

REPORT ON PROCEEDINGS BEFORE

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

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

UNCORRECTED

At Room 814-815, Parliament House, Sydney, on Monday 23 May 2022

The Committee met at 9:45

PRESENT

The Hon. Mick Veitch (Chair)

The Hon. Mark Banasiak
Ms Abigail Boyd
The Hon. Wes Fang
Ms Emma Hurst (Deputy Chair)
The Hon. Adam Searle

PRESENT VIA VIDEOCONFERENCE

The Hon. Lou Amato
The Hon. Catherine Cusack

* 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 second 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. I acknowledge the Gadigal people of the Eora nation, who are the traditional custodians of the land on which we meet today. I pay respect to Elders past, present and emerging, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal or Torres Strait Islander people joining us today. Today we will hear from a number of stakeholders, including various animal welfare organisations, councils and government representatives. We will start with a number of individuals with a perspective to share on the puppy farming issue. While many witnesses are with us in person, some will appear via videoconference. I thank everyone for making the time to give evidence to this important inquiry.

Before we commence I will make some brief comments about procedures. Today's hearing is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcast 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 you may make to the media or to others after you complete your 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 can take that question on notice. Written answers to questions taken on notice are to be provided within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff.

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

Ms SHIRENE DONNELLY, Private Citizen, affirmed and examined

Ms ROBYN MALONEY, Private Citizen, affirmed and examined

Ms AMY JOHNSON, Private Citizen, before the Committee via videoconference, sworn and examined

The CHAIR: I ask each witness to make a short opening statement of about two minutes because we will then open up to questions and there is a fair bit of value in questioning from Committee members. At the end of questioning I will give each participant a minute to wrap up if there is something that was not said that you would like to say. I will start with Ms Donnelly for a short opening statement.

SHIRENE DONNELLY: Thank you to the Committee for the opportunity to speak today. I am a volunteer for Hunter Animal Rescue in Newcastle and we have been able to see the result of neglect of animals from puppy farms. In 2015 we rescued 10 dogs, who came to us with dreadful conditions such as ear, skin and eye infections. Some of the dogs had both their eyes missing and the psychological damage was heartbreaking. In the past week another puppy farm has been charged with 18 counts after having let a dog called Strawberry die. She rotted to death with puppies still inside her after having trouble giving birth, with no vet or medical attention. It is hard to believe that they are still allowed to continue to operate with 100 breeding dogs.

Hunter Animal Rescue are lucky to have PETQuarters as a sponsor. They have enclosures in their stores that help us rehome a lot of our animals. With the thousands of rescue organisations that are bursting at the seams with animals that need to be rehomed, I cannot imagine why we would need puppy farming. Part of the bill is to encourage pet stores to assist these organisations in rehoming these animals that are desperate for forever homes. So I understand that there is a lot of discussion and this bill may need some tweaking, but it is a great start and we are obviously all very passionate about getting animal rights heard and animals looked after.

The CHAIR: Thank you very much. Ms Maloney?

ROBYN MALONEY: Thank you for giving me the opportunity to talk about dogs that I have fostered that have come from puppy farms. I have been a foster carer for approximately 20 years and have seen firsthand the suffering that these dogs have endured. I look forward to telling you all about my experiences.

The CHAIR: Thank you very much. Ms Johnson?

AMY JOHNSON: I have 15 years' experience in veterinary nursing, animal rescue and dog training. In that time I have had extensive exposure to, and experience with, large commercial intensive breeding facilities of dogs—and even cats—which I will refer to as puppy farms for ease. I have a range of experience, which includes constant exposure to some of the worst farms, which are blatantly cruel, but also exposure to what the industry would call "best farms". I am taking this opportunity today to share with you my experience to show how the obvious cruelty in puppy farming is common and that even in the best facilities there is severe systematic cruelty, which demonstrates that the breeding of dogs and cats in large farms, no matter how good they try to be, is inherently very cruel and can never be humane.

The Hon. MARK BANASIAK: I might start with Ms Maloney. Could you provide a bit more detail about this particular puppy farm that you fostered a dog from a couple of years ago? What information do you have on this puppy farm in terms of its location? Was it a farm that had a successful DA or was it just completely rogue? What details do you have?

ROBYN MALONEY: From what I know, 187 dogs were seized by the RSPCA from the puppy farm in Coffs Harbour. I do not know if it was a well-known puppy farm. I do not know that. But all 187 dogs had to be carried out due to being petrified. They had no human contact. They were all so damaged the RSPCA could not rehome them so they called on Rescue to take them all on. Ten were euthanised but the rest all went into foster homes, where we had to work with the dogs.

The Hon. MARK BANASIAK: This is probably a general question to all of you. This issue of puppy farmers or intensive breeding, is it also a resourcing issue as well, in terms of the RSPCA and Animal Welfare League being able to properly get out and check on these facilities? Is that also part of the problem, that there is a lack of adequate resourcing to keep an eye on those larger facilities?

ROBYN MALONEY: I would probably say yes. There are just more and more of them.

The Hon. MARK BANASIAK: Ms Johnson, do you have anything to say?

AMY JOHNSON: I would say yes and no. In my experience I have had countless times that I have called the police and called the RSPCA. They have done nothing, but can you blame them? The RSPCA is a charity and the police when you call them say, "Just call the RSPCA." So yes, that is true to a degree. But then we

are also forgetting the psychological trauma of forcing those dogs to live in solitary confinement and sensory deprivation. They are complex beings with rich social and emotional lives and they are being forced to live in barren cages. It is outrageous. Honestly, I have seen the places that are supposedly good, where they are clean, they give them fresh food and water, they even have the exercise yard, and those dogs—and even cats—are all demonstrating the psychological torture of the conditions they are forced to endure. It is like a maximum security prison, and their only crime is that they produce beautiful little puppies that people can make a lot of money from.

The Hon. MARK BANASIAK: Can I just touch on the ones that you say are the better facilities, in your mind do they adhere to the breeders code of practice and, if so, is it the case that we should lift the standards of the breeders code of practice to obviously raise the standard of breeding in the State?

AMY JOHNSON: With the amount of dogs that they have, there is no way they can look after them properly. I have done a lot of boarding and worked in boarding facilities, and there is no way one person or even a couple of people can look after 100 dogs humanely. It just does not work. Then you have to remember their bottom line is profit, so they are going to do the bare minimum to make money. But I do think yes, they are probably sticking to the breeding codes to a degree. I am not sure if the breeding codes mean they are in loving homes, though, and exposed to humans and socialisation. Yes, so I am not sure.

The CHAIR: Before I go to Ms Boyd, can I ask Ms Johnson, but also Ms Maloney and Ms Donnelly, one of the issues that we are looking at is consumer protections. Do you think there is a lot of awareness amongst people about where these pups come from and the facilities or the nature of the facilities?

SHIRENE DONNELLY: No, absolutely not.

The CHAIR: Should there be greater protection around consumer protections? I will start with Ms Johnson and I will work along.

AMY JOHNSON: People are absolutely unaware. In my 15 years' experience when people realise what they have done and that they have bought from a puppy farm, they are just outraged. The fact that they cannot return them—how is that even okay? Under every other customer protection, you can return if there is a problem, and you cannot return them, and they are spending thousands of dollars. It is not just 50 bucks; it is \$5,000. Then they are having to pay thousands and thousands more to try and fix these medical and psychological problems that those dogs have. You would not think so but it is true—those these puppies have psychological problems because they have grown up in a cage with a mother that is highly distressed, with all the other dogs in the facility constantly crying and trying to get out of their cages because they are distressed. It is really bad. I cannot believe that they get away with the customer service and the lack of protection. My point is that people do not know. They honestly do not know because they do not see the facilities. They never see the facilities.

SHIRENE DONNELLY: I have found the same thing. Whenever I catch up with a friend or family member or even if I am just down the park and there is someone with a new puppy, I always start a chat with them. I say, "Where did you get the dog from?" They say, "It was really easy. They made it so easy for us. They brought the dog to us and everything was done online." I said, "That is a huge red flag for a puppy farm. You should always go out of your way to find out about the breeder, find out if they are registered, go to their facility and have a look around." I say, "If anybody is bringing a dog to you or making it that simple for you to get the dog, then clearly they do not want you to see their facility." Really, there is no education. People have no idea. They are always really surprised and think that they were just getting great customer service. But it is a huge red flag if people are going to be bringing puppies to you to meet them and do everything online.

ROBYN MALONEY: I agree with what the other two ladies have said. I think people are a little bit more aware now of puppy farms. Like the ladies, I make sure I tell people about puppy farms. Someone at work says, "Oh, I got a pup." Then I grill them, "Where did you get it from?" A lot are just, "Oh!" No idea. For instance, my hairdresser contacted me a month ago. One of the clients bought a pup that cost about \$5,000. It has hip dysplasia and it is four months old. The breeder kept making excuses, "I cannot get down to Sydney to pick it up, but I will eventually," so they asked if Denise at PAWS, who I foster for, would take it on. Denise said, "Robyn, I can't afford to pay for the surgery." I do not know what has happened with this pup, whether the breeder did end up taking it back. They certainly would not return the money.

Ms ABIGAIL BOYD: Thank you to all of you for appearing this morning. Ms Donnelly, if we could talk about Strawberry and the puppy farm that she was being kept at. It is one of the more horrific cases that I have seen reported. I understand that last week the owners of that puppy farm were found guilty and convicted of animal cruelty offences. But they were only fined in total, between them, just over \$20,000. Do you think that part of the problem is that there are no real serious consequences for animal cruelty at puppy farms?

SHIRENE DONNELLY: Yes, 100%.

Ms ABIGAIL BOYD: Do you think that being found out for having committed an offence is just a cost of doing business?

SHIRENE DONNELLY: Absolutely. They were found out on this occasion, but how many animals are in their backyard, in a hole, that we do not even know about? As far as I am concerned, any animal cruelty like that—they should not be allowed to be in business. It is not acceptable. It is not acceptable to leave a dog to rot to death.

Ms ABIGAIL BOYD: Can you tell us a bit more then about what happened at that puppy farm?

SHIRENE DONNELLY: I am only basing it on discussions that I have had with people. I have not been to that puppy farm, but from the discussions that I have heard those people are just in the moneymaking business. They are not interested in welfare. Just touching on whether there is enough—you were saying—

The Hon. MARK BANASIAK: Enforcement?

SHIRENE DONNELLY: Yes, enough enforcement and watching over what they are doing, like, how can you do that? I foster animals. I have one of my own animals, one of my own cats, and I usually foster only one other due to my husband not letting me do any more than that. But recently we have been inundated and at the moment I have four cats in my house. Now I look after four cats and that is a lot of work. It is a lot of work—feeding them, looking after them, making sure they are psychologically okay, playing with them, giving them time, making sure that their toilets and water bowls are clean and that they have food. It is a big job with four cats. I do not know how anybody can operate a farm like this. They are not getting overseen—like, someone goes and visits them every now and again. We do not know what is happening when nobody is around. They are just in it for making money.

Ms ABIGAIL BOYD: And even when we do find out what is happening—as I said, this was a really extreme case from the reporting—I understand that these puppy farm owners are still allowed to operate, and the only consequence is that they have had a reduction from 205 breeding dogs to 105 breeding dogs, which is still a massive amount of dogs.

SHIRENE DONNELLY: That is right. And they will get their money back on the first load of puppies that they have.

Ms ABIGAIL BOYD: Do you think that people who are convicted of animal cruelty offences should be allowed to operate puppy farms?

SHIRENE DONNELLY: They should not be allowed to own an animal.

Ms ABIGAIL BOYD: Can I just ask one more question of Ms Johnson? We recently went to see a best practice puppy farm. I think your comments are really interesting around how, even if you could imagine the very best type of puppy farm, whether that is something that we, as a society, should be permitting. Can you tell us a little bit more about why your view is that no puppy farm can ever live up to the welfare standards expected by the community?

AMY JOHNSON: There are many reasons. First of all, it is just like the other lady was saying. To be able to provide that level of care for these complex beings, it is just not feasible financially for them to run as a profitable business. It just does not work that way. I have worked in boarding facilities. I see dogs and cats that have only been there for two months, and they are suffering from psychological trauma from being confined. When I have seen these good puppy farms, that level of psychological trauma is times a thousand. The cages are clear, they have got fresh food and water and they have that small exercise pen where they take them out for half an hour a day. But the level of psychological trauma that I have seen, when you stand in there for a moment and look at it—dogs barking at the wall. They literally look like they are going insane. There are dogs that have been pacing back and forth in a concrete cage and have worn out the concrete from where they have been pacing. We know scientifically that pacing is a form of psychological stress, but most mammals do it.

Self-harm is another huge one that I have seen. I have seen dogs harming themselves so badly that the puppy farmers, their solution is to force them to wear an Elizabethan collar—which is a bucket that is supposed to be for temporary use—forever. This restrictive device, they are making them wear it. I almost broke down when I saw it. I was working with another veterinarian, and we were there to do some vaccinations. This was back when they were supplying pet shops. I am trying to maintain a professional demeanour and the vet is also doing the same, but the veterinarian has almost become numb to it. I have seen those same dogs wearing those collars. I slyly mentioned, in a professional way because I am getting paid and I have to maintain my job, "You are not supposed to use that forever. It is supposed to be temporary." These dogs were biting chunks of their own tails off.

If we understand that self-harm is something that happens to humans with psychological trauma and we use dogs in psychological studies, it is pretty obvious, honestly. Sorry, I am ranting. In the exercise pens, you can see that dogs are pacing back and forth. You can see where they have worn out the grass. You could see dogs, like I said, barking at the walls. I was really surprised at that. It is really strange. You try to get the attention of these dogs, and they are staring at this wall barking. They literally look like an insane person. Some dogs have become so withdrawn and so depressed that you cannot even get their attention. What I have now realised, through my own research, is that it is learned helplessness. They have become depressed. We know that dogs can be depressed, and we prescribe antidepressants for them.

The level of depression and the cries coming from them—these are the good facilities. I have done dog training for 15 years and I know the difference between a bark that is a dog wanting attention and one that is extremely distressed. It is just heartbreaking. I know that sounds like I might be putting human emotions onto these dogs. But you can hear it. People who live with dogs know that they are emotional beings. They have highly social requirements. These facilities, no matter how clean they are, just cannot provide it.

A lot of these dogs, when they are not good anymore, they just go out and shoot them. I know they do that because they do not bring them into the clinic to euthanase them. When I tell people about this in the community—when I realise I am talking to someone who has accidentally bought a puppy-farm dog—they are just outraged. They are like, "How can you be shooting a little poodle in the face, like in the head?" They are outraged, and I am outraged. These are people's family. The least we can do is make sure the parents that these puppies came from are treated with the respect and dignity they deserve. I am just trying to think what else I have missed.

Ms ABIGAIL BOYD: Thank you. That was really helpful.

The CHAIR: I will go to the Hon. Wes Fang and then the Hon. Emma Hurst.

The Hon. WES FANG: Thank you for coming to appear today to provide some evidence to us in this important inquiry. I think we are trying to find the balance between illegal puppy farms and enthusiasts who are trying to embrace their love of animals. In my mind, I am thinking that the difference between those two discrete groups is probably something to do with education and experience. In your opinion, what do you think the New South Wales Government is doing in relation to education processes for people who want to embrace, say, recreational dog breeding for, say, dog shows and the like versus those who are looking to commercialise illegal puppy farms? How do you see that we can do the education process better for those people so that we do not have one turning into the other?

SHIRENE DONNELLY: I do not think there is an education process. I think if someone has a passion and wants to breed animals, I fully understand that. The people who are puppy farming, they are not interested in an animal's welfare or how good an animal looks or whether they can take a dog to a show. They are just into making money. They just want to make money. That is all it is. It is not anything about what a dog looks like. It is about what money they can provide for them. They are totally separate to a person who has a passion for breeding.

The Hon. WES FANG: So in that instance, how do we educate the buyers, shall we say, in a better way to make sure that they do not confuse those who are doing the breeding in a mature, compassionate way and who have a real love for their animals versus those who are just seeking to make profit? How do we educate people to make sure that they have animal welfare in mind when they are looking to purchase an animal?

SHIRENE DONNELLY: I think it starts at the ground level with children—educating children on animal care, animal welfare and love for animals. Not everyone loves or wants to have an animal or a pet, but respect for animals starts with children. I believe that any kind of education and awareness—like we said, we do it whenever we talk to people. I try to talk to a lot of people about it because I am passionate about puppy farming and people getting animals from a good source. So I talk to as many people as I can. But I do not think there is a lot out there that does educate people.

ROBYN MALONEY: As I mentioned, there are more people who are aware of puppy farms than probably five years ago. Again, people like us—

SHIRENE DONNELLY: Social media I think.

ROBYN MALONEY: Social media, yes.

SHIRENE DONNELLY: They had a big part in that.

ROBYN MALONEY: Yes, exactly. Other than that, no-one else seems to be doing education. The word certainly needs to get out there.

The Hon. EMMA HURST: In New South Wales there is no cap on the number of dogs any breeder can have. They could have thousands, potentially, if they wanted to. There is no legal requirement to have a ratio per dogs. Technically one person could set up with 1,000 dogs.

SHIRENE DONNELLY: Yes.

The Hon. EMMA HURST: And there is no cap on the total number of litters that any dog could have. They could breed from one female dog for her entire life. Is that what we need to change to outlaw puppy farming? Are they the three key areas that you would like to see in legislation coming through Parliament? Can you explain why those three aspects, or any one of those aspects, need to be focused on?

ROBYN MALONEY: I would love to see all puppy farms closed. I have not seen one that cares about the dogs. It is all about the money. I am not against registered breeders; I think that is what we need to concentrate on. If you want to buy a dog or adopt a dog, you get it from a proper breeder. I have seven dogs at home; it is a full-time job. I have a couple that are foster dogs with problems. How these people look after hundreds of dogs, I will never know.

The Hon. EMMA HURST: At the moment, puppy farming is legal because you are allowed to have hundreds of dogs. Is that what you mean when you say, "I would like to see puppy farms outlawed and registered breeders allowed"? Is it the cap that is—

ROBYN MALONEY: Most definitely.

The Hon. EMMA HURST: Where would you see that cap sitting? I know that is a difficult question.

ROBYN MALONEY: You probably would not like my answer.

SHIRENE DONNELLY: You would not like my answer either.

The CHAIR: To follow on, some people are saying three, some people are saying five and some are saying 10. Where would you—

ROBYN MALONEY: I would say no more than 10, and I think even that is too many.

The Hon. ADAM SEARLE: Ten?

The Hon. EMMA HURST: She said "and even that is too many" in her mind.

ROBYN MALONEY: Even that is too many. It is too many; I am being very generous.

The Hon. ADAM SEARLE: If I could follow up on that, in terms of the number threshold, I have two dogs and they are a bit of a handful. If you had five and you are breeding them, looking after them, making sure that they are watered, fed and exercised and caring for their pups, surely anything beyond that is more than a hobby, is it not? That is the sort of commercial—

SHIRENE DONNELLY: Yes, most definitely.

ROBYN MALONEY: And how many litters are these people going to allow them to have?

The Hon. ADAM SEARLE: Even with five. Five Chihuahuas is one thing; five Great Danes all running around is a different matter. Should we be looking at a number or should we be looking at a ratio of space to animal?

Ms ABIGAIL BOYD: Staff.

The Hon. ADAM SEARLE: I do not know.

ROBYN MALONEY: I do not think so. How big a space you have, you still cannot provide what they [disorder]—

AMY JOHNSON: Could I provide my feedback?

The Hon. ADAM SEARLE: Certainly, please. Sorry, I have barged into the space.

AMY JOHNSON: In my 15 years experience in rescue and veterinary nursing, I have taken in a lot of puppies and kittens, and to look after them properly and make sure that they do not die and that the mother is doing the job properly—because that sometimes does not happen—is a lot of work. I learnt very early on that I need to have a cap on how many I could take in and look after properly. I realised that I could only really do one maybe two, maximum. I was having to weigh them every day, making sure that they are putting on weight and that they are feeding. It is a lot of work. I remember speaking to a veterinarian once. I tried to take on five because the pound was saying, "We are going to kill them. Can you take them?" He was like, "I would not even look after

five of them here with my veterinary nursing staff. There is no way. You should not have done that. It is not right." And I knew; I realised. I have learnt the hard way. Anyway, my point is that I have had my own experience, and it is just not feasible. They have to have so many staff, just so many staff, that it would not be a profitable business anymore. They have to cut corners.

Anyway, on my recommendation for caps, I agree with the other lady. To me 10 sounds like a lot but to the general public 10 probably sounds okay. I would say no more than 10, but I reckon five. I am really concerned about how many they can make them have. Also, that they are allowed to force these dogs that constantly need caesareans and artificial insemination. The stud dogs are constantly sexually frustrated. They are constantly harassing the females. Sorry, I still need to mention this. Another thing that I have noticed a lot is the females. Because they are forced to have these babies you hear stories and things that I have heard in puppy farming, of ways they have tried to get the dogs to force them to have sex. The females that I have rescued are so frightened of anyone going near their back half, near their genitals and their bum. They are terrified of male dogs, just terrified of them.

I have heard puppy farmers talking to the vet saying, "This artificial insemination is costing me lots of money. You know, is there some kind of device where I can tie the female down?" It blows my mind. Anyway, 10—but I think it should be five, honestly. There was another question I did not get to answer about the difference between a proper registered breeder and a puppy farm. The proper registered breeders will often have the animals desexed because they do not want people breeding their bloodlines. That is a definitive factor that puppy farmers do not bother doing. Also, they make the effort that the dog is going to the right home. They will actually question people and let people come and meet the mother. They are not shy. They are very willing to show how great they are.

The Hon. ADAM SEARLE: I apologise if I have missed this already this morning. What do other jurisdictions do? Is there a cap elsewhere in Victoria or Queensland?

AMY JOHNSON: I am not sure. I don't know.

The CHAIR: The Victorians have a cap.

ROBYN MALONEY: Yes, there is in Victoria.

SHIRENE DONNELLY: I think Western Australia and Victoria.

The CHAIR: South Australia is about to head into this space as well.

The Hon. EMMA HURST: I want to follow up on a question from the Hon. Mark Banasiak in regards to whether this is about resourcing the RSPCA. I might just throw this question to Ms Johnson. Even if we threw millions of dollars at the RSPCA to oversee this, is it also that they are unable to act because there are not any laws in place? Is the other side of the problem that there need to be laws before the RSPCA can actually act on a lot of these situations? Is that the feedback that you are getting from the RSPCA? I think you said they often do not go or they do not do anything. Is that because they do not have the ability to do anything?

AMY JOHNSON: Absolutely. The amount of times that I have heard, "I can't do anything about it. There is nothing we can do about it. What they are doing is legal." And that is even for dogs that are forced to wear these Elizabethan collars—there is no law that says that you cannot restrict them in that way—and muzzles to try to stop them barking. Also, we have had issues—well, I have seen that we do a lot of de-barkings in these facilities, because of the barking. Although there is that law, there is a bit of a loophole where it is considered nuisance barking. But the nuisance barking is happening because of what they are forced to endure, and we are doing all these de-barkings. The laws are not strong enough and there are too many loopholes.

