



**EDUCATION NOT REGULATION**

## **NSW Companion Animal Amendment (Puppy Farms) Bill 2021**

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**Animal Care Australia**

**MARCH 5 2021**

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**ANIMAL CARE AUSTRALIA  
STAKEHOLDER SUBMISSION**



# **NSW Companion Animal Amendment (Puppy Farms) Bill 2021**

## **Introduction:**

An open statement to all members of NSW Parliament.

**Animal Care Australia (ACA) President, Michael Donnelly:** I hereby declare the right of reply to the NSW Animal Justice Party's (AJP) Companion Animal Amendment (Puppy Farm) Bill 2021 and the misleading Parliamentary reading by the Hon Emma Hurst on 13<sup>th</sup> October 2021.

It is truly hard to believe that in 2021 any person could claim puppy farming is legal in New South Wales (NSW), unless of course, they refuse to define what a puppy farm is, for the purpose of their claim.

To this end, one can only assume Ms Hurst is selectively choosing to act on part of the common definition of a puppy farm – that being “*an establishment that breeds puppies for sale, typically on an intensive basis and in conditions regarded as inhumane.*”

To attempt to understand Ms Hurst’s statement we need to examine that definition, and split it into two sections. The first being, ‘*an intensive establishment*’ meaning one with many dogs involved. The second being, ‘*in conditions regarded as inhumane*’.

Ms Hurst’s statement to Parliament is contradictory to itself. She states, “*Female dogs are forced to pump out litter after litter in small, barren pens until their bodies can no longer cope. Because of the lack of exercise and the pressure on their bodies to produce repeat litters, many dogs develop serious, painful health conditions. Many puppies born in these farms also suffer from behavioural and medical issues as a result of the terrible conditions.*”

To boldly claim that it is legal to mistreat any animal in such a way is misleading Parliament. The legislation and requirements of the Prevention Of Cruelty To Animals Act 1979, along with the recently revised (Aug 2021) NSW Breeding of Dogs & Cats Code of Practice, clearly outlines mandatory Standards, cage/kennel sizing, food and water requirements, mandatory litter numbers per year, as well as the penalties and sentencing that can be brought against a person for failure to meet any of the standards. (see Appendix 1)

The ONLY truth stated by Ms Hurst is the legality of keeping multiple animals on a property. Animal welfare IS NOT about numbers – animal welfare is about the conditions and health in which an animal is kept.

**For this reason ACA defines a ‘*puppy factory or more accurately an unethical breeder as any person who is breeding an animal with poor welfare outcomes in defiance of the animal welfare standards.*’**

Ms Hurst continues with the horrible story of a dog named ‘Strawberry’. It seems Ms Hurst’s researchers or speech writer need to be more careful when attempting to highlight the appalling outcome of not having sufficient legal recourse to adequately deal with acts of animal cruelty. While Strawberry’s case is the subject of an investigation by the RSPCA and has also been the subject of the Western Australian Parliament, there are some glaring issues.

If Strawberry died in northern NSW when she was just 10 months old, how was it possible for her to have been forced into pregnancy when she was just one year old? The remainder of

Strawberry's story highlights the need for the RSPCA investigation and until those FACTS are released, ACA will not speculate on the assumptions made by Ms Hurst or her 'whistle blower'.

Whether the existing legislation has loopholes or gaps that prevent the RSPCA or AWL to bring cases such as those described in Strawberry's story to a full outcome, is a matter currently being addressed by the NSW Animal Welfare Action Plan.

Ms Hurst then repeats her claim: "*Right now it is legal in New South Wales to set up a puppy farm with 600 dogs living in tiny pens and to force them to give birth to as many litters as their bodies can cope with until they die. There are no caps on the number of dogs, no requirements for minimum staffing and no caps on the number of litters any one dog can be forced to endure.*"

Again – complete stretch and fabrication of the facts! The fact is 'tiny pens and no caps on the number of litters' are legislated by the NSW Breeding Code of Practice and breaches can be prosecuted. It is NOT legal to force a dog to endure those conditions.

ACA does not comprehend why a facility/breeder would keep 600 dogs, especially not without supporting staff/volunteers, but should such a facility exist, then any concern should be focused on the conditions and social behavioural aspects of the animals being applied by the facility.

Facilities such as those being described by Ms Hurst are also subject to Council DA approval and so is the residential breeding of dogs. Residents are currently required to register with Councils. Councils have Animal Management Plans that restrict and cap numbers of dogs. Whether this is being enforced by Council is a matter that should be addressed by all political parties.

A facility with 600 dogs would certainly be difficult to hide, so it is therefore very easy for Council or compliance organisations to regulate and ensure they are abiding by the legislations.

*"We do not even know how many puppy farms there are in New South Wales because the industry is so underground and poorly regulated. But we do know that the size and scale of puppy farming in New South Wales has increased since 2017."*

Do we? How do we know this? If we do not know how many puppy farms there are, and if they are so underground, HOW do we know they are increasing? Where is this documented proof of existence? Those that are underground are operating illegally, as they are not registered with Councils, or recording microchip numbers into pet registries, and are using scammed/stolen Breeder Identification Numbers to illegally sell the animals.

