to and identify who is the responsible person if the animal has just got there if you are prosecuting welfare issues and those sorts of things. Matthew, is there anything that you wanted to add?

MATTHEW GODWIN: To echo what Chief Inspector Meyers was saying, from my experience, guardianship has been used to move animals around and it makes them very hard to find. I think that is the issue from an enforcement point of view for any inspector who has had anything to do with it.

The CHAIR: Thank you very much for your attendance today. I will give each organisation a minute or so to wrap up anything that you think has not been put on the record that you would like to put on the record, or if there is anything that you would like to clarify where you feel you may have been misrepresented in the questioning. I have the RSPCA in front of us. Would someone from the RSPCA like to take the opportunity of that one minute?

KATHRYN JURD: Can I say two things about powers?

The CHAIR: Okay.

KATHRYN JURD: The first is the power of entry pursuant to clause 69J (3) is less stringent than the proposed animal welfare bill, if you compare section 67 (1) (c) or section 24E of POCTAA. So 24E of POCTAA is more stringent on what an inspector has to believe before they enter a residence than 69J. I do not know if that is intended but to my mind they should be clarified.

The CHAIR: Okay.

KATHRYN JURD: The final thing I have is in respect to 69L (2). If a relevant inspector seizes a dog or a cat, what then? If they commence proceedings under this bill, do the court processes follow as if they are POCTAA-seized animals or not? So 69L is the third-last section of the bill, and there is no detail around what happens to the animals once they are seized for contravention of this bill.

The CHAIR: Mr Slater, you have one minute. Would you like to make a last statement?

MARK SLATER: Animal Welfare League NSW believes that a deep diving, broad-ranged education program for animal ownership in general is what is required. If I could refer to the drink-driving laws, everyone knows 0.05 is your limit. If we boil it down to small bites of information for the general public on what they should be looking for, and I would like to be working with the RSPCA and this Committee on doing that as well. I see it as a large job to do but I think if we can focus on that, given the level of ownership in Australia of animals in general, it would go some way to helping this issue.

The CHAIR: Thank you very much for your attendance today and for your submissions. I think you took some questions on notice, so the Committee secretariat will be in touch with you. If you did, you have 21 days to respond. Otherwise, thank you very much.

(The witnesses withdrew.)

The Committee adjourned at 17:06.