The Hon. EMMA HURST: Yes, I agree.

AMY JOHNSON: Also, I have issues with the police palming me off and then the RSPCA also palming me off.

The Hon. EMMA HURST: I might stop you there, Ms Johnson. I really appreciate your answer, but I know that I have only got a minute left for another question. I want to turn to the two ladies who are here. You are both fostering animals that are coming from these places. It must be really frustrating. It almost sounds like a bandaid for something that the Government has not acted on to outlaw in the first place. Would you say that the situation is becoming worse since other States are actually introducing laws? Is the situation in New South Wales becoming worse and is that putting more pressure on rescue organisations that are having to fund the rescue of those animals out of their own pockets? That is question one, and then I will try to squeeze another one in. We have heard a lot about the psychological issues, but what health issues are you seeing with the dogs that come into your care?

SHIRENE DONNELLY: It is 100 per cent that we are bursting at the seams with animals. It is worse than I have ever seen it. I have only been a foster carer for five years but this last year has been the worst year for the number of animals. I am taking in more animals than I should. It is hard. You just cannot touch some of them. They cower in the corner. You cannot rehome them very quickly because you have to spend a lot of time trying to psychologically get them back. I am lucky I have got a cat that is very good at that with fosters. What do you find, Robyn?

ROBYN MALONEY: Denise, who I foster for, has been asked to take on so many dogs the last few months. These are from puppy farms. The number is just increasing and all with issues.

The Hon. EMMA HURST: What are those health issues that you are seeing?

ROBYN MALONEY: Most of it is hip dysplasia, bad ears, bad teeth and then also just the psychological, which I find is even worse.

SHIRENE DONNELLY: Sitting and staring at walls and cowering in corners—it is just heartbreaking.

The CHAIR: Very quickly before I move on, what sort of support do you get as foster carers for dogs? I gather you only do dogs; do you do cats?

SHIRENE DONNELLY: I do cats because I do not have yards. Robyn does dogs.

ROBYN MALONEY: Yes.

The CHAIR: Is there a lot of support or not enough support?

ROBYN MALONEY: Denise is wonderful.

The Hon. EMMA HURST: Do you mean from the Government, Chair?

The CHAIR: I mean in general. As someone who has spent a bit of time as a foster carer for kids, often one of the issues was that we did not get the support that we needed at certain times.

ROBYN MALONEY: Can I just mention that I was a respite carer with Barnardos for 22 years. These dogs that I take in are very similar to the children that I have taken in that have been abused. I was only thinking last night that there is so much similarity there with the children and the dogs. Denise, who I foster for, is great. She is a big support, plus other foster carers. There are a few of us who are more experienced with puppy farm dogs and others. They always seem to give them to me. I like to work with them. I have one that was one of the 187. We were not able to rehome Maya; she was just too traumatised. Even now she is just so traumatised. Even to eat out of a bowl she gets scared.

SHIRENE DONNELLY: We rely fairly heavily on donations from the public for food, worming treatments and flea treatments. We get support from the local vets with reduced bills for any kind of veterinary care, like vaccinations, desexing and that sort of thing. Me, as a donations coordinator for Hunter Animal Rescue—when I do not have donations to be able to provide to the carers then we basically provide it for ourselves. I will buy food for my animals.

The CHAIR: Thank you very much for today. I am going to give you each about a minute or so to wrap up in case there is something you think you would like to say that has not been said or if you think maybe we have misunderstood or misconstrued something you have said. I will start with Ms Maloney.

ROBYN MALONEY: I just thank you for the opportunity to come in today. I am not sure if any of you have ever met a dog from a puppy farm. I would love you to meet me one time and I can introduce you to Maya and you can see how traumatised she is, and she is just one of hundreds.

SHIRENE DONNELLY: I just do not feel that there is any room for puppy farming. Breeders I understand, and I understand this bill needs some tweaking, but there is no way to produce the kind of dogs that they need to make a profit and have them not psychologically damaged. It does not work. They are not a commodity; they are a companion animal.

The CHAIR: Ms Johnson, you have just a minute to wrap up if there is anything you want to say that has not been said.

AMY JOHNSON: I have written a short statement. Puppy farming is inherently cruel and can never be humane. All puppy farms, no matter how good they try to be, force dogs and cats to endure psychological torture. This torture is caused by forcing dogs and sometimes cats, who are complex beings with rich emotional and social lives, to live in a constant state of sensory deprivation and solitary confinement. This is extremely cruel and most people in society, when they become aware of puppy farms, are outraged that this is even legal. Depriving dogs and cats the freedom to explore, interact with and learn about the world around them, and depriving them of being

able to express their natural behaviours to socialise and become psychologically healthy and well-adjusted causes them severe suffering. This is the inherent cruelty of puppy farms and why they need to be banned as soon as possible. It is the unsuspecting public that pay the financial and emotional burden of those industries and the dogs and cats that suffer with their lives. Thank you.

The CHAIR: Thank you for your time with us today. There were no questions taken on notice so I do not have to read out the rest of the spiel. There may be questions from the Committee members once we get the transcript and read through it. Sometimes it prompts further questions and in that case the secretariat will be in touch with you about that. You will have 21 days to get back to us. Thank you very much for your time.

ROBYN MALONEY: As I said, if anyone would ever like to meet Maya, who is from a puppy farm, please contact me. I would love you to meet her and see firsthand.

(The witnesses withdrew.)

Ms EMILY POWER, Private Individual, affirmed and examined

Ms GRACE GATE, Private Individual, affirmed and examined

The CHAIR: I welcome our next witnesses, Ms Power and Ms Gate. I will give you a small opportunity of a couple of minutes to make a brief opening statement and then the Committee will go into questions around that. It will be a bit conversational, so there is no need to be too stressed or worried about being here. It will be okay. I will start with you, Ms Gate.

GRACE GATE: My granddaughter purchased a dog 11 years ago from a North Shore pet shop. She did look online at the dog homes but she could not find what she wanted. I did warn her that they would be from a puppy farm but, regardless, they went ahead and bought one. She was supposed to be a ginger colour and a toy poodle. She is none of those. She is a dark cream colour. She is not a toy; she is the size of a miniature. And she is totally blind. She started to lose her sight at the age of five. My daughter took her to the vet and then to a specialist who examined her eyes and said it was hereditary, either from one parent or both. Nothing can be done about it. She is now totally blind. She went from a jovial, happy dog to a very insecure dog that often whimpers. She finds it difficult to get around. My son-in-law bought a pram so he can take her on walks because he feels guilty leaving her behind. He is retired.

I have had dogs all my life. I had a dog at the age of 13 which my family bought for me from a pet shop, who several weeks later died of distemper. I have had several dogs over the years but I have always bought them from a breeder. I saw the parents and I had papers. The other thing I wanted to add is that Billie, her name is—the dog in reference—was supposed to have her birthday in February according to the pet shop papers, but according to the council she had a birthday in March. So we do not know whether she was born in February or whether she was born in March.

I have seen televised raids on puppy farms, and the conditions are just appalling, including the amount of dogs and pups that have to be put down. I have just heard the evidence here and it brought tears to my eyes. There is no reward for suffering. These animals should not be suffering the way that they do. These people have no conscience. They are there to make money, money, money, and they just do not care how the animals suffer. They need to be closed down. I do not think there should be one in existence. There are too many dogs that are surrendered, unwanted. They are too easily available. They are a commodity. They should be something that should be treasured because they are sentient beings. They relate to you. I think they are one of nature's good, positive creations.

The CHAIR: Thank you. Ms Power?

EMILY POWER: As a person, I object to the harsh treatment of animals, sentient beings treated as a commodity. As a consumer, somebody who recently bought a puppy, I found it really hard to find information to make sure that I was making a good choice. Normally I would adopt a rescue. I was looking for a puppy for my kids. There was the pandemic. A lot of people were doing the same thing, and I think that there was a flood of puppies on the market to meet that demand. I was shocked by how much people were charging for the puppies. Sometimes they were being sold sight unseen because they were in regional areas. We were not allowed to leave Sydney, and so you would start looking up who could courier me a puppy.

As a consumer, we normally have information on the working conditions that are given to the people who provide our clothes or our food. We have the choice to buy free range, we know when something comes from a sweatshop generally and we can make an ethical choice. But I did not find it easy to do that in this case. I think the community is appalled by animal cruelty and we need harsher penalties and legislative standards to protect animals. As a consumer and as a pet lover, I do not care about people's ability to make a profit. Animal welfare should come first. Fines are not enough. If anyone is going to be cruel to animals, how do they treat people? It should be treated the same, I think. I worry about the charities who bear the burden of puppy farming. What happens to the unsold puppies?

The CHAIR: I will start off the questioning and then I will move to Ms Boyd. The protections for consumers purchasing, whether it be in pet shops or online via Gumtree or whatever the mechanism is, from what you are both saying, you would consider the current consumer protections in New South Wales inadequate.

GRACE GATE: Definitely.

The CHAIR: I will start with you, Ms Gate. In that case, what would you like to see put in place to improve it for people who buy?

GRACE GATE: I would like to see animals not bought online. I would like to see puppy farms close down completely, not one to produce. They are a commodity. They are available; it is like walking into a shop

and buying a pair of shoes or a T-shirt. Some people get them for the wrong reasons. Some people buy dogs and then—in our case she is very loved—they turn out not to be what they were supposed to be, whatever breed, whatever size, and they hand that in. Then animal charities have a surplus of them and then some of them cannot find homes. They should only be done by breeders. People who are serious about wanting a dog, wanting a member of their family, wanting to teach their children about caring and responsibility should go to a breeder to see the conditions, to meet the parents and to understand the temperament of that dog.

The CHAIR: Ms Gate, are you talking about a registered breeder?

GRACE GATE: Yes, a registered breeder, as I have done. I bought from them. I have had different breeds. I have not had a dog since 1986. She was a Dachshund. Unfortunately, poor little thing, she died of pancreatic cancer but I still carry her paw print on my heart. I am 79 now and I have health issues, so I can barely look after myself, let alone be responsible and having to—

The CHAIR: Ms Power, what do you think needs to be put in place to protect consumers? What would be some of the things you would like this Committee to look at?

EMILY POWER: It would be nice if, as a consumer, you did not have to worry about the welfare of your puppy. You just have to worry about the temperament—there is already so much to think about. It would be nice to know that the dogs came from a loving environment and that the puppies would also be well socialised and healthy. I guess it would be good to have legislated standards for raising puppies and animals, even audits of farms, maybe vet inspections—although I know that vets are already so busy as it is—and possibly like a grading system on how good the kennels are where they are bred.

Ms ABIGAIL BOYD: We keep hearing the alternative to better regulation of puppy farms would be perhaps some form of consumer education. We sort of hear this as a line of resistance to better regulation. Why is it that we cannot really rely on consumers to do the research? Could you maybe talk a little bit about why that is just unrealistic?

GRACE GATE: I think people are trusting. I think people are basically trusting and they just assume that they are going to purchase a healthy dog that has not been force-bred. They do not know where it is coming from. In pet shops, they look cute. They are in the window. All the puppies and kittens play together, and people are taken in by that. Not only that, but they pay exorbitant prices. Our Billy was \$1,500. It was a gift for my granddaughter's eighteenth birthday. People do not want to do the research because they do not feel that they have to do any research. A lot of people are just innocently gullible.

EMILY POWER: I wrote it in my submission, but I can repeat it in case no-one has read it. I did a bit of research. I thought that the way to find out if a puppy was—I do not know what you would call it. Not legally bred but—

Ms ABIGAIL BOYD: Ethically?

EMILY POWER: Ethically. If the breeder was doing the right thing, their dogs would be registered, so I would not buy a puppy from an unregistered breeder. I would ask for the microchip number and it would often be invalid, so then I would think, "I am not buying that puppy." Apart from that, I could not tell what steps the breeder had to go through—whether they had visited vets. They are often bred in personal premises—private property—so you are not allowed to go and see where the puppies have been raised. If they are in a shop, you do not know where they have actually been born and raised. The information is not really available to the public.

Ms ABIGAIL BOYD: Do you think selling puppies in pet shops prevents, or perhaps legitimises, the process of intensive breeding of puppies? If you see a pet in a pet shop, you assume that the pet shop has done the due diligence so it is not necessary to then do more than that. Do you think there is a legitimising role for pet shops?

EMILY POWER: I think it could be perceived that way. Personally—and I am probably a bit cynical—I think they are there to make a profit. The dogs are advertised at \$5,000 or \$4,500 easily—anything with the name oodle or a French bulldog are very expensive. When they are advertising them at that price, I assume they are making a bit of commission on that. I would trust, as a buyer, that they have personal relationships with these breeders, perhaps. I would assume that they often get puppies from them and they might know what the premises are like. I do not know if they are obliged to ensure the safety of the animals or even report whether they see something that they do not agree with.

The Hon. MARK BANASIAK: Ms Gate, you are obviously fairly critical of buying from pet shops.

GRACE GATE: I am.

The Hon. MARK BANASIAK: Part of this inquiry is to look at the proposed bill by the Hon. Emma Hurst. One of her proposals in the bill is to only allow pet shops to sell rescue dogs. Given that rescue dogs come with their own set of behavioural problems, and sometimes faulty genes, do you think that by allowing pet shops to only sell shelter dogs rather than dogs from reputable breeders a potential problem is also created?

GRACE GATE: I think that it could be a problem because then a dog is purchased, then it is returned, then it has got one owner and then it has got another owner. For a dog that has a behavioural problem it is creating more problems for that poor dog. It is like a child that goes from home to home to home because its parents do not want it. In the meantime, the dog gets older and people do not want an older dog. I have seen a lot of programs on television. I am retired so I have a lot of time on my hands to watch television. I was listening to the proposals why they should be closed down. I do not agree that they should be sold in pet shops. I feel that dogs and cats should not be sold in pet shops. If people are serious about buying a member of the family—purchasing a pet—they should go to a reputable and licensed breeder. That is it. No pet shops, no puppy farming. They should be closed down—not next week or next year but as soon as possible—to stop the cruelty.

I do not know if anybody here has seen what has been televised when the RSPCA has raided these places. It is abominable—the suffering, the conditions, the filth. Maybe they are not all like that, but they are there to make a huge profit indiscriminately. As I said, our dog now, some owners might have had her put to sleep, but my daughter chose—she is 11 now, she is about three parts poodle. She may live until she is 16 or 17. As I said, she whimpers a lot and she is insecure. It just breaks my heart because I love her dearly; we all do.

The CHAIR: Ms Power?

EMILY POWER: Sorry, I just want to double-check what your question was about. Was it animal welfare, animals in pet shops?

The Hon. MARK BANASIAK: Part of this inquiry is looking at a proposed bill about puppy farms. One of the proposals is to only allow rescue dogs, and no other dogs, to be sold via pet shops as a way of, I guess, cutting off that supply chain. I was just saying, given that a lot of rescue dogs come with their own set of issues, do you think that is potentially creating another issue down the track that we would need to deal with?

EMILY POWER: The fact that animal welfare groups are using PETstock and Petbarn to rehome animals just shows how they are bursting at the seams. I think the best place for these animals is to be in homes where they are socialised and not to be in shelters, as much as possible.

The Hon. MARK BANASIAK: Can I ask one more question about education? I do not think anyone is suggesting that education replace good regulation. Ms Power, you obviously went through some considerable steps to make sure that you were buying from a reputable breeder. Do you think that more can be done in that space, though, in terms of educating consumers, even if it is like a checklist of some key questions that they should ask a breeder? Do you think that would help, as part of the education process?

EMILY POWER: As part of the education process, yes, I think so. I believe the Animal Welfare League might have a page like that on its website, but you only find it if you are looking for it. It is possible that vets could provide that sort of information or councils when you go to register your pet, at least at some point. It is just not widely available.

The Hon. EMMA HURST: My first question is to Ms Power. Previous witnesses at this inquiry have said that it should be up to the public to investigate and find out what sort of breeder they are buying from. Is that fair or even possible for somebody who is looking to get an animal?

EMILY POWER: I do not think it is possible when they are on private premises. I ended up buying my dog through Gumtree or the Trading Post. I rang a few of the owners to find out "How many dogs do you have?" and asked a few questions. They were a bit cagey. They did not really want to give me their address until they were sure that I wanted to come and inspect the puppy. When I did get the address, I would look it up on Google Earth and try to home in and have a look—was there grass in the backyard, and that sort of thing. I did see corrugated iron sheds, mainly around the Kemps Creek area. It seems to be a hotspot for backyard puppy breeders. Other people, it is in their private home. You sort of think a family breeding dogs, it must be so lovely, they are in a lovely environment. But you do not actually know because you cannot go in their backyard; you go to their front door. They show you photos of the puppies on a little blanket. It looks nice and cosy. But, as a consumer, you have no way of ensuring that it is a good environment.

The Hon. EMMA HURST: Absolutely. I have a follow-up question about pet shops. One concern that we heard a lot about was that a pet shop can act as a smokescreen to hide even further. It sounds absurd to require somebody to actually have to go onto Google Earth to try to find out if the facility is a puppy farm. Obviously, if

it is a pet shop, you cannot even do that. Do you think that there is a concern that if pet shops are allowed to continue to sell dogs from puppy farms, it would just act as a smokescreen and create more consumer confusion?

EMILY POWER: Yes, I am concerned. I have looked at some big boarding kennels, sort of breeding places. Banksia Park, I think, was one in Victoria. They just had all of these "oodles"—oodles of puppies—and they did not provide their address on their own website. I do not even know if it is a legitimate business. I could be paying \$5,000 or \$10,000 into somebody's account and I do not even know if I am going to get a puppy at the end of it. It is very hard to find them.

The Hon. EMMA HURST: You also mentioned the microchip numbers and a whole lot of fake microchip numbers. Do you think, again, that the whole system as it currently is working is failing?

EMILY POWER: I do think it is failing. There are too many gaps. Animals are falling through—

GRACE GATE: The cracks.

EMILY POWER: The cracks, exactly. I just find that it is too easy for people to have a litter. My husband said, "Gosh, maybe we should breed our dog", because he was sold not desexed. The guy actually expected him to not be desexed, and I said, "No, we are going to desex our dog." And my husband said, "Gosh, if we found a female Jack Russell, we could make \$20,000 from one litter." It is just too easy. There are no inspections; there are no audits. I heard about the RSPCA recently fining a father and daughter who had 100 dogs and they seized a lot of dogs. They got a \$150,000 fine. At \$5,000 a puppy, 30 puppies will pay off that fine for them.

The Hon. EMMA HURST: Do you think that if we introduced legislation, for example, that limited the number of litters that any dog could have and the total number of dogs that somebody could have, that would create some peace of mind for the public when they are looking for animals that these facilities that have hundreds of dogs and pump out litter after litter cannot legally exist or, if they do exist, then at least the authorities could potentially track them down and shut them down? Do you think that would provide some comfort to the public?

GRACE GATE: No, I do not because there is an old saying that rules are meant to be broken. If these people are unconscionable to begin with, they will just continue doing so. I was at Chatswood not long ago and there were two French bulldogs on a lead with a young man, and they happened to be mother and daughter. I found that he is not a breeder but he is breeding dogs at \$7,000 a piece. People are doing that and you cannot really keep track of that, but you can keep track of these physical breeding areas that often get raided but not often enough. I reiterate, they should be closed down completely; they should not exist.

The Hon. EMMA HURST: I think you may have misunderstood my question.

GRACE GATE: I am sorry.

The Hon. EMMA HURST: I just want to clarify my question. One thing we have been talking about in this inquiry was small breeders versus puppy farms. I guess what we are trying to work out is, if puppy farms are legal in New South Wales, what legislation do we need to put forward to make it illegal? I guess my question was, do we cap the total number of dogs that any one person can have? Or how else do we actually make puppy farming illegal? How do we make sure that if the authorities raided a place, they could actually shut it down?

GRACE GATE: Laws should be introduced. There should be a certain amount, as you said, being bred, and if that is overdone—overstated—and if they do not comply by the rules, they should be closed down, definitely.

EMILY POWER: I do not condone puppy farming and churning out puppies. But if it is going to happen and people want puppies are trying to meet this demand, I think at the very least the breeding dogs should be traced throughout their lifetime. They should have limits on the number of litters that they can have, have a limit on the age that they continue to breed to, and they should have some sort of retirement age and a plan at the end for them to be rehomed. It is obviously not a good environment for a dog just to be a breeding machine. I would not want to be a breeding machine—just for the health standards. They are being over-bred, from what I understand. One family said to my husband, when he asked, "So how many litters do you try to get a year?" The seller's daughter said, "We try to get at least two a year." And the father sort of looked at her like, "Don't say that." That is a lot. That is a long time to be pregnant. It is depleting for the body. To be pregnant back to back is just ridiculous.

The Hon. WES FANG: I will start with you, Ms Gate. I am listening very carefully to the evidence you are providing to us today. I want to start with some background. Your interest in the issue of puppy farms came about because of the dog that your family purchased that had an issue; is that correct?

GRACE GATE: Yes.

The Hon. WES FANG: Is that the only animal that you have purchased?

GRACE GATE: No, no. I am the youngest of five. My eldest brother bought me a dog from a pet shop when I was 13. He was a wire-haired something or other. I only had him a few weeks and he took a fit. The vet was called and gave him an injection. I think it was about two or three days later, he took another fit and died.

The Hon. WES FANG: We have only got limited time so I will get some brief answers, if that is okay. That happened when you were 13. Was it your daughter who purchased—

GRACE GATE: My granddaughter.

The Hon. WES FANG: Granddaughter, yes.

GRACE GATE: My daughter and her husband purchased—

The Hon. WES FANG: A Jack Russell.

GRACE GATE: —the current dog in question for her eighteenth birthday.

The Hon. WES FANG: Other than those incidents, can I ask what other experience you have had around puppy farms? Have you been to a puppy farm? I notice that you said that you saw footage on TV.

GRACE GATE: I have seen more than one, yes.

The Hon. WES FANG: Have you had the opportunity to visit a puppy farm or see one in operation?

GRACE GATE: No, no. I do not think one would be allowed to do so, and see the conditions.

The Hon. WES FANG: No, that is the difficult thing. I am just trying to find some people who have been to one so that we can get some further evidence about that. In that instance then, have you had the opportunity to speak to breeders at those facilities or people that have had association with them?

GRACE GATE: No, none whatsoever. My daughter did not either.

The Hon. WES FANG: They did not make themselves known to you?

GRACE GATE: No.

The Hon. WES FANG: When you were 13, that was quite traumatic and then there has been that—

GRACE GATE: Well it was for a 13-year-old, and for the dog of course.

The Hon. WES FANG: Yes, I can only imagine. Other than those instances, you have not been able to see a puppy farm, go to a puppy farm or interrogate any of the people that operate them? They have not made themselves known to you?