*"if a dog is no longer considered profitable, they can be killed."*

In fact Councils in Victoria are currently advising that is exactly what breeders and pet owners do with their excess animals when they are denied re-application of their Excess Animals permits and/or Development Applications required under Local Planning for their breeding business permit. Owners are being forced by the restrictions and Councils to surrender their animals to shelters to have them euthanised. The Victorian Government has had to establish a Taskforce to ensure the correct numbers of kill rates are being reported, as well as they are now providing funding grants to shelters so that shelters can cope with the numbers of unethically bred animals being surrendered in Victoria. **The laws pushed by AJP and Oscar's Law in Victoria are resulting in animals being euthanised.**

In Victoria, you can seek permission to own up to 50 fertile females – NOT just the capped 10 as proposed in this Bill. ACA does not want to imagine how many more dogs or cats will be euthanised under this Bill.

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### **Looking at more statements:**

*“Councils do not want to approve development applications for these mega puppy farms”*

News & media constantly reports Council rejections and approvals – they are not hamstrung. Council approvals are not hindered by the legislation.

*“there were reports of puppy farmers moving over the border in caravans to set up shop... The town of Moama has had multiple development applications for mass breeding facilities over the past year, including for a 300-plus dog facility approved a few months ago.”*

The Great Gypsy drive across the border! The emphasis here is ‘Council approved’. DA’s approved. Councils needs were satisfied. The existence of a 300 dog facility is known by Council and the compliance organisations. It can easily be audited. It is better that it is approved and regulated than the 300 dogs be scattered across multiple properties, unknown and unable to be regularly inspected.

Additionally, is Ms Hursts statements about Councils based solely on one – Moama?

*“Even for someone who does their due diligence, it can be very hard to spot a puppy farm because these businesses are set up to confuse and deceive the public about where their puppies are coming from”*

The first full truthful statement from Ms Hurst!

However this provides justification for **EDUCATION over REGULATION**. Government should be educating the public on what to look for. Our schools should be educating the future puppy and kitten owners. If people didn’t fall for the scammers, there would be less ability to scam.

*“I have even been told that many puppy farm operators are not paying taxes”*

An ATO matter – not a Companion Animals Act matter!

*“At the end of the day, adopting from rescues, shelters and pounds is the truly safe and ethical option when it comes to finding a companion animal..” followed by “... puppy farm industry contributes to the oversupply of companion animals, many of whom end up in our already overcrowded pounds.”*

So which is it Ms Hurst? Are the animals in our shelters and pounds the ethical option or are they the deplorable, gaunt, unhealthy, unethically bred problem of NSW? Are you stating it is ethical to obtain an unethically bred animal – simply because it’s not from a breeder or a pet shop?

*“Like the Victorian model, this bill will not seek to introduce a definition of a “puppy farm” or introduce any bans on breeding per se... ”*

Why not? That is what the Bill is about isn’t it? It is called a Puppy Farm Bill!

No bans? Yet that is EXACTLY what it does. It bans the breeding of a fertile female beyond 2 litters. It bans the breeding of a male dog beyond 6 years of age. It bans the breeding of a fertile female by mandating desexing. **IT BANS BREEDING!**

*“Breeding businesses will need to register, as well as pet shops and animal training, boarding and rearing facilities.”*

Why, what will that achieve? Why do boarding facilities have to be put in the same category as breeding facilities? Isn’t this simply an attack on any business that involves animals in general?

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*"The reason for requiring all companion animal businesses to register with their council is that we do not want puppy and kitten farmers to be able to dodge these new regulations by masquerading as other animal businesses".*

All dog/cat breeders are already required to register with Councils! Those who operate under the radar will continue to dodge regulations regardless.

*"To cover the cost of these inspections, Councils are able to charge these businesses an annual fee for registration"*

Registration fees already exist. What Ms Hurst fails to acknowledge are the additional fees to be charged by Councils for those annual inspections and for any additional DA requirements to be met. It is simple revenue raising. Responsible breeders will not afford the additional fees and unethical breeders will continue breeding animals at inflated prices, due to the increased demand of reduced responsible breeders.

*"It goes without saying that anyone who has committed such an offence should not be entrusted with the care of any further animals, let alone run a business with animals, which right now is still allowed to happen. Councils also have the discretion to refuse applications..."*

Wait! Didn't Ms Hurst previously claim Councils are hamstrung – unable to reject applications? Now they can?

*"... if the applicant has previously declared they are bankrupt or been subject to liquidation, is not in a financial position to meet the expenses of caring for the animals, or is otherwise deemed not to be a fit and proper person to run a companion animal breeding business."*

Now Council are financial experts? What aspect of having been bankrupt in a business equates to being able to provide appropriate welfare and care for keeping and breeding animals? Someone failed at building a successful construction business and that means they cannot breed a couple of dogs?

What is the definition of a fit and proper person? If a person has been charged with an animal cruelty offence, what level of cruelty is going to be applied?

A person may have pleaded guilty to a minor charge to avoid the high costs of legal fees and/or shelter fees. They can be hit with \$10,000's of holding fees for animals prior to their day in court. Often it is easier to plead out and pay smaller penalties than fight to prove your innocence.

Does this make them an unfit and improper person? Once guilty – always guilty?