GRACE GATE: No, not at all. I do not see how one could because you do not buy directly from them. They sell them to pet shops or online, or whatever subterfuge they use. So, no. I have only seen the conditions on television.

The Hon. WES FANG: Ms Power, similar questions, I guess. It was a Jack Russell, and you were not given an opportunity to go and see the farm in any great detail; is that correct?

EMILY POWER: When I purchased my puppy, I went to the man's house. He had the puppies in the backyard—a nice backyard. I think the parents were kept in like a concrete cage outside with a tin roof. But the puppies were kept in the garage. He only had one dog—one male, one female. I do not know much else. The puppy farms I have heard of have been in regional areas. They are not really accessible.

The Hon. WES FANG: In Ms Gate's situation, I think it would be fair to say we are unsure as to what the size of that operation was where that dog came from. With yours, there was only one male and one female that were being used to breed. Depending on the definition you use, I am not sure that it would be a puppy farm per se. That is what I am trying to drill down on, whether somebody who is recreationally breeding two dogs is a puppy farm. I was wondering what you might have seen when you went there. Given that you are here providing evidence under oath, how relevant are the situations that both of you are providing evidence about to the terms of reference and to the bill that is currently being inquired about here? Do you have any thoughts about those situations?

EMILY POWER: What do you mean by those situations, sorry?

The Hon. WES FANG: The situation where we are inquiring into a bill around puppy farms, given that there was only, as you said, one male and one female at the property. Ms Gate, the evidence you have provided this inquiry is that in relation to puppy farms themselves you have seen evidence on television.

The CHAIR: We are also looking at consumer protections in the purchasing.

The Hon. WES FANG: Yes. That has been the primary question that has been put to the witnesses. I am asking them to further elucidate their experience to make it more relevant to what it is that we are looking at. That is what I am asking them, Chair.

EMILY POWER: In my experience, even though it was one dog, it was a dog that was being bred for profit, as far as I could understand. I do not know how many litters that dog would have. I am still concerned for one dog in a backyard that is being bred over and over for puppies for profit. Some \$50,000 is a lot of money to me when I see the French bulldogs and things that are being sold. Puppies being farmed can sometimes be farmed in apartments.

The Hon. WES FANG: I understand that, but if a breeder is breeding dogs and they are providing those dogs for sale, then obviously there is a market there because you want a dog for you and your children. We know that companion animals have a great ability to provide solace and care to the young, children with special needs and to the elderly. I will not say it is a market, but there is a need for those companion animals on a number of levels. Again, that is why I am asking you how relevant you think your situation is to what it is that we are looking at around the bill.

EMILY POWER: To the inquiry?

The Hon. WES FANG: Yes. That is what we are looking at. We are looking at that bill and the associated issues around it. I am seeking some more information around your experiences so that we can relate it back to the bill. The same for you, Ms Gates. Can you provide some more information?

GRACE GATE: Yes, look, a breeder produces papers with the correct date of birth. Billie has two birthdays, like I said, one from the pet shop and one from the council. She is obviously a registered dog. When the vet asked—I remember my daughter telling me that the vet said, "Oh, she's probably a puppy farm dog. We have issues with some of the dogs that are bought from pet shops." As I said, she was not as she was supposed to be or as described. She was not a toy, she was not a ginger colour and she was bred with either one parent or both parents with a genetic disorder. It is wrong. These people are only there for profit. They should not be making profit from sentient beings. We are not talking about a dress, a garment. We are not talking about a loaf of bread. We are talking about something that has feelings, that feels cold and feels pain, and that can relate to you.

The Hon. WES FANG: Can I just ask, how did both of you find out about the inquiry and what prompted you to seek to appear? Are you members of political parties et cetera?

EMILY POWER: No.

GRACE GATE: No. I have been signing petitions for a number of years now to have them closed down. I am not affiliated in any way with anybody or any—

EMILY POWER: I am not a member of a political party but I try to choose ethically. I found that it was very hard in this case to—particularly in a pandemic, in lockdown, there were not rescue dogs or rescue puppies that I could find. But I wanted to make an informed choice when I bought my dog. I had heard about puppy farming and about the inquiry and I thought my experience might be relevant to the Committee as a consumer—that I did not feel that I could make an informed choice, that I could not find accurate information about the dog I was buying. Obviously with a rescue you expect that you do not know what the origins are but, when you are purchasing something for \$5,000 or more, you want to know that it is a healthy puppy, that it is well socialised and that it has been raised well. As an ethical purchaser, I want to know that the family is looked after as well—mum and dad.

The Hon. WES FANG: But even with all those concerns, you still purchased the puppy.

EMILY POWER: I really wanted a puppy.

The Hon. WES FANG: And that is the reality of it—

EMILY POWER: At the same time, when I met the puppy, he was six weeks and five days. I was concerned about him leaving his mother young. I think a lot of puppies are sold too young. I said to the guy, "Let us know when the puppy is ready to be picked up." He goes, "Oh no, you can take it today." And I thought, if he is willing to separate it from its mother today maybe it is better off with me than with him. So my dog had recently died and my kids and I really just wanted another puppy—a dog. It did not have to be a puppy. But having young kids I thought I wanted a safer breed, something that was not traumatised in a rescue as well.

The Hon. WES FANG: I understand.

The Hon. EMMA HURST: Ms Gate, your granddaughter's dog ended up going prematurely blind and you were told by a vet that it was likely that the parent animal carried a faulty gene. In the media there was a puppy farmer who is quite famous for saying—she was breeding dogs and one of her dogs was blind—"Dogs do not need eyes to pump out puppies." I am wondering what your reaction is to a statement like that and that that woman is still legally allowed to breed and she was legally allowed to breed from that blind dog.

GRACE GATE: It angers me. It angers me in a way that I cannot describe politely. The woman does not belong in society. She must be some sort of psychopath with no decent human emotions.

The CHAIR: You will now get a minute each or thereabouts to wrap up this session—essentially this is for if there is anything that you would like to say that has not been mentioned today, or if you think you may have been misconstrued or Committee members have incorrectly applied the information you have provided to us. I will start with Ms Gate.

GRACE GATE: I just would like the powers that be to have a conscience. Most of us had a pet or a dog, be it a cat or a rabbit or something, during our lifetimes, whether we bought it for our own benefit or for our children—and just to do the right thing by these animals that cannot speak for themselves, that do not have the ability to escape situations like this and that are subjected to whichever human is in control.

They can be lucky, and the human can be a benefactor, or they can have someone that will abuse them and take advantage of them. To be pregnant all the time from a young age until they can no longer breed I think is just horrible. I had one child, and the matron said to me on leaving hospital after 12 days, "We will see you next year, Ms Gate." I said, "No, you won't." I cannot speak for what level of pain a breeding dog goes through, but I know what I went through, and it is not pleasurable. It is painful. And to be in a pregnant state and to give birth for all of your life is just horrendous.

EMILY POWER: I would just like to thank the Committee for looking into this issue. I think it is so important and, as a normal member of the community, it is not something I could be across. The terms of reference of this inquiry are quite detailed and there is so much to consider, so I am just appreciative that both sides have an opportunity to come to a better solution for the protection of animals.

The CHAIR: Thank you very much. You did not take any questions on notice. Once the Committee receives the transcript from Hansard, we may have further questions for you arising from that. In that case the Committee secretariat will be in touch. You will have 21 days to answer. Thank you very much for being with us today.

GRACE GATE: You are most welcome. Thank you for the opportunity.

The CHAIR: We will stand adjourned until 11.30 a.m.

(The witnesses withdrew.)

(Short adjournment)

Ms GEORGIE PURCELL, President, Oscar's Law, affirmed and examined

Ms SHATHA HAMADE, Legal Counsel, Animals Australia, before the Committee via videoconference, sworn and examined

The CHAIR: I will recommence the hearing and welcome Ms Purcell and Ms Hamade to our next session. I note that we did have Glenys Oogjes but she has sent an apology due to a funeral. I will start with Ms Purcell. The way we will do this is we will hear a brief two-minute opening statement from you. Then I will go to Ms Hamade for an opening statement. At the end of session I will give you a minute or so to wrap it up, so if there is something you have not said that you would like to say or if you think you have been misquoted or misconstrued in your evidence before the Committee, you can clear it up.

GEORGIE PURCELL: I am here today representing Oscar's Law as its president. Oscar's Law was established in 2010 with a mission to abolish the factory farming of our companion animals. We focus on exposing and shutting down puppy factories, strategic awareness campaigns to encourage consumers to learn about where their animals come from and ultimately lobbying for legislation and regulation to stop puppy farming. Our work is in line with public sentiment, with a majority of Australians opposing puppy farming and wanting to see it outlawed. Our biggest success story is from Victoria when, in 2017, we passed the puppy farm and pet shop bill. This was the first State to implement legislation to ban the sale of puppies in pet shops and to stamp out puppy farming. Since then we have seen similar legislation pass in Western Australia, and South Australian Labor also made a commitment to do the same. With their recent election win, we expect a bill to go before Parliament in this term.

As we knock out puppy farming State by State, it is creating a crisis for New South Wales that must be immediately addressed. While a number of puppy farmers have chosen to shut down completely as a result of legislation in each State, a significant number have also made the decision to relocate to New South Wales, which has the weakest laws in the country when it comes to puppy farming. Our successes in other States have resulted in this State becoming the puppy farming capital and it will only continue to worsen. While I am grateful to be here today to speak to you, I must also note how disappointed we are that reviews, task forces and inquiries have been set up by the Government for the last 10 years. We have participated in all of them. Those reviews and inquiries all produced recommendations for the Government, and the Government has ignored almost all of them. A decade of inquiries and reviews has achieved almost nothing and we sincerely hope this current inquiry does not continue that tradition of failure. We are in strong support of the Companion Animals Amendment (Puppy Farms) Bill, which this Committee is inquiring into, and hope that it can be passed in New South Wales to finally give dogs and puppies the protection they deserve.

The CHAIR: Thanks, Ms Purcell. That appeared to be a prepared statement. Would you be able to hand that up to the secretariat? That will help Hansard in their role. Thank you. Ms Hamade.

SHATHA HAMADE: Thank you for the opportunity to provide feedback on New South Wales' Companion Animals Amendment (Puppy Farms) Bill 2021. Animals Australia is a peak animal protection organisation in Australia. Animals Australia strongly supports the bill's primary aims and particulars, which are to address the serious animal welfare issues and the consumer detriment issues which arise through puppy farming and private breeding of dogs and cats, including pet shop and online sales of these vulnerable animals. We are pleased and supportive that the bill is modelled on the Victorian model in this regard, as we have held concerns about the movement of Victorian puppy farmers into New South Wales to escape the new Victorian puppy farm laws. A consistent cross-jurisdictional approach is overdue and urgently required.

We support the amendments of the bill—in particular, the limits on the number of fertile female dogs that breeders can keep; the limits on the number of litters per female; the requirement for mandatory vet checks annually and before and after breeding; the minimum requirements in relation to staff members and animal ratios; pet shops only being permitted to sell dogs and cats sourced from shelters and pounds; importantly, the central registry of source numbers to provide tracking, transparency and oversight for the general public and authorised officers; the recognition of the important role of foster carers; and the greater enforcement powers, including for council and authorised officers. Thank you.

The CHAIR: Thank you. Was that a prepared statement, Ms Hamade?

SHATHA HAMADE: Yes, it was. I can send that through.

The CHAIR: If you could email it to the secretariat, that would be great. Hansard will make sure that your sentiments are reflected accurately. I will start the questioning with Ms Hurst.

The Hon. EMMA HURST: I want to start with Ms Purcell. We have heard some pretty incredible claims during this inquiry about the puppy farm legislation. Given you were heavily involved in the Victorian legislation and you have been monitoring the impact of that Victorian legislation, what, if any, impact has the legislation had in Victoria on smaller ethical breeders?

The Hon. WES FANG: Chair, could I take this opportunity to perhaps allow Ms Purcell to declare the positions that she might hold outside of—

The Hon. EMMA HURST: Has that not already happened prior to the inquiry?

The Hon. WES FANG: I just thought that it might be a good opportunity—

The Hon. EMMA HURST: She is here to represent Oscar's Law. She is not here representing anything else, and I have already made those declarations public.

The Hon. WES FANG: When you addressed that she had had an intimate—

The Hon. EMMA HURST: With her role within Oscar's Law.

The Hon. WES FANG: So not within her—

The Hon. EMMA HURST: I am not asking her about anything else. I am only asking her about—

The Hon. WES FANG: Given that you referenced it in the question, I just thought it was appropriate for people watching that—

The Hon. EMMA HURST: Thank you. Ms Purcell.

GEORGIE PURCELL: No problem. The impact on small breeders when it comes to Victoria's puppy farm legislation—it has had no impact on them. They are still able to continue to operate. In fact, in June 2017, 260 litters from small breeders were registered; in June 2021, 280 litters from small breeders were registered. So that is actually an increase, after the puppy farm legislation, in the amount of litters registered from small breeders. I guess it is also important to mention that as some breeders might retire and move on, every single month new prefixes are being granted, indicating that new small breeders are continuing to come into Victoria.

The Hon. EMMA HURST: So it has actually helped to protect some of the smaller ethical breeders, in your opinion?

GEORGIE PURCELL: Absolutely, yes.

The Hon. EMMA HURST: We have heard claims that similar legislation being brought into New South Wales would decimate breeders in New South Wales and stop all ethical breeding. Why do you think that those kinds of claims are being made? Were similar claims being made when the Victorian legislation was proposed?

GEORGIE PURCELL: Absolutely. Similar claims were made when it came to the Victorian legislation, and our bill also ended up in an inquiry. These claims are made out of—I guess they come from fear from puppy farmers, and they take people on a scare campaign to make them think that smaller breeders and micro breeders are going to be impacted as well. This legislation is modelled very similar to Victoria's, which we have proven has not had that impact. I guess my message to smaller registered breeders would be that this legislation actually improves what they are doing, creates more accountability and fixes any concerns that the puppies they are breeding might be coming from an unethical place, and it makes the industry as a whole a better place to operate in.

The Hon. EMMA HURST: Last week the RSPCA announced that the puppy farmers linked to Strawberry the boxer, who died with a puppy litter inside her, had been convicted of animal cruelty and were found guilty of 18 charges. However, the puppy farmers are still allowed to have 105 dogs. How would this outcome have been different under the Victorian legislation?

GEORGIE PURCELL: It would have been very different. In Victoria, anyone who is convicted of animal cruelty cannot run a domestic animal business. If this case happened in Victoria, that puppy farmer not only would have been charged and found guilty of animal cruelty, they would not have been able to continue to operate at all, let alone operate with 105 dogs. It is important to note, while we talk about Strawberry, is that case has got a lot of attention. It is worthwhile noting that same puppy farmer also prompted a parliamentary inquiry in 2015. It was not the first time that puppy farmer has been exposed. When we investigated that puppy farm in 2015-16, we found dead dogs littered in bushland around the property. An agreement was come to that he could have 400 dogs then. Now he can have 105 dogs, which is 200 when you factor in puppies. He has already proven that he cannot follow the standards that are expected of him. We are really disappointed in that result that came out last week.

The Hon. WES FANG: Point of order: In the evidence that Ms Purcell just gave, she said that under the Victorian legislation the person would have been charged and found guilty. They may have been charged but I do not think we can actually—

GEORGIE PURCELL: I am happy to correct myself. If they had been found guilty of animal cruelty, they would not have been able to operate a domestic animal business.

The Hon. WES FANG: I think there is a prejudice against—

Ms ABIGAIL BOYD: They were found guilty, actually.

The Hon. EMMA HURST: Are there other large-scale breeders in New South Wales who have been convicted of—you do not have to name names. Is it beyond Strawberry?

GEORGIE PURCELL: It goes far beyond Strawberry. Strawberry was just one case that we were able to expose to highlight the issue. There are a number of puppy farmers operating right now in New South Wales who have been charged and convicted of animal cruelty and do continue to operate. The other thing that I would like to say is that is all that we know of. We operate based on tip-offs, complaints from neighbours and from staff members, which is how the Strawberry case came about. Without traceability and without accountability in New South Wales, we do not know how big this problem is. We know it is a big problem, but we do not know how big, which is a really critical part of this bill. Something we were able to achieve in Victoria is we are able to track every single dog and puppy that is sold and bought in our State.

The Hon. EMMA HURST: At the moment in New South Wales, we cannot track the dogs?

GEORGIE PURCELL: No.

The Hon. EMMA HURST: Is that part of the problem?

GEORGIE PURCELL: There is no system to track animal movements like there is in Victoria, so we just do not know how many puppies are being bred and sold in the State.

The Hon. EMMA HURST: Obviously you would support a recommendation for a fit and proper person test, or something like that, to make sure that people who are convicted of animal cruelty could not own those large-scale breeding groups. We have heard a bit of evidence in this inquiry about registered breeding organisations being exempt from any legislation that comes through. Are any of those convicted animal abusers a part of registered breeding organisations? Do those breeding organisations have any oversight into what a lot of their members are doing?

GEORGIE PURCELL: In Victoria, we had to accept an amendment that made applicable organisations exempt from the legislation. That is largely Dogs Victoria. We were facing a situation of having a bill pass with that amendment or not at all, and we wanted the bill to pass. But we are in support of this bill, which does not allow that exemption. The reason for that is that we operate based on tip-offs, no matter where they come from or whom they are about. A number of the cruelty cases or unethical breeding cases exposed in Victoria, and also around Australia, have been registered breeders with a kennel club. We think it is really important that they have the same accountability as well. While this change might be overwhelming or scary for them, it will ultimately benefit them in the long run because it will weed out anyone who is doing the wrong thing and giving them a bad name.

The Hon. EMMA HURST: The Victorian legislation has been in place for quite a while now. What is the community feedback now that it is in place? Are you aware if the Labor Government that put that legislation forward has received any feedback?

GEORGIE PURCELL: Yes. The feedback would be that, first of all, it was incredibly popular. It was a really popular change with the community. Public sentiment was well onside, and it was well overdue. People have realised that you can still get animals in Victoria, they are just not coming from puppy farms. I guess it has created more education and more awareness around where animals are coming from and has promoted other ways to get animals, such as adoption or, importantly, if you want a puppy, waiting until the right breeder comes along. I think there is this real issue going on around the country where people want puppies on demand. It has made people really consider finding the right breed for them and waiting for an ethical breeder that meets their standards to come along.

The Hon. EMMA HURST: Has the Victorian legislation been effective in reducing the number of illegal puppy farms and dodgy backyard breeders in Victoria? Has Oscar's Law found that the complaints that you are receiving in Victoria have gone down? I do not know whether you have this with you or whether you know it, but have the complaints in New South Wales changed in any way?

GEORGIE PURCELL: Yes, we recently ran the stats on that. Complaints in Victoria have dropped and complaints in New South Wales have skyrocketed. Obviously, we do not know exactly why but we would presume that this is partly due to puppy farmers relocating to New South Wales to escape Victoria's legislation. On the point of whether it has stopped or closed down unethical breeders or puppy farms in Victoria, the answer is yes. But also, importantly, where it has not, we have been able to find out where they are and how they are operating because we have that traceability through the Pet Exchange Register.

No animal can be sold in Victoria without being registered on the Pet Exchange Register. So if there is a high amount of animals being sold in a certain area, we can now get that data. Councils can look into whether that breeder is registered, whether they are following the laws and whether they are doing the right thing. So even though some people might choose to not follow the law, now we are actually able to track them down in a way. There was this argument with the legislation that it would force puppy farmers underground. It has done the complete opposite; it has brought them to our attention, which was exactly the purpose of the legislation.

The Hon. EMMA HURST: How has it done that? How has it stopped it from going underground?

GEORGIE PURCELL: Puppy farmers used to rely on pet shops in a big way to sell their puppies. The legislation outlawed that. Now most puppy farmers rely on selling animals online. Every animal that is sold online now has to have a unique ID number on the Pet Exchange Register. It is near impossible to trick that register because you have to upload 100 points of ID. You have to prove who you are. So anyone who is selling more puppies than they should be, or if it looks like something dodgy is going on or they have more animals than they are meant to have, we are able to track down that data now based on the amount of animals that they are selling online.

The Hon. EMMA HURST: One witness claimed that puppy farmers in Victoria are now just applying for multiple licences of 50. One witness claimed that puppy farms still exist because someone just gets several licences for 50 and then has 300 dogs. Have you heard of that happening in practice? Is that even possible under the legislation?

GEORGIE PURCELL: No, we have not heard of that happening in practice. Under the legislation, we do have the ministerial exemption where you can have 50 fertile females. Again, that was another concession that we had to make in order to have some legislation. If that was happening, we would know about it. People come to us with those issues. It has not happened. In fact, only a handful of commercial breeders in Victoria have been given that exemption, and we know about all of them. They were already operating when the legislation was coming into effect.

The Hon. EMMA HURST: My last question is about that 50. We were talking earlier about where we should cap the number. A lot of the rescue groups were saying that 10 is too many. Obviously, it is 10 in Victoria, with ministerial approval for up to 50. My first question is do you agree with a cap of 10? My other question, which is a little loaded, is around these guardianship models. Obviously, that has been included in the legislation for the first time. Some of the criticism of the bill is that—some people go so far as to say that dogs will go extinct if we only allow 10 breeding dogs. But I guess there could be fewer dogs in the market. Because people would go from having 300 dogs to having 10 dogs, there would be a lot fewer puppies on the market. Do you think that these guardianship models would actually help alleviate some of that problem, if they are done properly, so that we would not have explosion in prices of puppies and things like that in New South Wales?

GEORGIE PURCELL: To answer the first part of your question, we are in strong support of a cap on 10. We would not want to see it any more than that. That was where we were meant to land in Victoria and we do think that it is the best model without amendment. When it comes to guardianship laws, we are really happy to see that included in this bill. The reason for that being, we get so many complaints from people who take on those guardian animals not realising the arrangement that they have entered into and that they are bound by that contract. It is very, very distressing for people who semi-own those animals to then have to return them to a puppy farm for breeding and whelping. Ultimately, we would like to see that not in practice at all.

When it comes to the availability of puppies—I touched on it before—there is a lot of work to do on the education piece surrounding this. Deciding to get a puppy is a long journey. A good breeder will have a waiting list; they will not have puppies on demand. Waiting for the right breeder and putting your name down is a decade-long commitment. If people cannot wait the right amount of time in order to get that puppy, then they probably should not be getting one at all. Something that Oscar's Law does is also encourage adoption as a first option, and there are plenty of animals waiting for their forever homes in pounds and shelters around New South Wales. That will not change if legislation comes into effect.

The Hon. EMMA HURST: Part of it is normalising the process of, I need to plan ahead if I am going to get a dog, rather than having those impulse buys.

GEORGIE PURCELL: Absolutely, yes. That is right.

The CHAIR: There are cross-jurisdictional issues concerning me. If someone is found to breach the Victorian legislation, as it currently stands, they can cross the border into New South Wales and the convictions in Victoria essentially are not taken into consideration. Is that correct? Maybe Ms Hamade might be the one to answer this. What is the process that should be put in place to correct that issue?