*"What is the problem with having a 600-plus dog breeding facility, as long as their basic welfare needs are met?" My answer is this: You simply cannot give an animal a life worth living when she is locked in a barren commercial facility and treated like a breeding machine.."*

Already dealt with all these fake statements. 1 or 600 animals. If their needs are met, the standards are high and the animals are well cared for the **numbers do not matter – the welfare does!** There seems to be a regular theme of despair here. Let's grab your heart strings in the hope they'll over rule your brain!

*"Second, we do not want to see dishonest operators using these contractual arrangements to get around the 10 breeding animal cap imposed by the bill by farming out animals to third parties and bringing them back on site for breeding. Unfortunately, we are already seeing this happen in Victoria in response to its 2017 puppy farm laws."*

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Wait! Is that an admission the Victorian legislation isn't working? Is Ms Hurst admitting the unscrupulous WILL and ARE finding a way around the laws?

*"In developing this provision we consulted with experts, who advised that any more than two litters could put the welfare of the animal at risk, which is why we have sought to impose this cap"*

Who are those experts? There is plenty of evidence that suggests more than 2 litters is healthy for dogs and cats. Some evidence even suggests some breeds of dogs benefit from having multiple breeds in succession while others are better off being delayed until after they are 2-3 years of age. So-called experts can be found to prove any argument! So who did Ms Hurst consult?

*"All retired animals must be microchipped, desexed and either kept as companions or rehomed"*

Ms Hurst forgot euthanised, because that will be the likely result. This is also where responsible ethical breeders differ and will be affected. They keep their elderly and retired animals until they pass. Ms Hurst is forcing responsible breeders to choose between keeping their pet or risking their lives by undergoing an unnecessary and non-supported desexing procedure. Most vets do not support the desexing an older animal due to the high risks associated. In addition how does this stop puppy farms? Remember, according to Ms Hurst they are unscrupulous, unregulated and underground!

*"The bill will require there to be one staff member at the premises for every five animals kept on site."*

Not only is this unrealistic, especially given the staff MUST be available at ALL times. Isn't this commercialising animal breeding? The very thing Ms Hurst wants stopped? The requirement to have staff, will raise the costs of breeding. This will raise the costs of puppies & kittens, which will raise the incentive for unscrupulous/unethical breeders to produce MORE animals underground so as to profit from the increased values. Remember Victoria during the Covid pandemic – the cost of some puppies (usually valued between \$3-\$5k) soared to \$10k-\$12k – why? Lower supply = higher individual value = higher greed value for unethical breeders = more unethical breeders!

*"the bill will prevent pet shops from selling dogs or cats, except from a rehoming organisation,"*

There are multiple reasons why animals are in shelters and requiring rehoming. Most of which are due to poor behavioural concerns and poor health. ACA cannot see how or why it is not appropriate for a dog or cat to be available via a pet shop and YET it is okay for a rescue animal to be sold via a pet shop? Aren't the reasons the same? The issue with Pet Shops being made adoption centres to rehome shelter animals is the same as Rescues rehoming animals. None of the people are experienced in animal behaviour to be able to confidently match people to animals. Especially animals that have trauma in their history. A pet shop attendant is not going to have adequate time nor the qualifications to understand a particular animals personality and trauma history to ensure that not only the animal, but the potential adopters of that animal are all afforded safety. This is a recipe for disaster, and the animal will suffer more from it if not pay the ultimate price with its life for inadvertently harming another animal or person. Isn't the added burden of selling a behaviourally challenged animal MORE of a reason to NOT be placed in a pet shop?

*"As another layer of protection, if the council or enforcement agencies receive a complaint about an animal associated with a certain source number, they will be able to easily track down the location and check to make sure they are not a backyard breeder or illegal puppy farm. It provides a strong traceability regime for all animals sold online"*

Who in Council is going to do all of this ‘tracking down’? Councils barely manage the Companion Animal Registry as it is, let alone all this extra work. Remember, when tracking, the tracker will be inspecting the address of the rightful owner of the Source number – you know, the person who’s number has been copied/falsified by the scammer! They won’t be tracking the scammer unless they personally attempt to purchase an animal and then agree to meet that scammer in real life! Surely you can identify the flaw here?

Ms Hurst continues to cover how her Bill will assist the compliance organisations. If that is true, why are both the RSPCA and Animal Welfare League opposed to her Bill?

Throughout her speech Ms Hurst fails to remedy solutions into improving animal welfare and/or raising the bar in welfare standards. Highlighting her true agenda - the restriction of animals, leading to the reduction of animals kept by everyone and NOT at all about animal welfare.

Ms Hurst fails to remedy solutions in implementing education for the public in responsible pet ownership and how to responsibly source a pet and understanding the potential traps of scammers and unethical breeders therefore failing to remedy solutions into online animal scam operations. Without education these scams will continue to evolve.

In fact Ms Hurst demonstrates a complete lack of knowledge, understanding, experience and compassion when it comes to the breeding of dogs and cats allowing her ideological beliefs to skew and recognise the real issues behind unethical breeding.

Ms Hurst has failed to consult with the one source of information that could have assisted in improving policies that would reduce the prevalence of unethical breeding – the dog and cat Associations and key stakeholders such as Animal Care Australia - those who are qualified, experienced and do hold animal welfare and their practices to the highest standard.

Finally, I move that all members of Parliament oppose this Bill and I ask that you refer to Animal Care Australia when drafting any puppy farm policies or amendments.