GEORGIE PURCELL: Yes, absolutely. It is a massive problem. Anyone convicted of animal cruelty can just change State and continue to operate. We would like to see protections in legislation stopping that from happening and any previous convictions being reflected when they move interstate. A big issue with puppy farming is that it is a State issue and it cannot be governed by national or Federal legislation. We really do need those national consistencies in the State-based legislation to combat this industry and to stop puppy farmers moving around like they are currently doing.

The CHAIR: Ms Hamade, do you have anything to say in regard to that matter?

SHATHA HAMADE: Nothing in addition to that. That is correct; I agree with that response.

The CHAIR: The next question for me is around the online consumer protections. As I understand it, that is a Commonwealth area of jurisdiction. I am very keen to get a better appreciation of the Victorian model. I believe the West Australians have pretty much followed the same model into Western Australia. We heard earlier from people who have had some issues around consumer protection requirements. If you buy a pet, you need some consumer protections. How is the Victorian model working with regard to online consumer protections? If there are to be enhancements at a Federal level, what would they be?

GEORGIE PURCELL: With the online consumer protections, as I mentioned earlier, our legislation established what is known as a pet exchange register, and that is where anyone—whether they are a rescue group, an individual with one breeding dog or someone with 50 breeding dogs—has to create an online profile and every time they sell a puppy, they must not only advertise their microchip number, which was already the law, but they have to advertise this unique number that comes with the animal. That goes to show that the ad is legitimate and this person can be selling the animal. Consumers can go online and look up the number on the pet exchange register to check that it is real, and if it is not real then you can report it and the ad will be taken down. Then the council gets that data and is able to look into it. The other thing that is important is that it holds the online sellers accountable. Gumtree or Trading Post or any of those online platforms can be hit with a notice to comply, and if they do not, they can also be fined under the legislation, which is a really important part.

The CHAIR: Ms Hamade, do you have anything to add to that?

SHATHA HAMADE: Yes, I would extend to that thought the limitations of even being able to hold breeders to account in terms of heritable and other defects in the puppies they buy. Litigation and court processes and tribunals et cetera are quite an expensive operation. In many cases I guess the issue is you might get some sort of monetary refund or remedy, but, I mean, by that point you are also emotionally attached to your animal. It is not a very nice process; and/or you might have to give the animal back. The traceability is an incredibly important step. But we also have to be mindful that essentially these animals are still being treated as property, and defective goods, really. I think that is a fundamental issue that we cannot ignore.

The Hon. MARK BANASIAK: I think Ms Purcell was about to say something.

GEORGIE PURCELL: I was just going to say, just to add onto that: In Victoria we actually now have an anti-puppy-farm legal clinic run by the Animal Law Institute that helps consumers with issues that come with buying an animal that is sick or unwell. That has been another really important part of the legislation. I guess they help to enforce it, in a way, and hold puppy farmers accountable when they do sell sick or unwell animals online. We would really like to see a similar clinic here in New South Wales, if legislation was passed.

The Hon. MARK BANASIAK: That is a very good segue. In May 2021, the Animal Law Institute actually said they were overwhelmed by demand because of dodgy underground breeders and puppy farmers across New South Wales. In March 2021, RSPCA Victoria also expressed concerns over what they called a resurgence of puppy farms. Can you talk us through how the legislation in Victoria has perhaps failed to deal with, I guess, this influx of people wanting to buy puppies during COVID, and what you are doing to readjust or realign? Invariably demand and supply can go up and down. What are you doing to counteract?

GEORGIE PURCELL: Yes.

The Hon. MARK BANASIAK: At first glance it says the law has not passed its first test, in terms of a surge in demand.

GEORGIE PURCELL: I would disagree with that. I think the law has passed the first test. I think in 2017, when we passed that legislation, nobody knew what we were going to be facing three years later across the country. That, of course, resulted in a huge surge in demand for puppies. A lot of those puppies were being bought in Victoria but many of them were coming from New South Wales to Victoria. While puppy farms had started to be stamped out in Victoria, they had not in New South Wales, and there is no limitations on State-based trade. A lot of the complaints that were coming through to Victoria were actually from New South Wales puppy farms. They were just being shipped over the border. I think it is also important to note that at the time we went into COVID lockdowns in Victoria the legislation had not been rolled out in full. There were still puppy farms operating. The chief vet who was meant to go out and inspect the facilities in order to enforce legislation—there was a delay on that because they could not enter premises due to COVID. That is all rolled out now and we are not seeing any issues in Victoria. We think that it is working in a strong and positive way.

The Hon. MARK BANASIAK: Turning to the Pet Exchange Register and the source number issue, how many people have actually been found through those fraudulent source numbers? Do you have any figures on that, in terms of how many people it is catching if people are putting or advertising those dodgy source numbers?

GEORGIE PURCELL: The Pet Exchange Register actually has not released its first lot of data yet. We are looking forward to when they do and we will be able to answer that question when that data comes out. From personal experience with Oscar's Law, we have reported a number of illegal online ads and have been able to have them removed. The system is serving its purpose, and consumers are doing the same when they see illegal online ads.

The Hon. MARK BANASIAK: Do you know when that data is due for public release at all?

GEORGIE PURCELL: We do not know yet. I could follow up and find out for you.

The CHAIR: Yes, please.

The Hon. MARK BANASIAK: On notice, that would be good. I have a final set of questions about councils. Often when we pass laws in this place, that puts requirements on council. The first thing they kick back on is they say, "We are under-resourced. We cannot cope". Obviously this bill puts a lot of requirements on council to do a lot of the enforcement. What has been put in place in Victoria to make sure the council people are qualified to make these assessments, and what has been the overall cost that you can see to councils and obviously the flow-on to ratepayers?

GEORGIE PURCELL: I would have to take on notice that question about costs, because I do not know the answer to that. What I would comment on, though, is that we have not had any issues or complaints from councils about implementing the legislation. As I mentioned, being the leading organisation campaigning on this issue, those comments do tend to come our way. It is also important to note that local councils were already tasked with a number of roles when it comes to enforcing rules that come with companion animals, such as the DAMPs and other companion animal issues. It is not a really big change in that aspect. In Victoria, it requires things like yearly inspections and dealing with any complaints that might come their way through the pet exchange and that data by council area.

Ms ABIGAIL BOYD: Thank you very much, Ms Purcell, for everything that you do and for appearing here today. Throughout this inquiry one of the most confronting things I have heard is the reference to puppies and a puppy market and the supply and demand for puppies as though they are like any essential good, like bread or milk. If people cannot get them cheaply and easily when they want them, somehow that is a problem. From your experience with Victoria, is there a dearth of suppliers or is there any evidence of people who are desperate to have a dog in their family but are unable to get one?

GEORGIE PURCELL: Absolutely not, no. There has not been that issue. Part of what I mentioned earlier is that people can still buy animals that come in from interstate, which is a problem. But also I think that we have done quite a good job in Victoria—COVID aside, when the demand was through the roof—in educating people to understand where their animal comes from and the responsibilities that come with it. People are willing to wait until the right dog comes along and until the right breeder has a litter ready. Also, more people are willing to adopt an animal; there is no shortage on that front. But there definitely is not an issue in terms of the supply of puppies. As I mentioned earlier, registered breeders and small breeders have actually produced more litters since the legislation came into effect. So, no, there is not going to be some sort of puppy shortage crisis if New South Wales outlaws puppy farms. It will just mean that the puppies being bred and raised in the State will be bred and raised in a more ethical way.

Ms ABIGAIL BOYD: Do you think that every person who wants a dog should get a dog and that it should be in an immediate way? Is it perhaps good that there is a slowing of supply, if there is in fact a slowing of supply?

GEORGIE PURCELL: Something that has been a concerning trend throughout COVID has been people working from home and in lockdown deciding that they suddenly need a dog and they need a dog now. I think that has worsened a little bit of the problem. We really encourage people to consider the commitments that come with having a pet, particularly if you get a puppy that you will have for the entirety of their life. That little bit of a wait to get a companion animal is an important part of the process. It is often the case even if you are adopting an animal that you go through that process as well. Anyone who can supply a puppy to you the day that you contact them is absolutely someone you should not be buying a puppy from. That is something that we really try to make clear to people when they contact us to find out if the person they are talking to is a puppy farmer.

Ms ABIGAIL BOYD: You said in your opening statement that we have been having these inquiries for quite a while. I know that if I went out onto the street right now and took a sample of 20 people and showed them, for example, the situation with Strawberry and the operators of that puppy farm and said, "Do you think that this should be allowed to continue?" I would be very confident of receiving at least the vast majority of those people saying, "No, this is not good." Why do you think that it has taken us so long in New South Wales to make any meaningful change in this area?

GEORGIE PURCELL: To be completely honest, I think in New South Wales we have had a very disappointing—well, you have had—government that is too scared to act on this. We are not quite sure why. In Victoria we have proven that it was hugely politically popular; it was a huge part of the Government's re-election campaign. It was the same in Western Australia, and South Australia just went to an election with a commitment to do the same and they won as well. There should be no fear in acting to do the right thing by our companion animals. Most people have an interaction with a companion animal and they love them. No matter what side of politics you are on, people do not want to see our cats and dogs mistreated. There should not be a fear to act in this space, particularly when most other States are following.

The Hon. WES FANG: Ms Purcell, thank you for coming to provide some evidence to us today. In relation to the bill that went through the Victorian Parliament, Ms Hurst said that you had a level of involvement. Is that correct?

GEORGIE PURCELL: Yes, that is correct.

The Hon. WES FANG: Are you able to tell us how you were able to provide that involvement through your organisation but in any other ways that you might have been able to have some input into the debate?

GEORGIE PURCELL: Of course. So I am president of Oscar's Law, as I mentioned earlier. I have been for around five years now. Before that I was an ordinary committee member since around 2012. We went to the 2014 election campaign with an ask for whoever wins government to ban puppy farms. At the time we had a Liberal Government and Labor committed to do it if they were elected. They were elected so then from there, being the major stakeholder when it comes to puppy farming legislation, we were involved in the consultation process and working with the Government to provide them feedback and advice on what should and should not be in the bill, as did many other stakeholders.

The Hon. WES FANG: Did you have a hands-on role during the debate?

GEORGIE PURCELL: I had no role during the debate beyond being present as a spectator and seeing it pass the Parliament.

The Hon. WES FANG: Do you have a role within the Parliament in Victoria?

GEORGIE PURCELL: To get ahead of this line of questioning, the puppy farm legislation passed in 2017. The Animal Justice Party did not have a member of Parliament until 2018 so we were not involved in the passage of that legislation at all.

The Hon. WES FANG: Let me take a step back. Since that election in 2018, do you have a role in the—

GEORGIE PURCELL: Yes, as Ms Hurst mentioned earlier, I do. But I am here today representing Oscar's Law. I wear a range of hats, as many people in the animal protection community do, but I have been involved with Oscar's Law for 10 years now. I have been involved with Oscar's Law longer than I have been involved with the Animal Justice Party and I am here today to represent them.

The Hon. WES FANG: Does your party in Victoria seek to strengthen the laws which you have spoken about today?

GEORGIE PURCELL: You mean, does Oscar's Law have—because we are not a party.

The CHAIR: Ms Purcell has been sworn this morning to represent Oscar's Law. Ms Purcell, you can answer the questions in other capacities if you wish. I just caution that the panellist has been sworn to represent Oscar's Law.

The Hon. WES FANG: I appreciate that, Chair, but many times during the inquiries that we hold—and I am often on the other side of this—we have had people that wear a number of hats come to our inquiries. It has always been the practice of these inquiries that, should a person represent one thing when they come to an inquiry, it is well within the scope of the members to seek elucidations as to that witness's other roles and how that might influence the evidence that they give.

The CHAIR: Just to be clear, I did not say you could not ask the questions. I just said that the witness has been—

The Hon. ADAM SEARLE: Mr Chair, just to ask for some clarification, I think the witness is here representing Oscar's Law. She has indicated that she might be a member of a political party. She has not said that she has any representative capacity there or is able to speak with any authority for that party. If the honourable member were to ask questions about her party membership, he might want to clarify whether she actually has any capacity to speak for that party or any position of authority or influence within the organisation beyond being a member.

The Hon. MARK BANASIAK: To assist the Hon. Wes Fang, maybe he could reword his question to: Is the witness aware of any potential strengthenings or improvements or amendments to the legislation passed?

The CHAIR: That would be appropriate.

The Hon. WES FANG: I appreciate that, but I was asking the question in a very specific way because I would surmise that providing testimony to a New South Wales inquiry, when the witness works in the Victorian legislature, if they were seeking to amend or strengthen that legislation, might actually aid the cause that they were seeking to progress down there—

The Hon. ADAM SEARLE: It might.

The Hon. WES FANG: —by providing that evidence here and then seeking to influence our legislation before it is passed. So I was just teasing that out. I know we have wasted a lot of time now on this and that we are almost out of time, but it was certainly a very valid—

The CHAIR: I did not rule it out of order. What I said was just be mindful that the witness has been sworn for Oscar's Law.

The Hon. MARK BANASIAK: The question has been put.

The Hon. WES FANG: I will put that question and I will press. Ms Purcell.

GEORGIE PURCELL: Just to clarify, you want to know if, in Victoria, the Animal Justice Party has intentions of strengthening our puppy farm legislation.

The Hon. WES FANG: Yes.

GEORGIE PURCELL: I am not authorised to speak on the Animal Justice Party here today and we do have a process in order to do that. What I can say is that we are six months out of an election in Victoria and our MP does not have plans to work in that space right now, but I do not think it would be appropriate for me to comment further. What I did say was that our legislation in Victoria ended up not being quite as strong as we would like it to be and that is why we are very, very supportive of New South Wales doing it in the way that we would have liked to have seen it done and not having to make the concessions that we did.

The Hon. WES FANG: That brings me to my final question, then, which is that we often hear about the Victorian legislation and how it has impacted puppy farms. It has done so with legislation that is not as draconian, shall I say, as what is being proposed here, yet it seems to have achieved an outcome. Is that a fair summation of how the Victorian legislation has operated?

GEORGIE PURCELL: I think my first comment will be that we do not consider this proposed legislation in New South Wales to be draconian.

The Hon. EMMA HURST: No.

GEORGIE PURCELL: It is a model that we would have liked to have seen implemented in Victoria. While I said the legislation has been effective, which it has been, it could have been more effective. We did not

want to see puppy farms continue to have 50 dogs, but we were facing a situation where we could have no legislation and puppy farms remain legal, as they are in New South Wales, or we could have some sort of regulation and stamping out of them, and that is the place that we reached. As I am sure you know, politics is often about pragmatism and we had to be pragmatic.

The Hon. WES FANG: Very much.

Ms ABIGAIL BOYD: Well done.

The Hon. ADAM SEARLE: I have that experience myself.

The CHAIR: We still have two minutes before I give you the wrap-up. I just have one very quick question before we go to that wrap-up. You spoke earlier, Ms Purcell, about—I guess the phrase we use is the carving out of pure breeds or registered breeders in the Victorian process. In that carve-out process, did you advocate for, in any way, some criteria upon which that carve-out could be accepted—that they had to adhere to the codes of practice of that organisation, for instance, or that there would be annual audits of that prospective pure breed? How did the carve-out work?

GEORGIE PURCELL: The carve-out followed the misinformation campaign that we spoke about earlier where people were concerned about the impact on small-scale registered breeders, which we did not agree with, but we agreed in the end, as I said, to get the legislation passed. Dogs Victoria, as an applicable organisation, have made a number of commitments that they will follow in order to ensure that their breeders are doing the right thing. That includes things like inspections or audits, but it is largely self-regulated, which we think is always a risk. We think that all breeders would be better off under the same scheme. As I mentioned earlier, while it might be overwhelming—change is always confronting, particularly for people that have been doing this for a long time—it will, in the long run, ultimately better the industry by weeding out the people doing the wrong thing. As I mentioned earlier, a number of the breeders that have been doing the wrong thing in Victoria and other States were registered with one of those organisations.

The CHAIR: Thank you. This is where we wrap it up. You are going to get a minute each. If there is anything you think that has not been said that you would like to have said, or if there is anything where you think you have been misconstrued or the Committee may have not quite got right your testimony, you get a chance to wrap that up. Ms Hamade, is there anything you would like to say in that one minute?

SHATHA HAMADE: No, I just thank Ms Purcell for her comments and responses today. We wholeheartedly support and agree with all the submissions made today. I thank the Committee for looking into this issue, and I implore the Committee to take this on and implement it because we really do, as you have heard today, have a cross-jurisdictional issue. The strengthening of the Victorian laws and the proven success of the Victorian laws are only going to be as good as a cross-jurisdictional approach. We need to also follow the lead with Western Australia and South Australia and fix that gap so that it strengthens all of the jurisdictions into a united approach. Thank you.

The CHAIR: Thank you. Ms Purcell?

GEORGIE PURCELL: I think I have covered off most things that I want to say. The final thing would be that I really encourage the Committee to not waste this opportunity. As I mentioned earlier, we have been coming to New South Wales to talk about this for a decade now. We have managed to convince most other States to act, and we really do not want to end up in a situation where in 10 years we are still doing this in New South Wales. We have proven with the precedents of other legislation that this does not stop people being able to have companion animals, nor would we ever want that to happen. We just want good welfare for dogs and puppies across Australia, and New South Wales right now is the biggest risk because there are just going to be more and more puppy farmers coming into this State. If we do not act with urgency, it is going to really reach a crisis point. We are calling on the Committee to please come up with some recommendations that will ultimately support this bill that you are inquiring into.

The CHAIR: Thank you. I believe that one question was taken on notice.

GEORGIE PURCELL: That was about the cost, yes.

The CHAIR: The Committee secretariat will be in touch regarding that. Once Committee members get the transcript from Hansard, there will potentially be more questions. The Committee secretariat will also be in touch with you if that does occur, and you will have 21 days to respond. Thank you very much.

The Hon. MARK BANASIAK: To correct the Chair, there were two: The cost and the date of the report.

The CHAIR: Sorry, yes—two. Thank you.

(The witnesses withdrew.)

Ms KRISTINA VESK, Chief Executive Officer, Cat Protection Society of NSW, sworn and examined

The CHAIR: I welcome our next witness, Ms Vesk, who is the CEO of the Cat Protection Society of NSW. If you have a short—maybe two minutes or so—opening statement, that would be fine.

KRISTINA VESK: Thank you for the opportunity to be here today. I will cut straight to the point: Total numbers do matter. We are talking about companion animals. They need to live in homes in family structures, not institutions. Even the best institutional care is not the same as a home. No cat or dog thrives in a shelter, pound, boarding or quarantine facility. These provide short-term shelter only. Animals need homes to thrive. More particularly, kittens and puppies need to be in home environments to grow into mentally and physically healthy adult cats and dogs. At Cat Protection, our orphaned kittens and mums and bubs are all raised in foster care for this reason. They need, especially in that sensitive period of development, to be in an environment that supports healthy development—mental, emotional and physical.

It is not enough to handle them a few times a day and leave them locked in pens or cages. Dr Liz Arnott from RSPCA made the point at the hearing on 7 April that puppies living in an environment that approximates where they will live as adults sets them up for success. Dr Rosemary Elliott and Dr Katherine van Ekert from Sentient also made that point. It is not an opinion; it is founded in veterinary behavioural science. One might also say it is fairly obvious. I disagree that simply more staff and good protocols could provide a good environment. It cannot. It never can because it is not a home. If animals are not enjoying a good life, they are most certainly not able to live their best life. Community expectations do matter. The Australian public overwhelmingly considers pets as family members, and they expect legislators to protect the health, welfare and wellbeing of cats and dogs and kittens and puppies.

The CHAIR: Thank you very much. That appeared to be a prepared statement.

KRISTINA VESK: It was indeed.

The CHAIR: Are you able to hand that to the secretariat? That will make sure that your words are accurately reflected in the transcript as prepared by Hansard. I am going to open up the questioning before I move to other members. Ms Vesk, one of the things we are looking at as the terms of reference for this inquiry is the impact of the Government's consultation paper on licensing and regulation of cat and dog breeders. Did your organisation have much of a role?

KRISTINA VESK: Sorry, the most recent one that was last year?

The CHAIR: Yes.

KRISTINA VESK: We did make a submission to it, but it was very limited—the paper itself was very limited. I am trying to see if I have it here. I felt that it was quite a wasted opportunity because it was more focused on clarifying some language which it was said breeders did not understand, but it did not do anything to effectively improve the standards and guidelines.

The CHAIR: The other thing I would like to ask is around consumer protections that are required around the purchasing of kittens or cats in New South Wales. Would you be able to provide the Committee your views on the current status of that? More importantly, what can be done to improve the consumer protections?

KRISTINA VESK: An issue that has been raised frequently and is essential is the issue around lifetime traceability and having some kind of registration system that goes beyond the microchip that actually looks at breeder licensing, and that you can always understand the source of the cat or dog. Issues around consumer protection are really complicated because consumer law is about things and not animals—not living creatures. That is difficult. It is also difficult that there are health issues that can arise a lot later that are not necessarily anyone's fault. That is on one side. But on the other, you have animals, particularly puppies, who have been bred in the most appalling conditions who have health and behavioural problems from the get-go, but someone has bought them online and they cannot find the person who sold it to them. It is all very shady.

They might be picking them up in a park somewhere, and then the person has their new pet, whom they have parted with thousands of dollars for. The next thing, you are at the vet spending thousands of dollars more. It is difficult. It is a unique set of circumstances that is not easily covered by standard consumer law. But those issues do not typically arise with people who are acquiring their pets from good registered breeders, where they go to the person's home and they meet the mother and the family of the puppies or kittens. I think that is very different. Those stories that we have heard have tended to arise from online advertised puppies, where it is very difficult to trace who was responsible.

The CHAIR: Ms Vesk, we are clearly taking a lot of evidence and submissions around the intensive breeding of pups. Could you advise the Committee about how that translates to kittens? Is there a similar issue with the breeding of kittens? Are there underground illegal breeding facilities? For the Committee, if you could illuminate a bit more around how the breeding of kittens works in New South Wales.

KRISTINA VESK: The majority of cats are moggies, and the majority have come from pounds, shelters and pet shops that are selling—often they are doing work in conjunction with the pounds. They are selling kittens, and most of those are coming from accidental litters or, from our point of view, for Cat Protection it tends to be mainly stray cats. The mum has found someone to hang in their garage, then she has her kittens and then they work with us and we find foster care and so on. The pedigree cat world is quite small. It is quite small in terms of people acquiring those cats and, for the most part, it is quite good. There would be backyard breeders of certain breeds that tend to be popular.