This document details ACA’s concerns with a breakdown of the clauses that achieve nothing more than encourage the elimination of dog and cat breeding in NSW.

Approved by the ACA Committee: 1<sup>st</sup> November 2021

Schedule 1 [1] – Amendment insertions: (pg 2)

**Omission:**

- **Puppy farm** - despite this Bill being designed to end puppy farms it omits to define exactly what it is that is meant to be ending! It is a cop-out for the AJP to claim they won't define a puppy farm when they are happy to label large-scale breeders as puppy farms in their propaganda.

**ACA defines a *puppy factory* or more accurately an *unethical breeder* as any person who is breeding an animal with poor welfare outcomes in defiance of the animal welfare standards**

**Proposed clauses:**

Schedule 1 [1] (b) inserts proposed Division 2, which contains provisions for the registration of companion animal business premises. Proposed Division 2—

- (i) the registration of premises, or to refuse the application or suspend or revoke the registration on discretionary or mandatory grounds (proposed sections 61I–61L), and
- (ii) enables a council to grant an application to register premises or to renew or transfer the registration of premises, or to refuse the application or suspend or revoke the registration on discretionary or mandatory grounds (proposed sections 61I–61L), and
- (iii) enables a court to suspend or revoke the registration of premises or refer the matter to council for determination (proposed section 61M)

**These three sub-clauses reflect the same as the Victorian legislation. In Victoria this resulted in the implementation (via the Planning Act) of animal number restrictions for non-rural zones of just five (5) animals to each property without the application to Council for animal keeping permits. Each application is treated differently subject to each individual Council and has even resulted in some Council Rangers advising their residents that animals who were part of their families for years, but now exceed the cap of 5 must be surrendered to Council or euthanised.**  
**NB: Council pounds were already overloaded and the likely result was euthanasia at the Pound – especially for older animals unable to be re-homed**

Schedule 1 [1] (d) inserts proposed Division 4, which contains provisions requiring the Departmental Chief Executive to issue source numbers to companion animal businesses and enabling animal rescues, microbreeders and other sellers to apply to the Departmental Chief Executive to be issued source numbers (proposed sections 61S–61V), and

**ACA members and Associations in Victoria have advised that the source number system does not work as breeders simply opt not to register and sell their animals via other non-regulated means**

Schedule 1 [2] (d) enables enforcement officers to enter property and seize dogs and cats from proprietors of companion animal businesses who have had their registration suspended or revoked, or whose registration has expired (proposed section 69L), and

- Entering of a property without a warrant should not be legislated.
- The deregistering of a proprietor being determined by a Local Council is ludicrous. Council and their Rangers are not animal welfare/behaviour experts. The seizure of animals without any welfare concerns also should not be legislated and should ONLY occur when there is:
  - an obvious or apparent welfare concern (ie cruelty)
  - a determination made by a Court

Part 6A Regulation of companion animal businesses - 61A – Definitions:

61A (1) *microbreeder*: means a person who—

- (a) carries out the breeding of dogs or cats for sale, and
- (b) has, at any one time, no more than 2 fertile female dogs or 2 fertile female cats.

This definition is contradicted and/or superseded at the first point of breeding by 61 A (2) (3)  
*For the purposes of this Part, a companion animal breeding business has a cat or dog, or a cat or dog is a cat or dog of a companion animal breeding business, if the proprietor of the business keeps the cat or dog for the purposes of, or in connection with, breeding.*

ACA's interpretation of this clause is that any animal held with even as much as an intent to breed, regardless of it's age or fertility removes the microbreeder status and implements a companion animal business status. This negates the microbreeder the moment they do not sell or surrender all progeny, regardless of any intent to desex one of the elder fertile females.

61A (2) For the purposes of this Part—

- (a) a female dog or cat and the litter of that dog or cat are taken to be equivalent to 1 adult dog or cat, respectively, if the offspring in the litter are—
  - (i) with the dog or cat, and
  - (ii) under 8 weeks of age, and

**It is against veterinary and animal welfare standards to separate a kitten from the queen prior to 10 weeks of age, and 8 weeks only applies to some breeds of dogs – not all breeds. This requirement will result in major animal welfare issues.**

61 B Meaning of a breeding arrangement

- This entire section falls within commercial agreements/contracts and is protected under Fair Trading laws – it should not be legislated in this Act.
- Despite the above point, should this be enacted:
  - there is no provision provided for accurately determining a market value,
  - the moment a payment of any nature is made, the arrangement converts to Fair Trading laws, and,

- a private contract is between two agreeing parties and should not be determined by the State.

61 B (4) Despite another provision of this section, a breeding arrangement is terminated and the person who entered the arrangement may keep the dog or cat without making a payment of the market price of the dog or cat if—

- (a) following a veterinary practitioner's assessment of the dog or cat, the dog or cat is found unsuitable for breeding for reasons other than that the dog or cat is
  - (i) under 12 months of age, or
  - (ii) not sufficiently physically mature for the purposes of breeding, or

**This provision is something that would be agreed upon within a breeding contract/arrangement. However if the animal was purchased for the purpose of breeding then:**

- a) why would the buyer want to keep the animal?
- b) what would happen to the animal if they did keep an animal that could not be bred?
- c) most importantly, isn't this encouraging the likelihood of more surrendered or abandoned animals?

61 C - Meaning of a business code of practice

- (1) (d) a business code of practice made by the Departmental Chief Executive and published in the Gazette.
- (2) A business code of practice made by the Departmental Chief Executive may specify standards for the following—
  - (a) the keeping, treatment, handling and care of companion animals,
  - (b) the facilities, equipment and conditions at registered premises,
  - (c) other practices or procedures to be adopted.
- (3) A business code of practice made by the Departmental Chief Executive may apply, adopt or incorporate, with or without modification, standards, rules, codes, specifications or methods published by an authority or body.

**ACA holds great concern with both of these clauses:**

- 61 C (1) already identifies the existing codes of practice that adequately cover the breeding of animals and their sale by individuals, the sale of animals in pet shops and the standards for boarding facilities.
- 61 C (1)(d) & (2) ACA questions the need for a fourth code of practice? What would this be required to achieve?
- 61 C (3) has a strong implication that would allow for the implementation of further codes of practice or modifications to be made to codes of practice WITHOUT key stakeholder consultation or WITH the influence of animal rights ideologies simply on the basis those ideologies had been published. There is no measure of evaluation of said methods.

61D Meaning of “companion animal business”

- (c) an enterprise that rears or keeps dogs or cats for sale, or for profit or a fee, or in exchange for a service,

- Does this include the RSPCA, Animal Welfare League, local pounds, shelters, & veterinarians?
- Who will be responsible for ensuring their compliance?
- Who will authorise their annual registration?
- If Local Council – what is the likelihood of Council EVER rejecting their registration, especially their own pounds/shelters?
- Is that not a conflict of interest?

61 D (d) an enterprise that trains or boards dogs or cats for profit

- How or why does the training or boarding of dogs and cats warrant the inclusion into a 'breeding restriction' amendment?
- This is barreling anything to do with the profiteering from companion animals with no justification. Boarding facilities already have codes they must comply with that ensure welfare standards are met.
- What does this achieve other than appeasing the key objectives of the Animal Justice Party, that is, restricting any person who profits from animals, in any manner, ie: exchange of money for goods or services, totally ignorant of whether any true profit is made.
- Charging for services related to companion animals or involving companion animals is not illegal. It is unreasonable to expect people to work for free, just because they work with animals.

61F Applications to register premises

- (1) A person **may** apply to a council to register premises within the area of that council as premises on which a companion animal business is to be conducted.
- (2) The application must be made—
  - (a) in a form specified by the council, and
  - (b) accompanied by a fee fixed by the council, and
  - (c) in compliance with requirements that may be prescribed by the regulations.
- (3) The applicant must provide further information relating to the application as required by the council.
- (4) If the council proposes to register the premises, an authorised officer of the council must enter and inspect the premises to determine whether the person has complied with business codes of practice that apply to the business.

**This is a disaster!**

- It gives too much power to Councils. One Council in Victoria went so far as to order residents who had exceeded their caps to have their existing dog family members surrendered or else euthanised. Pets they had kept for years – to be handed over. **An absolute abuse of power! Don't let this happen in NSW!**
- Councils are not qualified to assess or evaluate animal welfare – and they are not legislated under the regulations within POCTAA to do so.
- Victorian Local Councils have over-zealously introduced additional restrictions and requirements that have resulted in varying rules across different LGA's. An unlevel playing field!

- Councils have demanded exorbitant application fees and placed additional requirements (outside those required by the Victorian Domestic Animals Act) resulting in DA costs in the tens of thousands of dollars.
- This effectively has shut down small responsible breeders leaving ONLY the larger breeders who can afford the costings to be established.

**On the flip-side:**

- This will require many Councils to employ more rangers, especially if every person breeding more than two female animals MUST be inspected every year.
- This will add further costs to rate payers.
- Further burden on Councils who already are incapable of keeping their Pet Registry responsibilities met without this monolith of a workload.

**Do Councils WANT this responsibility?**

- Many Animal Management Officers in Victoria that ACA have spoken to, oppose the restrictions and they acknowledge they have created more problems than those they've resolved.

**61 F (1)** - The Bill states the person 'may' apply (not MUST) to Council! What happens if they choose not to? How is this enforceable?

**61 F (4)** – NSW has several Registering Associations, such as NSW Cat Fanciers Association Inc, the Master Dog Breeders and Associates, etc . These organisations have thousands of members – the vast majority of whom will be following their respective NSW Codes of Practice as well as organisational Codes of Ethics. Most have been doing this for years. They are experienced responsible breeders. What happens to their animals if when being inspected for the purpose of approving the registration as a Companion Animals Business, the Local Council decides to:

- a) Add additional requirements outside of those already legislated;
- b) Charge exorbitant fees not able to be afforded by the breeder;
- c) Simply takes this as an opportunity to completely remove breeders from the neighbourhood
- d) Sends a Ranger who has no education or understanding of the requirements of a specific breed

**Will the Government:**

- support the seizure of the animals?
- compensate the breeder for \$1000's in value of animals?
- support the older animals being euthanised because they will not be the target of pet seeking shelter attendees?

**Don't believe Councils will do that? See Clause 61 I - it gives them ALL that power.**

Sections 61 I, J, K and L - essentially the powers granted to Local Councils.