We made the point in our submission that bad practices are frequently driven by profit motive. So you have the popular dogs and cats and, sadly, those most popular animals frequently are bred with inherent disorders that make their lives a misery. They are cats and dogs who cannot breathe because they are brachycephalic; dogs who are so stressed that their whole life is one of suffering and they have to have—even with thousands of dollars of vet work to help with their breathing and so on, they are not having a good life. But, sadly, they are very popular. So I think because people cannot make the same level of profit from cats, the market on the supply side is not there as much.

The CHAIR: Does that mean that there is not the degree of issue in the intensive breeding of kittens as there is for pups? Would it be safe to say that there are no illegal kitten breeding facilities in New South Wales?

KRISTINA VESK: I could not say that. They may well be—and I would say that there certainly are—backyard breeders who do not provide proper veterinary care and do not provide good standards of care who are selling kittens. Because it is a limited market, I think it is just not the same scale as it is for dogs.

The CHAIR: Does your involvement with the rehoming or fostering of kittens involve desexing before the kittens are rehomed? Is that part of the process?

KRISTINA VESK: Yes, we do. We place orphaned kittens, and mums and kittens, into foster care. We have agreements with our foster carers and we supply all the things they need to look after them. We do training with them, we do home inspections. They are basically extended partners of Cat Protection in our welfare work. When those kittens are old enough to be desexed and to leave mum, the kittens and mum are desexed and they come back to the shelter for rehoming.

The CHAIR: Does that include microchipping?

KRISTINA VESK: Yes, we also do registration before—so we register every cat to their new owner before they leave.

The CHAIR: We heard earlier today that there are some issues around the failure of microchipping. Have you encountered that at all?

KRISTINA VESK: It can happen. Kittens can lose them. Even if it has been a good implanter, they can still disappear. Sometimes they move around the body; sometimes they are lost. It is not common, but it can happen. I recommend to people every time you take your dog or cat to the vet, get them to scan and just make sure that the microchip is still in place and that it is readable. The other issue is that sometimes if people only have some old scanners, they will not read all the different types of chips that are available.

The Hon. MARK BANASIAK: Picking up on the question from Mr Veitch, you were indicating that some cat breeds would be more susceptible to—

KRISTINA VESK: Yes, backyard breeders.

The Hon. MARK BANASIAK: —backyard breeders or kitten farms or whatever the word is. What are those breeds? We get a sense of what the dog breeds are from evidence.

KRISTINA VESK: Probably that sort of ragdoll type, Persian type, some Burmese. But I think with a lot of pedigrees it is quite easy to find good, registered breeders. So people can do that. But, yes, they tend to be the ones. It is more that "very cute" factor. But then there are also times when I have seen people promoting a cat for sale and suggesting its particular breed, and it absolutely is not.

The Hon. MARK BANASIAK: Does your society get a lot of those ragdoll, Persian, Burmese as rescues because of those practices?

KRISTINA VESK: The majority—

The Hon. MARK BANASIAK: Or are you seeing more of those sorts of moggy, tabby—or what I call "common"—cats?

KRISTINA VESK: Yes, moggies. Mainly we are taking in stray cats. The owner-surrendered or abandoned look like a pedigree, but that is still a smaller number. In the cases where we have had them, they have had significant health problems and that is usually to do with being brachycephalic—lots and lots of health problems there. That is often why people have surrendered them as well. They cannot manage the time; they do not have the money to spend on the vet bills. They are completely not able to look after them. Often cats like that can get really severe matting which becomes a significant health issue. In terms of pedigree cats with papers, it is very rare. We said in our submission that it is an occasional thing—maybe someone has moved into care or they have passed away. Most people who have deliberately acquired a cat are really bonded with them and do not want to surrender them. I would say that we have not had a problem at all with cats from good, registered breeders.

The Hon. EMMA HURST: I want to talk about a cap on the total number of animals in one breeding establishment, and I will ask in regard to companion animals, so cats and dogs, because your submission also focuses on dogs as well. You say that the capacity to care for animals is compromised with the more animals that somebody has. Can you expand on what you mean and whether you feel that a legislative cap somewhere is needed?

KRISTINA VESK: Yes. As you have more animals, you increase a whole lot of risks. You increase risks to their mental wellbeing. Are you keeping them in cages? Are they not having a sort of normal life where they can express some autonomy over their choices or are they just cooped up? You have that. You also increase enormously the potential for infectious disease and physical health issues. There are also zoonotic diseases. The cost of looking after animals in an institutional setting is enormous; it is really different. I was thinking about that this morning. Even my cat with his very expensive diet, because he has a particular health condition and this and that and really good vet care, does not cost me anything close to what it costs to look after one cat at Cat Protection because it is really different.

When you have a lot of animals, it is not you at home as a pet owner who is monitoring their toileting and their eating and noticing every little behavioural change that might indicate a problem. You have seven days a week with lots of animals. You have to have really qualified and well-trained staff, you need really good infection control protocols and you need time—those few minutes a day are not enough. I am talking about in a shelter environment; we are talking about established adult animals or kittens that have already been socialised. When you are talking about the sort of young ones, going back to my point before, they have to be in foster care to be mentally well. So, yes, the minute you put your numbers up, you increase risks a lot. You increase the cost because managing those risks costs money.

I do not know what the magic number is. I have been reading through submissions and the transcripts and seeing that there are discussions around guardian homes and this and that. I think that it must be possible to devise some models and show what good practice looks like. Find a really good registered breeder of dogs and film them and they can tell people what they do that means that the dogs they have are well looked after for their whole life and that the puppies they are rehoming have a good life. I think that when people look at the standards and guidelines written down, it can seem overwhelming.

I think that was a failure and another missed opportunity a few years ago—I think it was 2017—when DPI brought out some new draft standards and guidelines. There was so much opposition from so many in the sector. I think they were missing the point because they were looking at this as this overwhelming compliance task. Whereas if you just film someone in their home or however they have set up their place to be breeding cats or dogs and just demonstrating what that looks like in practice, it is not overwhelming.

The Hon. EMMA HURST: What about caps on litters? Are you supportive of those and, if so, why? I also want to get from you possibly some of the welfare risks, particularly of cats, who are having repeat births or C-sections.

KRISTINA VESK: I would defer to veterinary expertise on that. I am not a vet. I did read some pretty sound arguments for maybe allowing a dog to have more than two litters if they love being a mum dog. There will be some dogs who do like that, if they are in a nice environment and so on. There is that issue of the genetic issues. If you are talking about an animal who has to be regularly caesared, I cannot imagine how that could possibly be good, in any event. I just can't.

The Hon. EMMA HURST: Do you think that there needs to be a cap, even if we can't—

The CHAIR: For cats, or in general?

The Hon. EMMA HURST: In general. Do you think that there needs to be a cap somewhere?

KRISTINA VESK: Yes. I think that there are issues, particularly with dogs, because they are so vastly different. I mean cats are pretty uniform. That takes into account a number of issues. But, yes, I think those numbers do matter and it matters that the dog or cat is allowed to have the best life, not just be a production mill.

The Hon. EMMA HURST: You also mention in your submission that there is an oversupply of companion animals. What causes this oversupply and how do we avoid it? Obviously when there is an oversupply councils and rescue groups and everyone is at capacity and animals are being put down that are healthy. How do we deal with this?

KRISTINA VESK: I guess in terms of dogs during the pandemic, I think most shelters and pounds were rehoming a huge number of dogs. There is always that difficult remnant population in pounds and shelters of dogs who have been surrendered because they have behavioural issues. Why do they have behavioural issues? Possibly because they came from a puppy farm in the first place. Also possibly because the new owner was given no education and made no investment of time into things like a puppy preschool. Those things sort of conflate to create a pet who is just really quite sad and difficult to rehome, without lots and lots of intensive rehabilitation.

For cats our big problem is still the fact of unowned, semi-owned and un-desexed, and that is something that we just continue to work on with desexing and public education around desexing. The majority of owned registered cats are desexed. It is trying to capture those who are the casually owned, if you like. We have started a new program called "Adopt a stray", to try to address that. We are saying, "Would you like to adopt them?" Then we are providing really heavily subsidised desexing, microchipping, first vaccination and registration and all of that, to help people who are in that situation who have become quite attached but cannot necessarily afford to do all the things.

The Hon. EMMA HURST: One thing that a lot of people have said is they support the legislation that is being proposed with a few tweaks to it. One tweak that we heard about on the last day of the inquiry was some consideration of brachycephalic features in animals being intentionally further bred into these animals. I think you raised it in your submission as well, for cats. Can you tell us a bit more about what the issues are here? What sort of restrictions can we place around breeding to ensure that animals are not continually bred into a life of suffering?

KRISTINA VESK: I think part of that has to come from the breed organisations. If they are endorsing a breed standard that is inherently unhealthy and dangerous for the animal, they need to amend that breed standard. I have seen in a documentary some time ago images of dogs from about 80 or 100 years ago in Britain and what they looked like as a breed standard then and what they look like now. They have been bred to extremes and it is really quite obscene because it is a deliberate attempt to achieve a look with no regard for the animal's health. As we said, Paul McGreevy has argued that the things we need to be looking at are temperament and good health. I think that is something where you can get expertise from vets, basically, and experts in animal genetics and so on.

I think the public really has to learn more about what they regard as "cute". It is not cute. I just hate it. People think they are doing a nice job walking their dog and it is the afternoon and the footpath is boiling and it is a tiny dog who can hardly breathe and all their features are squished in and they are panting and their paws are being burnt and it is because they liked the look of the dog. That to me is really obscene. People need to understand they are supporting cruelty when they like these extreme features.

Ms ABIGAIL BOYD: I have one quick question. Hello again, Ms Vesk, and thank you for your submission and for appearing. This is possibly a silly question, but we hear a lot about guardian arrangements when it comes to dog breeding. Does a similar thing happen with cats?

The CHAIR: That is not silly; I have that written down. It is not silly at all.

Ms ABIGAIL BOYD: We can both be silly.

KRISTINA VESK: As I understand it, I think there are—and this may also happen in the dog world. I know it happened in the cat world. How widespread it is I do not know. Someone might have two or three female cats and then they link up with someone who has the entire male and they—again, this is like with your pedigrees, they really know the history of all the heritage of all the parents and grandparents. That is not so much doing the guardian thing but it means that the cats are living in a normal home and their owner happens to also be their breeder. But they are living in a nice home environment, they meet another cat and they come home and have their kittens and then they find homes for the kittens. Most of the time they are living in a home environment. I do not know about people—my understanding is most registered breeders are desexing before they rehome.

Ms ABIGAIL BOYD: So you are not aware of a situation where a cat breeder will sell a kitten on the basis that the kitten has to come back for breeding?

KRISTINA VESK: I have not heard that. Breeders work with other breeders but I have not heard about them working with the person who has adopted a kitten.

The CHAIR: Fascinating. You have a minute or so to wrap up before we finish. You can put on the record anything that you think has not been said or if you think there has been any of your testimony that members may have misconstrued or taken out of context and you want to tidy it up.

KRISTINA VESK: I will just make the point that there are was some really good work being done on the Pet Registry quite recently. I think it was on hold for a little while. That is really critical that we get the Companion Animal Register and the NSW Pet Registry at functionality and working and doing the best things that they can possibly do. They are critical factors in the issue of lifetime traceability and accountability. That is a very important vehicle.

The CHAIR: Thank you. I do not believe you took any questions on notice. Once the Committee members get the transcript from Hansard there may well be some further questions coming your way, in which case the secretariat will get in touch with you and you will have 21 days to get those responses back to us. Thank you very much, Ms Vesk.

(The witness withdrew.)

(Luncheon adjournment)

Mr ROD CROFT, Director, Planning and Environment, Murray River Council, before the Committee via videoconference, affirmed and examined

Mr NEIL SOUTHORN, Director Environmental, Planning & Building Services, Bathurst Regional Council, before the Committee via videoconference, affirmed and examined

The CHAIR: We now have two witnesses with us via Webex. Mr Croft, could you open up with a brief opening statement?

ROD CROFT: Sure. Where I will probably start is, basically back in 2018 Victoria was the first State to introduce tighter restrictions for companion animal breeding. Now with our council area being right on the border, what it has meant is that large-scale breeders have just relocated across the river and started to set up on our side of the river. Our council was embroiled in a single case that had a lot of media coverage et cetera for a development application at Thyra Road, Moama. We received over 3,000 petitions in relation to that actual case. Since then we understand that there were amendments to the Prevention of Cruelty to Animals Act. There was a review or renewal of the Animal Welfare Code of Practice - Breeding Dogs and Cats. However, we hoped that the code of practice would align closer to Victoria, which has not happened.

Basically the POCTAA—the Prevention of Cruelty to Animals Act—has provided additional or harsher penalty units for cruelty to animals. However, our council and our community feel that that is reactive and after the fact and that RSPCA, which are a lead agency in animal welfare, do not have the resources or facilities to actually undertake regular inspections et cetera. So what our council did was we drafted a policy, but the problem with the policy that was specific to Murray River Council was that we cannot go above and beyond or cannot be more onerous than what State legislation is. Therefore, we have not been able to provide any further assurance around approving appropriate development in our council area and we are very limited by the disconnect between the Prevention of Cruelty to Animals Act, the animal welfare code of practice and their linkages to our planning system. Thank you.

The CHAIR: Mr Southorn, just a brief opening statement.

NEIL SOUTHORN: There are two parts to my commentary. The first part is that Bathurst has the Rockley Valley puppy farm in its LGA. We have recently gone through the development assessment process for that particular project and I can comment about that. It is one where the DA process worked for us. There was a lot of input and a lot of submissions—not as many as we just heard on the other one. All of the issues that were raised properly considered, ultimately resulting in an approval. So I can comment about that further, if the Committee wishes me to. My second commentary runs around the proposals in the Companion Animals Amendment (Puppy Farms) Bill and the implications that has for local government. I am worried about the administrative burden that that will create for council, which is unresourced. I am worried about the requirement on local government to justify its decisions, which go beyond normal planning issues but go to the suitability of people, and their ability to meet expenses and so on. I am worried about the expectation on councils to be intervening and potentially seizing animals. Those animals could be pregnant or in pup, and that creates a burden of responsibility on councils.

I am worried about the need to give notice and receive submissions as part of those administrative processes—the obligation to report in seven days. I am worried about the logic behind a maximum number of breeding animals. If a number is set, why not two more than that, four more than that et cetera? I am worried that council will be embroiled in trying to mediate those sorts of disputes. I am worried about the availability of vets in regional areas to provide the services which will be required of them to breeders. And, whilst this is outside my professional responsibility, I do have an interest in mandating staff ratios. Bathurst council made a submission to the recent inquiry into regional and rural health services where mandatory ratios were not taken up, and yet they are proposed here for companion animal breeding. So there is a basket of things there as well. I might leave it at that for the moment.

The CHAIR: Thank you, Mr Southorn. I am going to open the questioning before I hand over to others. Predominantly, my questions at this point in time will be to Mr Croft. Mr Croft, your council is pretty unique in that its location means that the implementation of similar legislation in Victoria meant that there has been cross-river and cross-border movement. I have a series of questions around this. The first thing is how difficult is it that someone who may be in breach with animal cruelty issues in Victoria, who then relocates to New South Wales to open a facility—is this a big issue, do you think? And, in general terms, how should that be rectified?

ROD CROFT: From my perspective, in general terms, if people are convicted in Victoria, for instance—and I will say in one of the cases we had that scenario put to us—we cannot consider that in New South Wales. We have legal advice that was provided to us around that and that in its own right we could not consider.

How big an issue is it? I think I have probably just answered that question. It is an issue—a massive issue, depending on the seriousness and those types of things of the convictions that have happened in Victoria and what we cannot consider under the planning system.

The CHAIR: We have been advised today that the South Australians are now looking at similar legislative reform in coming months, which will create further issues on that border. Is this an issue that the Committee should make a recommendation to the Government to somehow find a legislative remedy to?

ROD CROFT: Yes. I think you asked me for a solution. One of the solutions we hoped to have was in a couple of parts. One was for the animal code of practice for breeding cats and dogs to align closer to what was best practice in Australia. There is no national code around that. It is pretty much every State having differences. The landmark case from Oscar's Law in Victoria some would say is a benchmark for animal breeding, but others would say that it does impact commercial viability for legitimate businesses breeding cats and dogs, or dogs in particular. I believe that there is a way to do it. Legislative reforms would need to occur to allow council to consider much more detail or a lot more benchmark numbers of dogs and the amount of litters they have and those types of things. I think the welfare side of things in the code of practice is okay, but again there is no consistency right across any State. So my suggestion would be that would be the starting point.

Whether New South Wales wants to enter into a State environmental planning policy—I understand that the Minister for Planning is reforming the planning system. But there is also an opportunity to allow councils to choose whether they want breeding facilities in their local government area by simply updating the definition of what is an animal boarding and training establishment in New South Wales. That is featured under the standard instrument of local environment planning. If it was separated out to separate out training and animal boarding facilities to remove the word "breeding" out of that, then you could have a standalone definition of what constitutes breeding, and then each council could make a decision as to whether they wish to have those types of facilities in their own local government area. But I still believe that we need a national code around this to get consistency.

The CHAIR: Mr Croft, one of the suggestions has been a fit and proper person test. If an individual has a breach for animal welfare issues in Queensland and wants to relocate to New South Wales to open up another facility, in New South Wales the legislative fix would be a fit and proper person test that you would then be able to measure against as to whether or not they are able to open a facility. Do you think that assists the consideration of the development application, or is there a better way?

ROD CROFT: It will really depend on how that is featured through the State planning system because section 4.1 of the Environmental Planning and Assessment Act is very specific around what would [inaudible] consider in making a decision. The link to that fit and proper person test would need to be demonstrated through that legislation or through another part of legislation that links it.

The CHAIR: Thank you. I want to ask a couple of quick questions to Mr Southorn. The Committee was availed an opportunity to visit the facility at Rockley, and some of us took up that opportunity. In the process of considering that development application, did council look elsewhere to assist in giving consideration to that development application in determining the conditions of consent? If so, what did council draw upon to assist them in making the determination?

NEIL SOUTHORN: As it transpired, we did not look too far to contemplate other proposals of like or dissimilar nature. We had lengthy discussions with the proponent prior to lodgement, which is always a good thing. We were relatively satisfied that the proposal was a genuine one and that the proponent committed to best practice implementation. That subsequently featured in the documents as submitted and indeed went a long way towards satisfying the council that it could in fact approve that development.

The CHAIR: Mr Croft, in your opening statement you mentioned that because of the legislative arrangements being implemented in Victoria that people were coming across the river. As a matter of interest, can you provide some sort of information around the increase in activity in breeding facilities in your shire? Is there an increased number, or are some of these illegal that you just do not know about?

ROD CROFT: Sure. The illegal ones are probably one of those ones that are really hard to track. Having said that, that is sort of based on—I would be asking the RSPCA around their advice because generally they get requests for action at some illegal ones. From the stats that I have, between four and six DAs have been issued and approved for what I determine as commercial dog breeding facilities since the introduction of the Victoria legislation. I have another one that is currently under assessment at the moment. All up, we are talking about 800 to 1,000 breeding dogs at the moment.

The CHAIR: That is across all six—

ROD CROFT: That is across the whole four to six DAs since 2018.

The Hon. EMMA HURST: My question is also to Mr Croft. The mayor of Murray River stated in an ABC media article that the council has seen a 500 per cent increase in development applications for these large-scale dog breeding facilities over the last year. That was a media article some months ago. It sounds like from what you are saying that that level of development applications is ongoing. Are you still finding a massive increase in these development applications?

ROD CROFT: Yes. In our talks with some adjoining council areas—and I know one of the other witnesses is not here today. I know Edward River is experiencing the same thing, which directly adjoins Murray River Council, about 40 minutes away from the closest point to the border. I believe we had two or three smaller scale commercial breeding facilities prior to the introduction of the Victorian legislation in 2018. We have currently got four to six additional ones since then and another one that is under assessment currently. Those numbers are correct.

The Hon. EMMA HURST: I know your council—and you mentioned this in your opening statement—you have had a situation for a development application for over 320 dogs. Someone was linked to that particular development application with a history of animal abuse. I understand that councils were quite concerned about it, but they ultimately determined that they did not have the power to block it. Can you tell us a bit about this and the concern around councils being hamstrung on these development applications, even if they do have some concerns around it?

ROD CROFT: Sure. I ask the Chair to jump in at any time. I have provided those two pieces of legal advice to the Committee last Friday around that. In particular, that advice basically was saying that councils can consider submissions made by the public, so there is an obligation for councils to ensure that they assess the DA in accordance with the planning principles. It did go on to say that although these are social or moral reasons raised by individuals making submissions, there would be a risk to council to refuse a DA if an applicant otherwise satisfied the matters set out in section 4.15 of the Act. Our council reviewed that legal advice prior to making the decision at the council level and was not comfortable with the likelihood of an appeal or a challenge under that scenario.

The Hon. EMMA HURST: I understand. I assume that it is quite stressful for councils that are already feeling under-resourced to be nervous about rejecting one of these development applications. Local Government NSW said to the media that councils were somewhat powerless when it came to assessing applications for puppy farms as there is no basis in legislation to draw upon requirements of the breeding code or to consider whether the proponent is a fit and proper person. Are these changes that you would like to see put in place so that councils do have some power around these development applications when they are put forward?

ROD CROFT: I will answer that in two parts. It is really depending on the State Government as to where it sees the decision and its need to be made. One part of that would be—my suggestion would be, if that was the case, and I think the other witness alluded to it, that councils do not have the resources and cannot be everything to everybody in terms of what we assess and make planning decisions. What we need is a level of consistency, whether it is a national code, a State code or whatever it is, that clearly links our planning legislation for us to be informed and make decisions based on or referencing those types of codes of practice. At the moment it is not linked. A code of practice, unless it is embedded in our development control plans—even if it is, we still have issues if an application meets the other requirements of the DCP and the environmental planning assessment principles. We still have issues with that.

The Hon. EMMA HURST: Because you cannot consider animal welfare, can you, other than through public outcry, which is what you were sort of saying. If they meet the other requirements, it is still probably not strong enough.

ROD CROFT: Correct. We can consider public submissions or public interest. That is what is referenced in there. However, on balance, if that is the only thing that is not being met in terms of how we assess the application, we have no reason to refuse it, and the legal advice is pointed that way. It would be risky for council—we would be opening ourselves up to appeal if we refuse it only on that issue.

The Hon. EMMA HURST: Do you feel like councils are bearing the brunt of public concern and outcry about these mass breeding facilities because you are actually the ones responsible for approving the DAs, even though you do not have a great degree of power or resources to block them? Is it still a lot of pressure on the councils and the councillors?

ROD CROFT: Absolutely. I know when the Thyra Road example came up, which really brought this issue to light, about two years ago or 18 months ago, our social media pages through council were inundated with hate mail and those types of things around council decision-making. As people would understand, if State

legislation is for us to make a decision under, it is not our legislation, it is not our decision-making tools, and we cannot go above and beyond what the legislation states.