**Where is the accountability of the Local Councils?**

For years the AJP has called for more accountability and transparency of the RSPCA & AWL and yet here this Bill simply hands all the responsibility and problems to Local Councils!

- NO scope or mention of appeal of a Council decision.
- One has to assume you would appeal with the Council! How is that any different to the existing issues of appealing an RSPCA decision WITH the RSPCA?

- Where is the directive that implores Council to understand POCTAA legislation and the acknowledgement of the point where Council hands over to the legislated compliance organisations.

Grounds for Refusal:

61 K (a) – the proprietor has at any time declared bankruptcy

- Now Council are financial experts?
- How does having declared bankruptcy in your daily business affect or the capacity to support good welfare outcomes for their animals?
- What does having a bad business-mind do with your capacity to keep and breed animals?
- Currently due to the restrictions of Covid-19 – many businesses will have had to declare bankruptcy through no fault of their own – how and MORE IMPORTANTLY WHY should that impact on your ability to keep and breed dogs or cats?

61 k (b) – MAY not be able to meet expenses of running a companion animal business

- How does a Council prove this and more importantly show cause to justify this decision?
- Again, are Council now financial experts?

61K (e) – does not have sufficient qualifications or experience in caring for companion animals

- According to whom?
- What qualifications does someone need to have to care for companion animals?
- Where is that legislated?
- Who will set that criteria?
- Who will vet that criteria?
- Will this mean every companion animal breeder will need to complete Animal Studies Certificates?
- Will the Government compensate this requirement?
- Would the Government be prepared to deal with the backlash of this being mandatory – as prescribed in this Bill.

61 L (a) – is an applicant or proprietor in relation to another companion animal business

- On what grounds and legality can a government prevent a person from owning a pet business professionally and mandate that they cannot keep and own their own personal breeding companion animals?
- This especially applies to those who run Boarding Facilities or Dog Training businesses. How does preventing them from also breeding their companion animals at home improve animal welfare, eradicate puppy farming or better still - pass the 'pub test.' **This is absolute animal rights ideology at it's extreme!**

61N Registration—term and cessation

- (1) A registration remains in force until 1 year has elapsed since the day of the registration.

- This will end ‘Preservation Breeding’ – the ongoing structured breeding designed to ensure the future of vulnerable breeds. This planning requires multiple years of breeding, which would not be viable if at the end of any year the breeders registration could be stopped.
- This applies to other forms of breeding programs beyond preservation breeding. Cat breeders in particular would need to re-consider the investment in a queen. Queens don’t come into ‘season’ every year, so the breeder would need to run the risk of Council not renewing a registration without ever having bred a cat.

61O Registration applications—councils must provide general information

(1) A council must, within 7 days of making a decision to grant or refuse an application to register premises under Division 2, provide the following general information to the Departmental Chief Executive —

- (a) the name of the applicant,
- (b) the name of the companion animal business,
- (c) the tax file number, Australian Business Number or Australian Company Number of the applicant or business
- (d) the type of companion animal business,
- (e) the address of, and contact details for, the companion animal business,
- (f) the name of the owner of the premises at which the companion animal business is to be conducted,
- (g) the details of a finding of guilt made against the applicant for an offence under the following, if any—
  - (i) this Act or the regulations,
  - (ii) the Prevention of Cruelty to Animals Act 1979 or a regulation made under that Act,
  - (iii) the Crimes Act 1900, section 79, 80, 530 or 531,
- (h) the details of the applicant’s qualifications or experience in caring for companion animals, if any,
- (i) another matter that may be prescribed by the regulations.

**Essentially creating a breeders database that will be subject to Freedom of Information and/or Government Information Public Access Act allowing Animal Rights Extremists direct access and knowledge of companion animal breeders. This is the companion animal breeders version of the Farm Transparency Project formerly Aussie Farms.**

61P Registrations granted — councils must provide additional information

- (2) If the companion animal business is a companion animal breeding business, the council must provide the following additional information—
- (a) the number of dogs or cats kept, or to be kept, at the registered premises,
  - (b) the number of dogs or cats that are the subject of a breeding arrangement,
  - (c) the unique identification number allocated to the microchip implanted in each dog or cat,
  - (d) the breed, date of birth, sex and colour of each dog or cat,
  - (e) whether each dog or cat has been desexed,

(f) the number of litters each female dog or cat has had and when they were delivered

- Is this requirement in addition to the ‘pet registry’ already in place, or in place of?
- If Council currently struggle to update microchipping numbers (currently up to 6 months delay) how reliable will this information be?
- This will create a monolith of backlog as each breeder will be required to provide this to Council
- Council will profit greatly if breeders are to be charged a fee by Council when notifying of each litter.

61S Companion animal businesses must be issued source numbers

(1) The Departmental Chief Executive must, on receiving the information under the following provisions—

- (a) section 61P—issue a source number to the proprietor concerned and notify the relevant council of the number issued, or
- (b) section 61Q—renew the source number issued to the proprietor concerned and notify the relevant council of the number renewed.

(2) The source number remains in force for the term of the relevant registration.