The Hon. MARK BANASIAK: I might stick with you, Mr Croft. Just looking at those numbers that you are providing us, an animal association surveyed all the councils in New South Wales about DA approvals for breeding facilities, and yours was one of them. It seems from the data provided that you have six out of the eight breeding facilities adjoining the Victorian border, in terms of successful DA applications. Given that it seems like it is a localised issue in terms of the border, would it be fair to say that your suggestion about doing it via an LEP might be the best solution, rather than a standalone Act?

ROD CROFT: I guess what I would say is that your data—what you have in front of you—would be approved DAs. It would not include the ones that are currently under assessment or ones that are out for further information. We know that the planning system recently and the integration of the e-planning portal has delayed a lot of applications in that sense. So there may be others out there that are waiting, and I do know, talking with Edward River Council, that they are experiencing a few inquiries and puppy farm applications now. I am not sure as to where they are at in terms of the applications themselves.

In answer to your question—a localised issue—we could include, I guess, a definition in our LEP, but the problem is that the standard instrument is where the definition has come from, so therefore if you change the standard LEP it will change it for the State. It will allow each council to make a decision as to how they deem what is a breeding facility as opposed to an animal training and boarding establishment. But, again, as I mentioned before, there are no consistent standards around that, there are no real links to the animal breeding facilities type guidelines or anything around that in a planning sense. There are still very poor links.

The Hon. MARK BANASIAK: Perhaps so we could get a clearer picture on the extent of this—because the data that was given to me was that you had three approved dog facilities within the past three years and there is one that is still underway. But you said obviously there has been a bit of a backlog with the planning system and what have you. Perhaps on notice could you provide to the Committee how many are out for more information just so that we can get a more concrete view of the world in terms of how many are coming across the border?

ROD CROFT: Sure. Just to be clear, if the Committee is happy, I am happy to provide all the stats on approved DAs for animal breeding facilities and ones that are currently under assessment.

The Hon. MARK BANASIAK: Yes, that would be fantastic. Going back to your opening statement, you talked about how you received 3,000 submissions or petitions regarding this one particular development. How many of those 3,000 submissions or petitions were actually from residents within the local area and how many were from outside the local area?

ROD CROFT: I do not have that information with me. Apologies. [Disorder].

The Hon. MARK BANASIAK: That is all right. Is that information available? Would you be able to take it on notice, or is it just not something that you would gather?

ROD CROFT: It is very hard. I can give you some information. I guess what I would say is that when they put their address, if they are not clear as to where, we have to cross-reference our rates system as to whether they actually have a second house et cetera, depending on where they put their address down. That is all.

The Hon. MARK BANASIAK: Yes, sure. I might go to you, Mr Southorn. In your opening statement, you were talking about some of your concerns. One was the resourcing for what we call compliance officers. Can you talk a little bit more about those concerns in terms of what costs you would foresee in upskilling those compliance officers in this new legislation and their new duties under this legislation? Do you have any forecasted costs as to what would be passed on to ratepayers?

NEIL SOUTHORN: It is a little bit anecdotal; I have not quantified it with a model. My initial reaction is I would need two new rangers and a person supporting them for administrative work. I am going to say three new staff. Multiply that by whatever the dollars is on a salary, plus on-costs, plus a vehicle or two, plus office space. You mentioned skills; there are skills in these functions. I will have to go through the detail a bit more, but they look to be a higher order of skill than just someone on the street doing parking patrol and so on. There is a high degree of communication required, engaging with people. There is a high degree of being in tune with animal welfare, which is not always a matter of just reading a guideline and assessing an animal. There is quite a different skill set there.

The Hon. MARK BANASIAK: To press a bit further on that, how many of your current ranger staff do you envision would need to go through this upskilling process? Do you have staff that you would be comfortable that they would be able to roll out straight away? How many would you have to upskill in those higher order?

NEIL SOUTHORN: I have one staff member who would be close to that level of skill. The others would need upskilling, plus there is the administrative support to manage the paperwork.

The Hon. ADAM SEARLE: My question is to Mr Croft. You were talking about the legal advice you had about the difficulties associated with relying on the public interest component only to deny a DA approval. Should we infer from that that it would be useful for your organisation and all local government bodies to have the legislation make it very clear about the grounds upon which local government bodies could approve or refuse approval of such facilities to make it clear that you can, free from legal doubt, make a merit decision based on public submissions around issues?

ROD CROFT: My answer to that would be probably a little bit general in response. The legislation was written for a number of applications, not just animal breeding facilities. My concern would be, if you give the public interest clause on the EPA Act more weight, council would spend all our time in NCAT and other legal avenues fighting for whatever reason.

The Hon. ADAM SEARLE: On the one hand, you are concerned about lack of legal clarity, and when I am suggesting that you be given legal clarity, there are some other problems with it. [Disorder].

ROD CROFT: Lack of legal clarities on merit—I still believe that the Thyra Road was approved based on the information that we had and was merit based. It depends on how you view the legislation around the public interest and how much weight that actually has. Currently, it is not weighted in the Environmental Planning and Assessment system.

The Hon. ADAM SEARLE: If we are, for example, talking about an application from a body or a person that has a criminal conviction, particularly one for cruelty against animals, that goes beyond mere liking or not liking the facility. That is sort of in a different realm, is it not? That is a very tangible basis upon which to not approve a [disorder].

ROD CROFT: Yes, I agree.

Ms ABIGAIL BOYD: Good afternoon to both of you. Could I just pick up, Mr Southorn, on the comment you are making in response to my colleague about how many staff you would need to do a one-per-year inspection. Three staff seems like quite a lot. How many facilities do you think there are in Bathurst?

NEIL SOUTHORN: I do not have an exact number and what worries me are the ones that I do not know about. We will need to respond to complaints. We will need to respond to social media tip-offs. We will need to be able to respond to those other sources of advice. We only have one large dog-breeding facility, but I can be certain there are others out there.

Ms ABIGAIL BOYD: Mr Croft, just coming back to the issues that you have raised, particularly in relation to needing to fit any rejection of a puppy farm DA into existing legislation, and I guess the sensitivities around the public interest angle. Do you have a sense of whether any amount of public opposition would make a difference in terms of the legal advice and whether or not you could reject an application? For instance, you have mentioned maybe 3,000 submissions were not sufficient. What if you had 10,000 or 20,000, do you still believe under the legal advice that you would be still obliged to effectively ignore those?

ROD CROFT: Yes. The legal advice was fairly clear in my view. If all the other matters set out in 4.15 of the Act were met then it would be a risk for council to make a decision just based on that public interest clause. I do not have a view as to how many that would be, whether it is 20,000 or whatever. I should clarify that it was council lawyers that were making the decision, not council officers or any delegate in the CEOA. Therefore, it may have swayed council lawyers in making a decision. I do not know. I cannot answer for them.

Ms ABIGAIL BOYD: I have spoken to quite a few community members in various areas who have been concerned that despite all the evidence as to—this seems to be a familiar tale actually—how unsuitable the operator of the puppy farm might be and the number of submissions that have been received, that councillors have still approved. The evidence you are giving here today perhaps goes some way to explaining why that might be the case for other councils as well. When you write back to those people who have put in a submission, do you make it clear that the reasons why it was approved were because of the legal constraints? Do people know that?

ROD CROFT: I believe we have. I believe that we have done some media releases through the mayor and CEO over the last 18 months around basically how council has been hamstrung by the State legislation, as to what we can consider, yes.

Ms ABIGAIL BOYD: So people are aware that it is not necessarily something nefarious going on in the background. The reason that they are not being listened to is not the councillors' fault but a fault of our legislation?

NEIL SOUTHORN: I believe so, yes. Honestly, I would hope that message is getting through.

The CHAIR: You have drawn Mr Searle back to the microphone.

The Hon. ADAM SEARLE: Mr Southorn, you were earlier giving some evidence about your concerns around a number, a threshold for regulation of puppy farming. Can you just step us through why that is? I would have thought that clarity in legislation would have been of great assistance to councils in making an assessment of these things—i.e. if there was a threshold and a puppy breeder fell below that, then clearly they would not be caught by any regulatory regime. If they are at a given number or above I can understand why people in the community might have an argument from time to time about whether that is the right number, but it is not one that council would choose. Why is setting a threshold number not a good thing that would actually assist councils?

NEIL SOUTHORN: In a general sense, the planning system does benefit from certainty, from numbers, from guidelines, and I agree with much of what Mr Croft has said about the need for consistency and robustness in the planning system for these sorts of things. But whenever a number is chosen, and it is not just the number of breeding animals in this particular context but also a height of a building or setback off a front boundary, inevitably at the margin there is nearly always some sort of dispute, debate. If the number that is chosen—let's say it is 10—and in its enforcement functions council attends the site and finds there are 20, it could be that the animals are very fit and healthy. It could be that there are no impacts happening, that they are housed in very superior accommodation and looked after and not abused. Then what do we do? Do we seize those animals? Do we impose that number because it is the number? Whilst we appreciate that guidance will need to be set, there needs to be some logic to what those numbers are.

The Hon. ADAM SEARLE: We have received evidence, including today, about logistics, about how easy or difficult it is to care for a certain number of breeding animals and their offspring. So you would assume, wouldn't you, if the Parliament was to set a number—whether it be 10 or whether in fact it be five—it would be informed by those considerations. That would be useful, would it not?

NEIL SOUTHORN: Certainly, but I do not think the Committee should underestimate that when council is the enforcement authorised officers that we are at the front line trying to deal with what those numbers mean. As long as there is a well-considered approach to those numbers, then they will be what they are.

The Hon. ADAM SEARLE: Both the Hon. Mick Veitch and I have served on local government for a number of years and we are very familiar with the difficulties faced by councils and their officers and staff in enforcing these matters. Thank you, Mr Southorn.

The CHAIR: Mr Croft, you have your hand up. I am not sure whether that is accidental or whether you would like to speak.

ROD CROFT: If I could add to that, if that is okay?

The CHAIR: You can.

ROD CROFT: Sure. I absolutely agree. I think the numbers or the numbers of breeding pairs and the number of litters and those type of things will add value to what council do. I am concerned, and I want to make it clear with this Committee, that local governments in New South Wales continue to get loaded up with accountabilities from State Government, and this could be going into that direction as well. My concern is that we assess everything on a risk-based, decision-making model for how we task our rangers and our compliance office to do so. Therefore, I believe in numbers. Setting the numbers is crucial to that, so that we can apply a reg around that. But I also remind the Committee that currently you have an operating model around animal welfare, which is the RSPCA—the lead agency. The problem we have is that our contact or regional officer is located in Orange, which is 11 hours away from the Murray. So therefore regular inspections and resourcing for RSPCA is not adequate, in my view, at the moment.

The CHAIR: Thank you. Ms Hurst, do you have more questions?

The Hon. EMMA HURST: Yes, thank you, Chair. It is interesting to hear from you, Mr Croft, that the closest RSPCA officer is 11 hours away. That is quite concerning. I am not sure if it is the same situation in Bathurst, but my questions are for Mr Southorn. I guess it would be quite different for Mr Croft if it is 11 hours away, but I just wanted to highlight and follow up from my colleague Ms Abigail Boyd's question in regards to those three full-time staff. The legislation that is part of this inquiry does not actually require councils to investigate unknown puppy farms, or to investigate them actually at all. The powers still obviously remain with the Animal Welfare League and the RSPCA. So I am just wondering how did you come up with this figure of three full-time staff when we are talking about yearly inspections for registered large-scale animal breeding businesses?

NEIL SOUTHORN: In large part because we will be, I believe, I fear, embroiled in investigations of illegal activities to a much greater extent than we are.

The Hon. EMMA HURST: Sorry, Mr Southorn, I was just clarifying at the beginning of that question that there is nothing in the legislation that would require councils to do those investigations and that the RSPCA and Animal Welfare League will definitely still be enforcement agencies. It would not be up to council to do those investigations. So I am just wondering where you came up with the three people, considering that will not be a role required of council.

NEIL SOUTHORN: It may not be a role prescribed in the legislation but it will be an expectation of the community.

The Hon. EMMA HURST: I just want to go into another aspect of that because in Victoria, as we heard this morning, there have been no complaints from any councils that have taken on this role. What the councils have been able to do and what this new legislation has allowed for as well is that councils can actually charge a registration fee. What has been reported as happening in Victoria is that councils have charged a registration fee to the larger scale breeders that are registering each year and that actually covers the councils costs so that councils are not actually out of pocket at the end of the day for taking on these yearly inspections and looking into these registered breeders. Therefore, it would not be money that comes from either council's pocket or from ratepayers. If the money is not coming from ratepayers or from the council's pocket, what are your concerns with that model?

NEIL SOUTHORN: That is a slightly different question. The first set of questions went to the number of EFTs that might be required to provide the service. It is a separate question as to how—

The Hon. EMMA HURST: This is a brand-new question.

NEIL SOUTHORN: It is a separate question in regard to what income streams might be available to offset council costs. If there are income streams available, that would be welcome.

The Hon. EMMA HURST: Fantastic. So you would be supportive of the measures if those costs were covered in other ways.

NEIL SOUTHORN: As a general principle, but, as always, the devil is in the detail. I will come back to that there needs to be a considered logic to the thresholds and other triggers to enforcement.

The CHAIR: This is a bit of a cheeky question. I will ask Mr Southorn first and then I will ask Mr Croft the same question. We have been talking about trying to put a regime in place that will capture some of the intensive breeding facilities for pups. The Committee is also looking at intensive breeding facilities for kittens as well. Do you have a sense that there are what we would deem to be illegal breeding facilities of pups and kittens in your council, and, if so, do you have a sense of how many? I will start with Mr Southorn.

NEIL SOUTHORN: No, I do not have a sense of how many, other than I think we all know there will be some. What I think drives my concerns is that the tighter the regulations become and the more onerous they are perceived to be, people will avoid them and go underground. There is a risk that whatever the number is now will increase.

The CHAIR: Mr Croft?

ROD CROFT: I concur with Mr Southorn's comments. I believe there are probably a few operating in our Murray River Council area. I know of one that was under investigation. Our powers of entry are very limited for local government to access those properties, given that we only have powers of entry under the Companion Animals Act and the Local Government Act. So even if we did go in and inspect or investigate, our powers are limited. But I believe that there would be a number of these facilities operating. I guess it goes back to my earlier point that establishing some level of consistency around numbers of litters and those types of things will go a long way to assisting in the decision-making model of this. I do not think our council wants to see a family—as in, a human family—having two dogs and breeding them and having to go through a formal process to make sure that is legitimised. But there needs to be a number somewhere that needs to be derived that is fair and equitable. Whether it is commercial viability or not, that is up to the State. It needs to be pointed out that it is not always the case that the number is actually linked to the better quality of those establishments. But it is an indicator.

The CHAIR: Mr Croft, this is probably my last question. I come from regional New South Wales. I have a bit of an idea about your council and your neighbouring council—councils that may be encountering this issue. Breeding of the pups in the facility is one thing. Once the pups are sold, how are they transported from those facilities? This may not be a council issue but I am just trying to get a sense of the transportation logistics around once the pups are sold.

ROD CROFT: I have been talking with a commercial breeder, which is where we—and it was located in Barham. I will not say who it is. We actually invited our councillors out there to have a look at the facility and understand their business model a bit more. My understanding is they had a backlog or a list of puppies for the next five years at \$5,000 to \$7,000 a pop and they are being transported throughout Australia. So they are not just the local area. They are actually going on aeroplanes and those sorts of things over to Perth, Brisbane and other areas. How they are transported—you are right. That is not really a council issue in terms of when they leave the premises; it is only when they are operating on it.

The CHAIR: I believe Mr Croft may have taken some questions on notice. I am not sure about Mr Southorn but, in any case, the Committee secretariat will be in touch with you about that. Once Committee members receive the transcript from Hansard, there may be some further questions on notice that you will receive from the Committee secretariat. You will have 21 days to get back to us with those responses. Thank you for your submissions and your time today. It is appreciated.

(The witnesses withdrew.)

Ms TARA BLACK, Deputy Director-General, Strategy and Engagement, NSW Department of Primary Industries, affirmed and examined

Ms SUZANNE ROBINSON, Director, Animal Welfare, NSW Department of Primary Industries, affirmed and examined

Dr KIM FILMER, Chief Animal Welfare Officer, NSW Department of Primary Industries, affirmed and examined

Ms ALLY DENCH, Executive Director, Local Government, Office of Local Government, affirmed and examined

Ms KARIN BISHOP, Director, Sector Performance and Intervention, Office of Local Government, affirmed and examined

The CHAIR: Welcome to what will be our last panel today. We have just a couple of minutes for a brief opening statement from both organisations and then at the end there is a minute or so for each of the organisations to wrap up in case there is something that has not been said that you think should be put on the record, or if you think that your evidence has been misconstrued or somehow confused by the Committee members, you get a chance to clean that up as well. Ms Black, will you be delivering the opening?

TARA BLACK: I will.

The CHAIR: Away you go.

TARA BLACK: Thank you. The New South Wales Government submission outlines the regulatory arrangements for puppy breeding in New South Wales and the actions that the Government has taken over the last five years to address community concerns. This includes education and enforcement campaigns to improve compliance, upgrades to the Pet Registry to improve traceability and legislative amendments to increase penalties for animal welfare offences. We commonly see the terms "puppy farm" and "puppy factory" used to describe large-scale breeders who are failing to meet the welfare needs of their animals. But it is important to state at the outset that large breeders do not necessarily mean poor welfare outcomes, and this was reinforced by the previous parliamentary inquiry in 2015. It is also important to say up-front that while serious animal welfare issues in puppy factories are abhorrent and distressing, the data shows that these cases are actually quite rare.

Breeders who sell puppies are by law required to meet the standards set in the Prevention of Cruelty to Animals Act, the Prevention of Cruelty to Animals Regulation and the code of practice for breeding cats and dogs. The laws provide a range of compliance tools to the enforcement agencies based on the seriousness of the noncompliance, and New South Wales has some of the highest animal welfare penalties in Australia. It is important that any further action the Government takes is based on evidence, and the Puppy Factory Taskforce has provided us with some really important data about compliance issues in the puppy breeding industry. Since August 2020 the taskforce has inspected 468 breeding establishments and over 9,000 animals. These inspections resulted in 219 written notices, 66 penalty infringement notices and three cases taken to court. Our analysis of the taskforce data shows that in the last six months the rates of noncompliance are higher than we would like, but most of the issues relate to things like record keeping and documentation requirements rather than serious animal welfare issues.

But the level of noncompliance does highlight that we need to do more. So while we await the Committee's report from this inquiry, we are also developing an awareness and education campaign for both breeders and consumers. We want everyone in the industry to understand and follow the legislative requirements, and we want to empower consumers to make informed decisions when buying a puppy. Over the last five years we have taken a number of steps to improve welfare outcomes in breeding establishments, and we will continue to take appropriate action based on science, evidence and community feedback. We appreciate the opportunity to be here with the Committee today.

The CHAIR: Thank you very much. That sounded very much like a prepared statement. I was wondering if you might be able to hand that up to the secretariat and I can pass it over to Hansard so that it will be very polished in the transcript. Local government?

ALLY DENCH: Thank you. The New South Wales Government understands the importance of pet cats and dogs to the wellbeing of families and individuals across our community. Also, the New South Wales Government is committed to safeguarding animal welfare and providing a strong regulatory framework to promote responsible animal ownership in New South Wales. The Government also understands that families and individuals have a fundamental responsibility to ensure the welfare of these pets, whether in the care of a breeder, their first or subsequent owner, a vet, a rehoming organisation or a council. The Prevention of Cruelty to Animals

Act 1979 is jointly administered by the Minister for Local Government and the Minister for Agriculture. However, operationally, the Minister for Agriculture and the Department of Primary Industries takes the lead on animal welfare matters.

In June 2021 the Government passed the Prevention of Cruelty to Animals Amendment Act 2021, creating some of Australia's toughest suite of animal cruelty penalties, as my colleague has also just endorsed. This Act dramatically increases penalties for animal welfare offences and expands the range of tools available to courts to effectively deal with animal welfare offences. These laws ensure penalties reflect the seriousness of animal welfare offences and send a clear message to those who commit abhorrent acts on animals: If you do the wrong thing, you will face severe consequences. Whilst this animal welfare responsibility sits under animal welfare laws, the Companion Animals Act 1998 and the Impounding Act 1993 are administered by the Minister for Local Government, the Hon. Wendy Tuckerman, and supports this outcome of focusing on issues such as impounding, animal registration and rehoming.

The Companion Animals Act provides for the lifetime identification and registration of companion animals and for the duties and responsibilities of their owners and others caring for them. The Act also provides for a register of companion animals to help identify and track them throughout their lives to better monitor and ensure their welfare and to better monitor and support safe and ethical breeding practices. Breeders selling or people giving away cats and dogs must include an identifying number in all advertising, and this is either a microchip number, breeder identification number or rehoming body number.

The Responsible Pet Ownership Education Program has delivered a Living Safely with Dogs program to 6,015 preschools, reaching 158,640 children. The Living Safely with Pets program has also visited 7,572 primary schools, reaching 755,415 students. Whilst the Act and register work to support these outcomes, the Minister for Local Government and the OLG are committed to continual improvement of the companion animal systems in place to this end. We welcome the opportunity to talk to you today and look forward to the findings of this review.

The CHAIR: Thank you, Ms Dench. That also sounded very much like a prepared statement, so it is the same routine. If you could hand it up, it will read very well in the transcript. Seeing this is sort of the wrap-up of the hearings, I will start with Primary Industries. I have no doubt you have been reading the transcripts and observing what has been going on. Is there anything that you require a right of reply to or that you would like to clarify? I will go to Local Government to do the same thing.

TARA BLACK: Probably nothing straight off the bat, but maybe at the end if we do not get to the questions, we might. There was a lot of territory covered.

The CHAIR: There has been, and I intend to go to Local Government at the end to ask a general tidy-up question you would like covered that has not been covered. Local Government, was there anything that has been raised during the hearings that you think require a response before we go into questioning?

ALLY DENCH: Similarly, we will certainly respond as we go through. Thank you.

The CHAIR: Okay. The first real question that I have is for Local Government. We have heard again today—and it is in some of the submissions—about the microchipping failures, that these microchips are failing. The Pet Registry or the way in which we track or trace or record the companion animals, dogs and cats, how well is that going and how many people does it involve within your department to manage?

ALLY DENCH: The microchipping itself?

The CHAIR: No, the Pet Registry.

ALLY DENCH: The Pet Registry. How many in the team do we have, Karin?

KARIN BISHOP: There are sort of two parts to the Pet Registry. There is the Pet Registry database that we operate, which probably has one person dedicated full-time, who has been involved with the build of the original companion animals register. We have a couple of other members in the team who would work primarily on Pet Registry issues. We also have the team of about four or five pet helpline people, who work on emails and taking calls.

The CHAIR: What sort of information is recorded in the Pet Registry?

KARIN BISHOP: We have owner details—address, name, et cetera—microchips. If somebody gets on and wants to register themselves as a breeder, they can get a breeder identification number as well. It is pretty much just standard information around where the pets are and where they live and the owner's details.

The CHAIR: If a microchip fails to be read and they need to reinsert another microchip, how do they go about changing the microchip details on the Pet Registry? What is the process for that?

KARIN BISHOP: In 2016 the Pet Registry was adapted so that people can go on and make their own changes. I will take on notice whether you can change the microchip number once it has actually gone in. I have not had a lot of information to date about microchips failing. We will take that on notice, if you do not mind, and find out about that.

The CHAIR: Thank you. That would be good. We have also had some information about public education around responsible pet ownership and decision-making around buying, purchasing or acquiring the right pet for your circumstances. How much does the Government spend on education programs around responsible, ethical pet ownership?

TARA BLACK: We actually do have a fair bit of information on our website and, I think, also on the Local Government NSW website around buying a puppy. What we have heard in the evidence to the hearing today, and at the last one, was that information is clearly not reaching people in the way that we would like it to. I think we have recognised that we need to do a bit more work to make sure that information is actually reaching our intended audience. We know that—sorry, my boss is calling me. I have lost my train of thought now.

The CHAIR: This is about education around responsible pet ownership. The information you are providing—you are saying that you have a lot of information online but, listening to the evidence before this inquiry, it is evident that you need to do more.

TARA BLACK: Yes. We have started a bit of work on designing what another education campaign could look like. We have done them in the past, and we are looking at doing another one of those in the near future, designed to give people the information that they need to make an informed decision about buying a puppy. As you have heard, the demand is definitely there from consumers. Puppy prices are very high at the moment. We recognise that people do not know what questions to ask or what to look for when they are making those decisions about what breed to buy, where to buy it from and what to look for. That is a piece of work that we are planning to roll out later this year.

The CHAIR: When you say later this year, how much later?

TARA BLACK: One of the things that we want to do is make sure that we are not just putting something out there but co-designing it with key stakeholders to make sure that it actually reaches the intended audience, has the information that people need to hear and is actually going to change people's behaviour. There are probably some things that we can do quite quickly in terms of getting the information that we already have more visible and into the community, and perhaps some longer term stuff around changing people's behaviour, and understanding what is driving the decisions at the moment.

Ms ABIGAIL BOYD: Just to follow up on that question, unless I misheard, Chair, your question was about how much the Government has spent on education campaigns. The response I heard was, "We need to do better." Can you tell us how much has been spent in the past, say, five years for each of those years? Have you got any information?

KIM FILMER: There is some information here about funding that has been provided to the RSPCA for education programs. There was an education centre in 2015 that was funded to the order of \$2 million. There has been a renewal and expansion of the adoption facilities in 2019 of \$12 million.

Ms ABIGAIL BOYD: But in terms of education campaigns for the public?

KIM FILMER: Some of this funding has been used as part of an education campaign for the public. The Government has not done this directly, but it has given money to the RSPCA to undertake that.

Ms ABIGAIL BOYD: The \$12 million you just mentioned, was that part of a package of things that included education or was that solely education?

KIM FILMER: That was around the expansion of the adoption facilities specifically.

Ms ABIGAIL BOYD: That is not education.

KIM FILMER: It sort of is.

The CHAIR: Can you take it on notice? I think the Committee would like to get a bit of an idea about how much is being spent by the Government. It is probably two pronged. One is how much do you allocate to third parties to undertake education? And how much do you undertake yourselves for education around animal welfare, particularly dogs and cats?

TARA BLACK: We are happy to.

KARIN BISHOP: Can we add to that? We can give you some figures around what the OLG has spent on education.

The CHAIR: Absolutely, that would be very good too.

KARIN BISHOP: Ally, do you want to do that?

ALLY DENCH: Yes. Through the Pet Registry, 20 per cent of what is gathered through the registration fees goes back out into education. Eighty per cent goes back to councils and 20 per cent into education and also the registry. So it is about \$1.2 million.

The CHAIR: Annually?

ALLY DENCH: Yes, annually.

KARIN BISHOP: I would like to qualify that. We have been spending that on education programs, which Ally mentioned earlier, which are focused very much on schools, preschools, going to hospitals. It is about families working with their pets and learning how to care for pets. That is a contract that has been running. When it goes through the schools and it is running at optimum level, it works out at about \$1.2 million or \$1.115 million a year, depending on how many school visits they do. Ally mentioned the numbers before. Obviously with COVID, we had to bring that back a bit. So in the past year or so the numbers of actual school visits have been right down. However, there is also an online training program, which gives a lot of information about caring for pets and looking after pets and things, and that has been running continuously. So we are looking to get that program back up to full scale again for the next 12 months, and so we are looking to spend about another \$1.2 million on that.

The CHAIR: Ms Boyd?

Ms ABIGAIL BOYD: Sorry, by way of clarification again, I guess what this Committee is looking at is the need for regulation versus it all being okay because there is sufficient information going out to the community for the community to work out what is an ethical facility et cetera. So if we are talking about education, just to clarify—maybe both of you need to take this on notice—what we are looking for is how much is spent on educating the public about that point of sale for puppies. This is not about whether or not dog owners are responsible.

SUZANNE ROBINSON: We did, when we introduced the advertising ID, put out a program then and invested \$200,000 in our puppy program, identifying what the new rules are, what the risks are around puppy factories and helping purchasers. That was in partnership with Animal Welfare League and RSPCA NSW.

Ms ABIGAIL BOYD: What year was that?

SUZANNE ROBINSON: I think it would have been about 2016—around that time—when we were introducing that new legislation and that new requirement so that people knew what was required and purchasers knew what they needed to do in terms of looking out when they are buying pet puppies.

The CHAIR: I have one question on a different tack and then I will hand over, probably to Ms Boyd, and then other members will get a go. This afternoon, when talking to the councils from Berrigan, we heard that their nearest RSPCA officer is 11 hours away. Regardless of your views about animal welfare in New South Wales, that just cannot be acceptable. Surely we need to look at increasing some funding to make sure that we have officers—whether the RSPCA or Animal Welfare League—better situated around regional New South Wales. Has that been raised with the department or has that been looked at by the department with regard to how far away some of these animal welfare officers are?

SUZANNE ROBINSON: Not specifically. It is our understanding that the RSPCA is recruiting into that role and that they have had a roster in place to be able to service that area in the meantime. They are in the process of recruiting into that position, to be based out of Albury.

The CHAIR: That would be closer, yes. Eleven hours is a fair way.

TARA BLACK: We do have the three enforcement agencies as well—also the Animal Welfare League and the New South Wales police—who are in those communities as well.

Ms ABIGAIL BOYD: Perhaps this is a question for you first, Ms Black. Why is New South Wales so far behind everyone else when it comes to regulating and stamping out puppy farms?

TARA BLACK: It is true that every State is, on an ongoing basis, looking at their animal welfare legislation and at puppy factories as well. We do talk often with the other States and do try to, I suppose, adopt good ideas from other areas. But we do have strong laws already in New South Wales. As I said, we have the

POCTA Act, the regulation and the breeding code. That does apply to anyone who is in the business of breeding cats and dogs for fee or reward. So there are high standards set in legislation already. So I suppose it comes back to what the definition of a puppy farm or puppy factory is. We would say to anyone who is not meeting the requirements in the breeding code, that is illegal, and we do have powers for the enforcement agencies to address those issues.

Ms ABIGAIL BOYD: Let us take it to one particular example. There was a puppy farmer in the Hunter, and you know the case of Strawberry. He is very famous now, I think, and it has been mentioned a number of times in this inquiry already. This was an operator of a puppy farm who had already come to the attention of the authorities, and then we have the incident with Strawberry and the puppies literally rotting inside her and vets not being called—the most horrible of stories. Two people were sentenced last week. I think he got \$16,000-and-something in fines, which as you know is the same as selling a few puppies and the co-operator of that facility got, I think, \$4,000 in fines. Importantly, both of those people, despite having a conviction against them for animal cruelty, are permitted to continue to run that puppy farm, albeit with a slightly reduced number of animals. We are looking at 105 breeding animals at that facility under the management of people who have been under the scrutiny of the authorities for some time. Ms Dench, you referred to the severe consequences under our laws. Do you think, Ms Black, that that is a severe consequence for something like this?

TARA BLACK: The Department of Primary Industries administers animal welfare laws; we are not involved in the enforcement or the judicial process. Last year we put through an amendment to the Prevention of Cruelty to Animals Act which significantly increased the penalties available to the courts. We now have new maximum penalties to cruelty—

Ms ABIGAIL BOYD: With respect, I was there; I understand that. I thank my colleagues in the upper House, particularly Emma Hurst, for pushing for those additional penalties. But even with those penalties, we have a situation where these people are able to continue to run a facility with 105 dogs. How is that New South Wales Government legislation working? How is that good enforcement?

TARA BLACK: I suppose, as I said, DPI's role is to administer the legislation, and we do have significant penalties available in the laws for the courts and enforcement agencies to apply. That is a specific case that might be appropriate to ask the RSPCA, which took forward that prosecution and were more intimately involved with the specifics of the case and sought specific court orders in relation to that facility.

Ms ABIGAIL BOYD: But, with respect, you sat here before with an opening statement about how the laws are fine and we need better consumer education, et cetera. Clearly, we do not have a provision that prohibits somebody who has an animal cruelty conviction from running a puppy farm in New South Wales. That has to be an oversight surely.

TARA BLACK: We do have disqualification orders that are available under the legislation. It is an option for the court to disqualify people who have been convicted of offences from having care and control of animals in the future. In this case the court did not apply those orders.

Ms ABIGAIL BOYD: Right. We could change the legislation, though, could we not, to make it mandatory?

TARA BLACK: That is true; it is not currently mandatory.

Ms ABIGAIL BOYD: Again, that is a failing of our laws. You cannot blame everything on the people doing the enforcement. They can only do what they can do under the laws. That is just one example of a really obvious reform that would take us some way towards the kind of regulations we are seeing in other States and what is expected by the community here. Your opening statement sort of implied that you did not think there was a need for a bill of the kind that has been proposed. Do you stand by that?

TARA BLACK: The disqualification orders are available as an option or a tool to the enforcement agencies and the courts. It is true that it does not automatically apply upon conviction.

Ms ABIGAIL BOYD: But, again, we could change the rules. We could change the laws so that it is mandatory to disqualify.

TARA BLACK: Yes.

Ms ABIGAIL BOYD: So that would be an obvious improvement we could make in New South Wales?

TARA BLACK: Yes.

The Hon. ADAM SEARLE: I guess this is a question to Ms Black and Ms Dench. I am happy for you to take this on notice. Could you tell us how many full-time equivalent staff are engaged working in the animal

welfare or companion animal space, if I can use that terminology? What is the budget for those functions in each of DPI and OLG?

TARA BLACK: Sure. We can probably answer part of the question and then maybe take the rest on notice. Only because within Kim's team—and Kim can talk about the specifics of her team—but we do have other teams within DPI that provide support on various different animal welfare matters. In terms of Kim's team?

KIM FILMER: In terms of my team, I have a team of 13, which is roughly about a \$2 million budgetary spend on animal welfare. There are also people working back in your area that are working on legislation and reform. So there are other staff in that area. Then there is the wider DPI, where you have got people in all other parts of DPI that are doing animal welfare work, for example, in the agricultural area and other areas as well. So we have a dedicated technical team and a legislation team and then there is the broader DPI where everybody's expectation is that everybody in that department should be promoting welfare.

The Hon. ADAM SEARLE: What does your team of 13 do?

KIM FILMER: My team of 13, mainly we are providing technical advice. I have got a team that is almost half vets that provide technical information and do research in terms of literature reviews and understanding the facts and the evidence.

The Hon. ADAM SEARLE: Who seeks and obtains your advice?

KIM FILMER: All sorts of people seek and obtain our advice.

The Hon. ADAM SEARLE: Is it members of the public? Is it commercial breeders?

The CHAIR: Hopefully the Minister.

The Hon. ADAM SEARLE: I am not making any assumptions here.

KIM FILMER: All sorts of people. We do provide advice to other parts of the department. For example, in the exhibited animals area, if someone wanted to open a zoo or something—it is a bit off the topic today—we do provide advice for that part of the department, in terms of the licensing functions of the department. We provide advice to the legislation area. We provide advice to the agricultural area. We provide advice right across and also out to the public obviously, in terms of talking to stakeholders.

The Hon. ADAM SEARLE: OLG?

ALLY DENCH: I would like to take that on notice, if I could, to get you the exact figures. But we have approximately about five staff in the OLG in regards to the pet helpline.

The Hon. ADAM SEARLE: What about the Pet Registry, in that function as well?

KARIN BISHOP: We do have one dedicated contractor who looks after the Companion Animals Register. She was involved in actually setting up the thing 20 years ago.

The Hon. ADAM SEARLE: She would know a bit about it.

KARIN BISHOP: She knows all about it and we are very dependent on her to keep it running. She is full-time on that. But as I say, she is an external contractor. We do use the money that we retain from the registrations to man the helplines: the email and the phone lines. We have between four and six people on that. At the moment we do have a couple of extra contractors on because there has been an increase in the number of calls over the last six to 12 months. That is probably about it. Then we have a couple of regular full-time staff who do work associated with companion animals but it is not their substantive role.

The Hon. ADAM SEARLE: Just in relation to the Chair's question about the microchip. In terms of the updating of the information. If I go and get a pet that is chipped, obviously presumably my details end up on your register, is that correct?

KARIN BISHOP: They should if you put them in. It is up to you to put them in.

The Hon. ADAM SEARLE: What happens if my pet passes away? I tell my vet. Is there any process by which all those details are updated, so you do not get an overloaded registry full of no longer continuing pets?

The Hon. WES FANG: That is a nice way to put it.

KARIN BISHOP: It is actually up to the owner, or potentially the vet, to go online and update those details. So it would be up to you to go and notify the registry that your pet is no longer with you.

The CHAIR: Do we know that work is being done, though? The registry could be a third of animals that are not continuing.

KARIN BISHOP: It is one of the characteristics of the registry, that it is actually up to people to get on it and register their own pets.

The Hon. EMMA HURST: Thank you all for coming today. I want to go back to Ms Black in regards to some of the questions about the case for Strawberry. We heard today that these particular breeders have been charged previously and have been found guilty of animal cruelty, they continue to run a puppy farm with 400-something dogs and have been charged again for animal cruelty and found guilty of 18 offences, and are still running a puppy farm with 105 breeding dogs plus puppies. We also heard that that would not be allowed to happen in Victoria because someone who has been convicted of animal cruelty is not allowed to run a companion animal breeding business under the Victorian law. Is that something that is being considered in New South Wales—enshrining some kind of fit and proper person test so that convicted animal abusers cannot continue to breed animals in New South Wales?

TARA BLACK: It is not something that we have included in the reform bill that is before a different inquiry, but we are aware that that is the case in Victoria. I suppose all I can say about that, we are kind of looking forward to receiving the Committee's recommendations on that matter. I think one of the difficulties is that in the animal welfare space in particular there is a really broad range of stakeholder views. There is no consensus around what action the Government should take. We did put out a paper last year with a proposal to introduce a licence for puppy breeders. The feedback that we got from that was very mixed—so no clear consensus from the community or from stakeholders about whether we should introduce a licence or not, who the licence should apply to, or how it would work. That is one of the challenges and why this Committee process is really good in terms of kind of giving stakeholders and the community the chance to provide feedback on a range of different proposals, because there are a lot of ideas out there. But, as I said, the kind of consultation outcomes that we have seen so far on the different proposals that we have put forward have generated very mixed feedback.

The Hon. EMMA HURST: When you say that there is no consensus and there is mixed feedback, what groups of people are saying that convicted animal abusers should be able to run a large-scale breeding business?

TARA BLACK: That is not a specific proposal that we have put out and sought feedback on. I suppose the point I was making, though, was just that when we do put proposals out, we do tend to get very mixed feedback.

The Hon. EMMA HURST: This particular proposal that we have had in this inquiry, I do not think we have heard from any witnesses so far saying that convicted animal abusers should be able to continue to run breeding businesses. You have never had feedback on that yourselves; it is just what has happened in this inquiry?

TARA BLACK: I believe so. It is not something that we have specifically considered or tested feedback on before.

The Hon. EMMA HURST: Strawberry's case was uncovered as part of the work of the government-funded RSPCA task force, but they only received a one-off payment, as I understand it, of \$400,000, and the caring for the animals seized from that puppy farm alone cost \$150,000. Has the \$400,000 now been exhausted? Will the DPI be contributing further funding in this space to the RSPCA to run that task force?

TARA BLACK: I think it was in budget estimates the Minister committed to a review of funding to the enforcement agency. So that is a piece of work that we have underway at the moment.

The Hon. EMMA HURST: Sorry, I was not asking you about the enforcement costs. I was talking about just the puppy farm task force.

TARA BLACK: That will be part of this review because the task force is a specific enforcement activity within the RSPCA.

The Hon. EMMA HURST: I guess what we heard from the inquiry from the RSPCA was that they do not have any funding to be able to do any proactive inspections and the only reason that they have been able to do proactive inspections on this puppy farm is because a special grant was given to them to be able to do proactive inspections. At the moment, with the \$425,000 they get just for enforcement, they do not have enough staff. They do not run 24/7. They cannot respond to every call of animal cruelty. I assume that if that money goes up, I mean unless it goes up to over \$20 million, they will not be able to do any proactive inspections unless there is a specified grant for proactive inspections. Are you suggesting that proactive inspections is specifically being considered to ensure that they have funding to be able to do proactive inspections going forward as well as covering all the other areas where they do not have funding for now?

TARA BLACK: Yes, that is right. The review of funding that we are looking at will include looking at proactive inspections and looking at a whole range of different issues that have been raised, both through the various inquiries in the Parliament as well as the submissions and conversations that we are having with the enforcement agencies. That will definitely be in scope as part of the review.

The Hon. EMMA HURST: Witnesses from breeding organisations and animal protection groups alike have raised serious concerns with the New South Wales breeding code. It seems clear that the very small changes made in 2021 did nothing to actually address those concerns. For example, a number of concerns were raised that the code allows animals to be confined for 23 hours and 40 minutes a day and does not have any requirements for the appropriate enrichment or socialisation of dogs. Is the DPI looking to further update that code and address some of those big issues?

TARA BLACK: I might let Kim speak to any specifics on the breeding code. But our intention has been to introduce the reform bill and then move on to the regulations and then look at the standards, of which the breeding code is one. The changes that we made last year were deliberately limited to the, sort of, key pain points and issues that we had heard from stakeholders because we did only have three months to make those changes. One of the things that DPI and the Government is committed to in the animal welfare space is doing thorough public and stakeholder consultation. I suppose some of those things take a bit more time than what we had last year to open up for public and stakeholder feedback and then consider that feedback and then make the changes and ensure that there are no unintended consequences. We acknowledge that the changes last year were quite limited. The time frame really dictated that. It is on our list to do a more thorough review in the future. As I said, our plan had been to get the bill in and then get the regs done and then move our way through the codes and standards.

The Hon. EMMA HURST: Sorry, did you say that Kim might have some more to add to that or do you feel that that question has been covered?

KIM FILMER: I think that has probably covered that, thank you.

The Hon. EMMA HURST: That is all right. Sorry, I should have called you Ms Filmer. Late last year the DPI published its consultation paper proposing the licensing and regulation of dog and cat breeders. Can you give us a bit of an update on where that process is up to and whether or not the feedback from this inquiry will be used as part of that process?

TARA BLACK: Yes, that is certainly the case. We put out a discussion paper last year that closed towards the end of December and then early this year we published a consultation outcomes report and, I think, provided that to this Committee and published it on the DPI website. We have considered the feedback and, as I said in one of my previous answers, it is very mixed and there is no consensus around how licensing schemes should apply or how it would work. It is certainly our intention to take on board the recommendations and discussions through this hearing process with regards to that proposal for a licensing scheme.

The CHAIR: I have a question around the consultation paper. It was mentioned in that consultation paper that the breeding code should apply to working dogs. As I understand it, the consultation outcomes report from March this year states:

Feedback from working dog stakeholder groups was that they do not want to be exempt from oversight, but instead want a separate and standalone Code for working dogs. In the view of these respondents, this would ensure that there are fit for purpose rules in place to protect the welfare of working dogs, which consider the particular circumstances of working dogs.

Where is that up to now and is it the plan to include some sort of a welfare standard for working dogs?

TARA BLACK: The breeding code currently does apply to working dogs. It applies to anyone who is in the business of breeding for fee or reward, so that does capture breeders of working dogs. What the working dog stakeholders raised with us through that consultation process is that they would like a standalone code that just applies to working dogs. Similarly to the licensing scheme, this Committee was set up just as we were publishing or finalising the consultation paper on that. So I suppose we are looking for input—

The CHAIR: This will feed into the reform.

TARA BLACK: That is right, yes.

The Hon. EMMA HURST: I also wanted to find out where the review is up to in regards to the RSPCA funding. Are there any updates with that?

TARA BLACK: We have started scoping it. I do not know, Suzanne, if you want to give a bit of an overview of where things are up to.

SUZANNE ROBINSON: Yes. Essentially, at this stage, we have just been scoping out the scope of the review to get some feedback, ultimately, from the Minister on that. We have the animal welfare grant as well, the majority of which goes to the approved charitable organisations. We have been looking through feedback out of the inquiries as well as around issues raised around the funding to look at what sort of things we need to look at in that and the governance arrangements around the approved charitable organisations as well.

The Hon. EMMA HURST: Ms Robinson, while I have got you, I think you mentioned the identifying numbers that get put with animals that are being sold. They come with an identifying number. Can I just clarify that there is no inspection required to link those identifying numbers? Therefore nobody is verifying that they are actually complying with the code; it is just a linking number. Is that right?

SUZANNE ROBINSON: Anyone advertising a dog or cat for sale or to give away is required to put an ID number into the advertisement so that it can be traced back to the register. They can use the microchip number and under the Companion Animals Act it is mandatory to have a microchip number before the animal is 12 weeks of age or before you sell or give it away. Essentially, the breeder as the first owner will be in the system to trace back through that microchip number. To make it easier for people, particularly if they are advertising a litter of puppies, you can also—the registry can generate a breeder identification number so you can use that instead or a recognised organisation number so shelters that are advertising for sale can use that number. But I guess the microchip number is the core number, and it is mandatory under the Companion Animals Act to have the microchip number.

The Hon. EMMA HURST: What we are getting back from consumers is that that identifying number is somewhat confusing because people have assumed that that is linked to some kind of inspection or minimum requirements and things like that. But, just to clarify, it is not actually linked to any kind of inspection or any kind of verification that that person is meeting a certain standard. It is just a tracking number.

SUZANNE ROBINSON: That is right. It is a tracing number and then by pulling it out of the tracing system—the registry—you can look at who is breeding because they have to be registered in there. Anyone breeding for fee or reward is required to comply with the breeding code.