(3) If a council suspends or revokes the relevant registration, the proprietor’s source number is also suspended or revoked

- Source number system only incentivises underground breeding – as seen in Victoria.
- Currently in NSW you can obtain a Breeder Identification Number (BIN) without being verified as holding a breeder prefix with a registering body, which is why the system is currently failing. Updating the Pet Registry system to include a mandatory verification of a breeders prefix with the members Association will correct this issue in NSW without the need to add an additional layer of a Source number. ACA has been advised by the Office of Local Government that this update will occur with the current revision and release of the new Pet Registry
- This clause will provide the opportunity for breeders who are not members to legitimise themselves, without the scrutiny or codes of ethics applied to members of Associations.
- Favouritism of locals within Council Shires will also be of benefit when seeking to be approved by Council as a companion animal business and obtaining the source number.

61U Animal rescues, microbreeders and other sellers—Departmental Chief Executive to grant or refuse applications for source numbers

(2) The Departmental Chief Executive must refuse the application if the Departmental Chief Executive is satisfied the applicant—

- (a) has been found guilty of an offence under the following—
  - (i) this Act or the regulations,
  - (ii) the Prevention of Cruelty to Animals Act 1979 or a regulation made under that Act,
  - (iii) the Crimes Act 1900, section 79, 80, 530 or 531,
  - (iv) a law of another State or a Territory that corresponds with a law referred to in subparagraphs (i)–(iii), or

- Prohibited from breeding and selling if you were EVER in your lifetime found guilty of an offence. Even a minor offence? Once guilty – permanently guilty.
- There are a multitude of people who have plead guilty to minor offences under legal advice simply to avoid the costly legal expenses of proving their innocence. None of these have committed serious acts of cruelty.-that is, their actions have been welfare based, but not criminal. These people will not just give up breeding and walk away. They will continue – off the record. These are the people that need to be supported and educated, not banned and forced underground.

61Z Persons must not conduct companion animal businesses on unregistered premises - A person must not conduct a companion animal business on premises that are not registered for that purpose with the relevant council.

- Councils have the potential to be biased when determining whether or not to register the premises.
- Councils in Victoria have insisted on the inclusion of parking areas and public toilets on properties that are residential.

61ZC Proprietors of companion animal breeding businesses must not have more than 10 fertile female dogs or cats A proprietor of a companion animal breeding business must not have, at any one time, more than 10 fertile female dogs or 10 fertile female cats, including a fertile female dog or cat that is the subject of a breeding arrangement.

- This will end preservation breeding. Multiple females are paramount to maintain genetic diversity
- If 10 fertile females is the limit then each fertile female will be moved on as soon as they have provided two litters – the costs of desexing each female in order to provide it with a forever home will result increasing
  - Surrendered animals
  - Dumped/abandoned animals
  - Euthanised animals or even worse,
  - Hidden animals in appalling conditions to avoid Council detection.
- This Clause is stricter than that of Victoria's legislation. Victorians are permitted to keep up to 50 fertile females by applying for written permission from the Minister.

**This will make NSW the ANTI-COMPANION ANIMAL capital of Australia.**

61ZE Proprietors of companion animal breeding businesses must obtain veterinary certification before breeding

- (1) Within 4 weeks before breeding from a dog or cat of the business, a proprietor of a companion animal breeding business must obtain from a veterinary practitioner—
  - (a) an assessment of the dog or cat, and
  - (b) a certification that the dog or cat is suitable for breeding.

- (2) Before breeding from a dog or cat on the first occasion, for the purposes of certifying that the dog or cat is suitable for breeding under subsection (1), the practitioner's assessment must include an assessment that the dog or cat is—
- (i) at least 12 months of age, and
  - (ii) sufficiently physically mature for the purposes of breeding

This clause highlights the Animal Justice Party's total lack of understanding of breeding companion animals:

- Cats do not have regular seasons – you cannot plan when a cat will go into season. This makes the 4 week assessment impossible, and the assessment will take place on a cat already in season.
- Dogs also do not go into season at a designated time – again making the 'within 4 weeks' clause an impossibility
- This impossibility would leave most breeders in a situation where they will have breached this Bill through no fault of their own.
- A veterinary practitioner is NOT a breeding or reproductive specialist, therefore they are unable to certify an animal is suitable for breeding – particularly given nature tends to control how viable a bitch or queen will be.
- The best outcome a vet could provide is a basic health check. This does not certify suitability for breeding.
- Veterinarian practitioners and breeders (proprietors) have no control over nature.
- If complications during or after breeding were to be found, or a heritable defect was found, would the vet be held liable?
  - If so, by whom?
  - How would this be progressed and proven by government or by the breeder?

61ZF Proprietors of companion animal breeding businesses must not breed dogs or cats in certain circumstances. A proprietor of a companion animal breeding business must not breed from a female dog or cat in the following circumstances—

- (a) more than twice,
- (b) if a heritable defect is identified in a previous litter of the dog or cat,
- (c) with a dog or cat that is related to the dog or cat by blood.

Clause (a) is against accepted practice.

- Fertile females can breed healthy litters beyond just two.
- Current legislation already restricts dogs to no more than 2 litters in a 2 year period, and cats to no more than 3 litters in a 2 year period.
- Just two litters per female is not sustainable and will result in poor improvement of breeds due to a lack of variance in breed lines.
- Breeders will not import lines from overseas as it is not economically viable in any one female can only produce twice. Importing costs \$10,000's – two litters doesn't cover that cost.
- Just because a litter has been born doesn't guarantee the survival of the litter. Litters can be still-born. Progeny may not survive. In essence some females will be retired without having produced any progeny or guaranteeing her bloodline will continue.
- Breeds will be quickly decimated.