The Hon. EMMA HURST: I have a few questions for the Office of Local Government and I have a letter from Local Government NSW, which I might table. Local Government NSW have provided this letter in which they indicate that they support the proposed puppy farm legislation. Have you spoken or consulted with Local Government NSW on their position on this legislation?

ALLY DENCH: We have had some discussions behind the scenes with Local Government NSW. No formal—but we have had some consultation in regards to it, yes. We are aware of their submission.

The Hon. EMMA HURST: Have you taken some of their views on board in regards to their position and what might need to be put forward?

ALLY DENCH: Yes, we certainly will consider those.

The Hon. EMMA HURST: We heard evidence in the panel before from one of the local councils, which says they are really struggling with a large number of development applications. They feel somewhat hamstrung in their ability to stop some of these really large-scale breeding facilities. What do councils do in this situation? What options do they have?

ALLY DENCH: That is a question that would be for the department of planning. We do not oversight the development application processes.

The Hon. EMMA HURST: Have you had complaints from councils directly to your office about some of the issues that they are experiencing or would you just send them on to the planning office?

ALLY DENCH: We certainly take on board any complaints and help facilitate the resolution of those with the other agencies, so we would certainly help councils in seeking some solutions through the department of planning.

The Hon. EMMA HURST: Would you be working with the department of planning if there was any movement to provide councils with greater powers to refuse some of these development applications, or would that be entirely up to the planning office?

ALLY DENCH: That would be an issue for the department of planning.

The Hon. EMMA HURST: We have heard councils say that they are at a serious risk of being taken to the Land and Environment Court because puppy farming is legal. Is that something that your department looks at as well, or provides them any support on, regarding councils being concerned that they might end up in court if they were to reject one of these development applications, or again does that just go to the office of planning?

ALLY DENCH: That would be a question for the department of planning.

The Hon. EMMA HURST: I will go back to the DPI. Just to clarify, there is currently no legislative limit on the number of dogs that any one breeder can have. Is that correct?

TARA BLACK: That is right.

The Hon. EMMA HURST: There are also no rules around staffing ratios. So somebody could technically have set up with 300 dogs and one staff member.

TARA BLACK: The breeding code is set up on around outcomes. There are standards that a breeder is required to meet. But, as you say, we do not have any specific staffing ratios in there. It is more about you need as many staff as is necessary to meet the requirements under the code.

The Hon. EMMA HURST: Is that legislating after the issue has occurred? Does that mean that we are allowing somebody to set up that way, but then we are relying on an extremely under-resourced organisation like the RSPCA to find out if there is cruelty happening? First of all, they have to receive that information, then somehow they have to do the investigation and then somehow they have to house a lot of these animals. But that requires the cruelty to happen before anyone steps in. I am just wondering, would it make more sense to have laws to set up in a way so that it stops the cruelty from happening in the first place, and is that something that has been considered by the DPI?

TARA BLACK: I think what you are asking is perhaps along the lines of the licensing proposal which would be an up-front assessment of whether a licence should be issued or not. So that was one proposal that we did test—

The Hon. EMMA HURST: Sorry, no. I am still referring to the fact that there is no cap on the number of dogs, no cap on the number of litters and no staffing ratios. Without any of those things in place, it allows cruelty to take place under the proviso that an under-resourced organisation then has to actually find out about that cruelty and investigate it. But the cruelty has already happened because we have allowed a facility to be set up.

TARA BLACK: The breeding code is outcomes focused, so it is about the outcomes for the animals rather than putting numbers in place for staffing ratios, number of dogs or number of litters. The reason that we have done it that way is that it is really challenging to set a limit and determine which number to pick. When you are talking about dogs there are a significant number of different breeds, so what is appropriate for one breed is unlikely to be appropriate for a different breed. That does not address your question on staffing ratios but it does in terms of number of litters. We do have limitations in the breeding code around the frequency of litters, and so that is the approach we have taken—to have an outcomes-based set of rules that can apply across different breeds.

The Hon. EMMA HURST: Everyone who we have heard from—even breeding organisations that have come—have said we should not be allowing these facilities with 100, 200 or 300 dogs and that there is no way anybody could care for them. I understand that it is quite difficult and that everybody is giving different feedback as to where that cap should be. We have heard that in this inquiry. But at the same time without any cap everyone can agree that those facilities with 100 dogs are going to be in a poor welfare outcome automatically.

The Hon. WES FANG: Point of order: I do not think that has been the evidence at all. We have just heard from the previous witness who—

The Hon. EMMA HURST: I will reword the question. We have heard from a significant number of witnesses that that is their position. With that in mind, do you think that there needs to be a review of some level of cap?

TARA BLACK: I think the key thing is that a large breeding facility does not necessarily mean poor welfare outcomes. I think I just caught the end of the evidence from the council witness that that is their view as well. Our view would be—

The Hon. EMMA HURST: I think they said it is an indicator of poor welfare but not necessarily.

TARA BLACK: I would say it is an indicator of potentially a higher risk. All modern compliance agencies do take a risk-based approach to their inspections, audits and compliance activity. Those larger breeding facilities I would imagine are the ones that will get more attention from the RSPCA and the Animal Welfare League because it does increase the risk but it does not necessarily mean that there are poor welfare outcomes there. I suppose, hypothetically, you could have a very large breeding establishment with sufficient staff and really fantastic modern facilities that go well above and beyond the requirements in the breeding code. You could equally have a very small breeder that does not meet the requirements. So size is not necessarily at all an indicator of what the welfare outcomes will be.

The Hon. MARK BANASIAK: I might go to the Office of Local Government first. With the Pet Registry details, I have had a stakeholder playing at home and they have told me that they cannot actually update

their details on the Pet Registry. It is up to the councils. I know, Ms Bishop, you said that users could do that, but is it the case that they submit the form to council and the councils are the ones that actually do the update?

KARIN BISHOP: I did actually just get some background check on that. When you first register your animal, I think you do it through the council, but what was set up was the online portal so that people can go in and update details once they are in there. I will take this on notice and clarify it.

The Hon. MARK BANASIAK: Yes.

KARIN BISHOP: My understanding is that you can get on the portal and you can update details and things, but whether you initially have to be put in originally through a registered council—I just checked that before.

The Hon. MARK BANASIAK: And if you can edit, whether there are any locked fields that you cannot, that would be useful.

KARIN BISHOP: As per the microchip question earlier, yes.

The Hon. MARK BANASIAK: Yes, that would be great.

KARIN BISHOP: I am very happy to take that on notice and provide much more detailed and specific information.

The Hon. MARK BANASIAK: Thank you. As part of Ms Hurst's bill, there is a proposal to include a source number. I am just wondering with the pet register, how that would work. I know with IT systems they get to a certain age, and there are only so many little edits and backroom changes that you can do before you have to scrap it and do a whole new system. Have you done any work in terms of, if this bill was passed and this source number process had to be introduced into this register, would you have to scrap the whole system and rebuild or is it something that you could build in?

KARIN BISHOP: We would need to see whether it could be attached to the current register, but in any case there is work going on to rebuild the registry from scratch. As it was mentioned before, it is an old system. It was set up 20-something years ago. It is coming to the end of its life, so we currently are working on a prototype with funding from the Digital Restart Fund to develop a new registry, which would be able to adjust to all those additional things as well.

The CHAIR: Is that work underway now? Have you started it?

KARIN BISHOP: It is.

The CHAIR: When is it expected to be completed?

KARIN BISHOP: We are currently in the process of developing those prototypes. I cannot give you an actual time at this point, but we are really trying to work on that quickly and get that delivered as soon as we can.

The Hon. MARK BANASIAK: I will go to DPI. There has been a bit of contention about how many of these puppy farms or DAs have been approved. There was a private survey done of councils I think from 2019 to 2021 that there were 15 DAs for breeding facilities across the whole State. The local council that we had last session, they were going to go back and crosscheck that. The question to DPI is how do you know when a new breeder has come online, so to speak, in terms of establishment? Do you get a notification from somewhere? How do you find a new breeder on your list? I would assume that is then fed into the puppy task force.

SUZANNE ROBINSON: Usually, we do not get notified, so to speak. Through the Pet Registry, as we have indicated, people need to have their dogs on there and can have a breeder identification number. If a new breeder was coming online, they would need to have any of their animals registered through the registry. Sometimes we will be made aware of a development application through the local council getting in touch with the department. That can sometimes come through to us in the animal welfare area, but there is a broader arrangement for the department for some development applications in regional areas as well that go through to our agricultural area.

The Hon. MARK BANASIAK: So you have an agreement with the Office of Local Government to view that pet register?

SUZANNE ROBINSON: There are information-sharing arrangements, yes. The department and the enforcement agent—we do not enforce POCTAA.

The Hon. MARK BANASIAK: RSPCA would have information sharing—

SUZANNE ROBINSON: POCTAA enforcement agencies have access to use that for the purposes of POCTAA enforcement.

The Hon. MARK BANASIAK: I go to the puppy task force figures that you listed in your submission. I think you updated them in your—I think it was 66 penalty infringement notices.

TARA BLACK: That is right.

The Hon. MARK BANASIAK: How many of them were for what I would call real animal cruelty offences and how many of them were for paperwork errors?

TARA BLACK: The more significant number is for documentation, record keeping and those types of things. There were only three cases taken to court for prosecution, so they are the serious animal cruelty-type offences. I do have the details here. There were a few around failure to provide evidence of microchipping, vaccination status and those types of things. The fact that someone does not have the records in itself is not a welfare or cruelty issue. That is why PINs have been issued, because they are still an indicator that someone—if you do not have a record that it has been vaccinated, then it may not be vaccinated but it may also be. Those are some of the challenges with these stats. Broadly, out of the 468 inspections, only three cruelty offences were taken to court.

The CHAIR: Are you able to provide those figures to the Committee secretariat on notice?

TARA BLACK: I can do. I think the RSPCA may have taken a question like that on notice. These are their figures.

The Hon. MARK BANASIAK: I think so. I just cannot remember if it was for this inquiry or another one.

The CHAIR: We will tidy that up and make it for this one.

The Hon. MARK BANASIAK: Is that where you draw your reference to the fact that it is not as big an issue as it has been made out to be?

TARA BLACK: We are concerned about the high level of noncompliance with the code. I suppose the point I was trying to make is that cases like Strawberry are isolated. Those kinds of issues are not widespread. They are serious, but the higher rates of noncompliance, according to the statistics from the task force, are around record keeping and documentation rather than failure to provide food or vet care or those kinds of things that are a more serious welfare issue than not having your paperwork up to date.

The Hon. MARK BANASIAK: Lastly, let us talk about cats. Obviously, there has been a heavy focus on puppy farms, but part of the bill is that there are elements to do with kittens. From what I hear from the evidence and submissions we received, it does not seem to be as much of an issue. Talking to the Cat Protection Society of NSW today and other people in the cat field, it does not seem like it is as prevalent as perhaps the dog breeding situation. Is that something that you are hearing as well?

SUZANNE ROBINSON: Yes. I would say we get very little, if any, letters into the department or to the Minister in relation to cats. The odd case is more like a hoarding situation than a breeding situation, which tends to be mental health-related as well, in terms of cats. But there is not a lot of that either.

The Hon. MARK BANASIAK: This is perhaps to the Office of Local Government. Is it more the crazy cat hoarders—I was afraid to use that term, but the cat hoarding—

The Hon. WES FANG: My mother finds that offensive.

The Hon. MARK BANASIAK: The cat hoarding, is that what you hear of more? Is it more stray cats with the Office of Local Government? Are you hearing of mass cat breeding facilities?

SUZANNE ROBINSON: Not mass cat breeding facilities, no. Mainly stray cats is what we get most of our complaints in relation to.

The CHAIR: I have one question. I want to finish up with the Government. In the Government's submission—and it is probably a chance to update it since you presented the submission—in response to terms of reference (e), which is the recommendations of the 2015 Joint Select Committee on Companion Animal Breeding Practices in NSW, it states that, of the 27 recommendations that were supported or supported in part, 20 recommendations have been completed and seven recommendations are partially completed, underway or pending. Can I ask for an update on those seven recommendations and just where they are at, considering it has been a while since the submission came in?

SUZANNE ROBINSON: I think in terms of the DPI ones—because some of those are local government related—there were some aspects around consideration by the Animal Welfare Advisory Council. The council had considered and reviewed them, and given advice. But, as previously mentioned by Tara, in terms of looking at what we do with the breeding code and updating the breeding code, we would be looking at progressing that through that process. As we have said, we are looking through the reform, with the Act and the regulation first and then picking it up through the standards.

The CHAIR: And the OLG?

ALLY DENCH: In regard to those recommendations, the majority of them have been completed or nearly.

The CHAIR: Nearly?

ALLY DENCH: Most, yes. I have a list.

The CHAIR: Maybe you could take on notice to provide it to the Committee.

ALLY DENCH: I can provide the list with an update of where each of those recommendations are up to.

The CHAIR: That would be fantastic, thank you.

The Hon. EMMA HURST: I have another follow-up question for Ms Black with regard to the question about the paperwork and people being charged for not having paperwork. When we heard from the RSPCA—I am sure you have heard their evidence as well—the evidence that they gave the Committee was that sometimes that would be paperwork not showing any evidence of veterinary care for sick animals, for example. So they said that a lot of that missing paperwork was actually—when you say "missing paperwork", it sounds like it is not important. But the evidence they gave is that a lot of it was actually very serious welfare indicators because it would indicate that somebody maybe never got veterinary care when they said that they did. There was no evidence of that. I am wondering where this discrepancy is when you are saying that no paperwork is not so serious but the RSPCA is saying, "Actually, yes, that's the box we ticked, but it's actually very serious indicators of welfare issues"?

TARA BLACK: Probably just to loop back to Mr Banasiak's question as well, I have the breakdown in front of me now. There were 19 penalty infringement notices issued in the six months to now—the recent six-month reporting period anyway. So failing to have a documented evacuation plan is an example; failing to provide an information package at purchase; failing to provide written guarantees. I believe that is to purchasers as well.

The Hon. EMMA HURST: Are these the majority or are these just random examples?

TARA BLACK: I have a table here in front of me. It is pretty spread across—there is a range of different—

The Hon. EMMA HURST: Are you able to provide that table?

TARA BLACK: I think we might have to check. These are the RSPCA's information. But we can certainly check with them.

The CHAIR: Take it on notice.

TARA BLACK: Yes.

The Hon. WES FANG: Ms Hurst will probably already have that anyway.

The CHAIR: Take it on notice. That would be nice, thank you.

TARA BLACK: As I said, failure to have some of the records, like the example that you gave around someone not having the documentation that they have had their animal vaccinated, as an example, on the surface can look like "You just don't have the paperwork." As I said, it could indicate that actually you did not get your animal vaccinated, and that is a more serious issue. So, yes, I acknowledge, I suppose, the point that you are making. I guess I was trying to explain that these are not serious cruelty offences; they are about records and documentation. Those records and documentation are important. That is why we have them in the breeding code in the first place. So I am not trying to downplay—that that was not an offence. It is entirely appropriate that a penalty infringement notice was issued. But it is not examples like the Strawberry case that we have been talking about.

The Hon. WES FANG: I will start with the Office of Local Government NSW, if that is all right. This comes from a question that Ms Hurst asked you. She spoke about the submission of the Office of Local Government NSW and said that it was supportive of the legislation, if I have that correct, Ms Hurst. I have just gone through the submission myself. It is submission No. 21. I note two things. It says that it is a draft submission, that it has not actually been through the board yet and that it is waiting approval. The other thing is it does not actually indicate that it is supportive of the legislation. It just indicates that it has concerns about some of the—

The Hon. EMMA HURST: You are talking about something else, sorry.

The CHAIR: There was a letter tabled.

The Hon. EMMA HURST: If you like, I can pass it to you.

The Hon. WES FANG: Yes, that would be great. I am just looking at this submission and that is—

The Hon. EMMA HURST: Sorry, this was just a letter from LG NSW.

The Hon. WES FANG: What is the date on that one? It is 2021. That is the Companion Animals Bill. That is different, though, to what their submission is, which is dated March 2022.

The Hon. EMMA HURST: Just to clarify, I was not referring to their submission. That is why I tabled this document.

The Hon. WES FANG: Okay. Noting now that we have a letter that is dated 2021 that says they are supportive, the submission from Local Government NSW does not indicate support. It indicates that there are a number of issues that they have got. Have you had the opportunity to engage with them and look to see what some of their concerns are and perhaps other ways in which they could be addressed, not through a legislative blunt instrument like a bill but maybe more through education and engagement with breeders?

ALLY DENCH: The Office of Local Government is regularly in contact with Local Government NSW. We have regular meetings and discussions, and this certainly is on our agenda to discuss. Yes, there are definitely a variety of ways in which we can address the issues that are raised, not necessarily just through legislation but also through guidance and looking at working with councils on how we might be able to improve systems and arrangements on the ground. But, yes, we have regular contact with Local Government NSW.

The Hon. WES FANG: I guess they have spoken to you about a number of the issues. In the Office of Local Government, is the view that educating and advising people about how to do things better is a better way to achieve an outcome perhaps than a more blunt instrument?

ALLY DENCH: Certainly early intervention awareness raising in education is a lot better at the front end than at the back end when you use a blunt tool. Early intervention has proven itself to be a lot more beneficial to cost.

The Hon. WES FANG: We heard testimony earlier today from experiences in other States, for example Victoria, where they have a similar legislative instrument to the bill we are looking at now, although it is not as draconian. It did not go as far as what has been proposed here but has had an outcome that has been achieved. Do you have submissions or representations from groups like Local Government NSW about their support or otherwise for the New South Wales proposed bill or the Victorian legislation? Have they come to you and said, "We need this"?

ALLY DENCH: I would need to take that on notice of whether we have formal requests in that regard.

The Hon. WES FANG: I raise that because obviously we have this letter that says they support it but then five months later their submission is clearly different to that. Obviously the submission is the newer of the two documents. I will just go to DPI quickly. Noting some of the commentary and questions you have been asked around the issues around breeding—we will leave puppy farms aside—and breeders who are trying to do the right thing and have a love for their animal and their hobby and the like, is it DPI's position that where there are genuine mistakes or where there are issues with documentation, as we have just discussed, that it is actually better to try and provide details, provide education, provide advice and an opportunity to reform than it is to be more systematic and try and go for a firmer enforcement measure?

TARA BLACK: Similar to the evidence from the Office of Local Government, education is far and away the most effective tool to improve compliance. As I said in the opening statement, that is something we want to look at and do a bit more work on this year because we do believe that is the way to change people's behaviour in a much more effective way than tougher compliance and enforcement. That is not to say that enforcement and strong penalties are not part of the tools that need to be available. Certainly for the vast majority of breeders who

want to do the right thing, I think there is a role for the Government to play in making sure that they do understand what the requirements are.

Some of the changes that we made to the breeding code last year were around clarifying some of the requirements that people just did not understand, and making them simpler to understand. We are on an ongoing path to make things easier for people to understand and educate them about what good welfare looks like, and what their legislative obligations are. I would say that, generally, people are in the business of breeding cats and dogs because they love them, and so they are seeking to do the right thing. We do have a role to play in making sure that they understand what those requirements are.

The Hon. WES FANG: Do you think it would be fair to say that in the instance where we have a bill in front of us that we are doing this inquiry into, is that something—let me rephrase. Do you think at the moment, in your opinion and what you are seeing on the ground, that we are achieving the outcomes that a bill like we are looking at is seeking to achieve? While noting that there may be things that could be done better, could that be done through other means and not through legislative change?

The CHAIR: I think we have got the gist of Mr Fang's question. But, just to be clear, Mr Fang, you cannot ask public servants for an opinion. In that context the witness should answer the question, but we are not seeking your opinion.

The Hon. WES FANG: I was seeking their view based on their experience, Chair.

TARA BLACK: In terms of the private member's bill before the Parliament, it does propose a range of new measures, some of which are similar to the Victorian experience. What we have heard from stakeholders out of the Victorian experience is that there have been some unintended consequences from the laws that were passed down there. That is something that we would want to avoid here. There are opportunities from this Committee process as well to get feedback on the private member's bill. I do not think that there has been—until this Committee process—that broad public and stakeholder consultation that we would be looking for before formalising a position on the private member's bill. I think I answered an earlier question around setting caps on the number of animals or the number of litters. Our approach to date has been to try to be more outcomes focused, rather than coming up with a number and setting caps and limits.

As I said, we do have requirements or limitations around the frequency of litters. When you have got a range of different breeds and differences between even individual dogs within the same breed, some of those more outcomes-focused requirements mean that they can apply more broadly. They are easier to enforce because you can look at the welfare of the animals, instead of having very specific and very long lists of different requirements depending on the breed. It can get quite complex. As we were just talking about, one of our challenges is to get people to understand and make things easy for people to follow the requirements. That is the challenge, I suppose, between taking an outcomes-based approach or setting caps. Obviously caps and numbers are very clear and easy for people to know what the number is, but there are challenges with taking that approach as well.

The Hon. WES FANG: My final question is do you think it is fair to say that DPI and the Office of Local Government are continuing their work to ensure that animal welfare through breeders is of a high standard and that perhaps that work should be the focus into the future, as opposed to a legislative change like this?

TARA BLACK: So, yes, we are definitely always looking at ways that we can improve outcomes, and very happy to consider new ideas and proposals that come out of other States or from stakeholders about how we could do things better. It is, I suppose, an evolving piece and community expectations are changing and science is changing, and so it is a continuous process. I suppose, as I said, this is one of the reasons why the Committee process is really useful because it does give the opportunity for some of those ideas and proposals to be ventilated and tested with stakeholders. So we are definitely very happy to kind of take on board the input and recommendations that the Committee comes up with.

The Hon. WES FANG: Thank you, Chair. I have completed my questions.

The CHAIR: And the OLG?

ALLY DENCH: Yes. We would certainly agree with the testimony that has just been heard from DPI, from Ms Black—definitely. It is always about continuous improvement and about ensuring good welfare for our animals.

The CHAIR: Thank you very much. Can I just say you get one minute, if you need it, to wrap up, if there is anything you think that has not been said that you really want to say, or you think you need to tidy up. I will maybe start with the OLG. Is there anything you want to add?

ALLY DENCH: No. Just thank you very much for the opportunity to be able to come and present to the Committee and answer questions. We will certainly get back to you those questions on notice as soon as possible.

The CHAIR: Yes. Thank you. And Ms Black?

TARA BLACK: I do not think there is anything critical that we have missed.

The CHAIR: Okay.

TARA BLACK: Happy to answer the questions we have taken on notice and any further questions you might send our way.

The CHAIR: Yes, and there probably will be. There are questions that were taken on notice. It is the usual routine—21 days to get those back and the secretariat will get in touch. After the Committee members get the transcript from Hansard, no doubt that will generate further questions. It will be the same process: the Committee secretariat will get in touch and you will have 21 days to get those back to us. Thank you very much for your time. I think that draws the hearing to a close. Committee members need to stay for a very quick deliberative. Thank you very much.

TARA BLACK: Thank you.

(The witnesses withdrew)

The Committee adjourned at 15:41.