**Clause (b) will successfully eliminate a number of breeds of both dogs and cats as a number of heritable defects are found across multiple breeds. Breeding programs designed to repair or remove these defects will effectively be ceased leaving only those animals with defects until those breeds die out.**

**Clause (c) is of greatest concern.**

- This will stop the opportunity when a defect is discovered within the DNA of one parent and only part of a litter from any of the 'defect-free' animals from being mated together to produce defect-free progeny.
- There are a significant number of breeds of dogs & cats in Australia with less than 100 animals across the country – most are related by blood – subject to how many generations is considered to be 'by blood'.

**Again – this clause will see the extinction of those breeds in Australia.**

- Most are already feared to not exist within the next 5 years if breeding is not amplified rather than decreased.
- The registered numbers of these breed have shown a decline in almost all vulnerable breeds since the introduction of similar legislation in Victoria.
- That effect is from just one state/territory being impacted. The impact will be amplified with Western Australia about to introduce similar restrictions.
- The implications of NSW also introducing restrictions will be catastrophic.

**61ZG Proprietors of companion animal breeding businesses must ensure ratio of staff to companion animals kept on registered premises**

(1) A proprietor of a companion animal breeding business must ensure that, at all times, there is at least 1 staff member at the proprietor's registered premises for every 5 animals kept at the premises.

**A totally ridiculous requirement.**

- The average litter for dogs is 9-12, with some breeds having up to 20.
- The average litter for cats is -4-6, with some breeds having 9 or more.
- Taking into account that if a breeder has at least 3 adult females, plus at least 1 male, with an average size litter, then the average number of staff required each litter is 3-4. Add to that the additional staff required when each next litter is born, until the previous litter is sold (some 2-3 months later), and that is hefty number of people required who are classed as "staff".
- Staff **MUST** be present at all times. This would equate to all staff needig to be housed or accommodated by the breeder – regardless of whether they are a facility or a residence.
- What is the definition of 'staff'? – Paid employees, unpaid friends or family, volunteers? There is a multitude of other laws and obligations that comes with having paid 'staff' such as taxation laws, superannuation, occupational health and safety, leave entitlements, etc.
- This Bill is effectively government legislating a hobbyist into a commercial entity! Is that even legal? It's certainly not moral! The proof of this is the prison sentence for not complying doesn't apply to commercial entity (corporation) ONLY to the individual (hobbyist)

61ZI Proprietors of companion animal breeding businesses must prepare health management plans

- (1) A proprietor of a companion animal breeding business must, in consultation with a veterinary practitioner, prepare a plan for the ongoing care of the health and wellbeing of dogs and cats of the business (a health management plan) that—
- (a) is certified by a veterinary practitioner each year, and
  - (b) includes protocols as to the following—
    - (i) the health and welfare of dogs and cats, including in relation to birthing, diet, disease prevention, environmental enrichment, exercise, grooming, hygiene, parasite prevention, socialization and vaccinations,
    - (ii) the process for determining the suitability of dogs and cats for breeding,
    - (iii) the quarantine and movement of dogs and cats,
    - (iv) emergency response plans, including evacuation procedures,
    - (v) the retirement and rehoming of dogs and cats

This is again outside of the scope of a veterinary practitioners qualifications.

- (1) (a) why would a vet want to renew this plan for each animal on a yearly basis? Vets are already over-run, over-worked, and under staffed. Does the Australian Veterinary Association support this workload?
- (1) (b) (i) not all vets are experienced in environment enrichment, grooming, socialisation or training requirements.
- (1) (b) (ii) vets are not breeding specialists who are qualified to make that determination
- (1) (b) (iii) not only is this impossible to document – how does one know when, where or if a particular animal will be staying (retiring) or will require rehoming, in advance? There are so many elements that enter into that decision.
- What business or qualification does a vet have to determine or even agree with such a plan?
  - This is a component specifically designed to full fill the AJP's key objective of selling animals via shelters.
  - It is effectively removing the free choice of the animals' owners.
- (1) (b) (iv) this is already a requirement within POCTAA and is not an element under a Health Management Plan.
- The AJP constantly rant on about an animal NOT being someone's property – yet this is subjecting that animal to a contract and a contract with an expiry date for the animal.
  - Shelters WILL be euthanising at ridiculously high rates because of this Bill.

61ZK Proprietors of companion animal breeding businesses must comply with certain requirements to cease breeding and retire and rehome dogs and cats

- (1) A proprietor of a companion animal breeding business must cease breeding and retire a dog or cat of the business if—
- (a) the dog or cat is—
    - (i) no longer suitable for breeding, or
    - (ii) no longer required by the business, or
    - (iii) is female and has delivered 2 litters, or
  - (b) for a dog—the dog is male and is 6 or more years of age
- (2) The proprietor must, as soon as practicable, ensure the retired dog or cat is—

- (a) desexed, unless a veterinary practitioner considers it inappropriate to do so for health reasons, and
- (b) microchipped, and
- (c) kept by the business as a companion or rehomed to a suitable home

**(1) (b) What veterinary qualifications does the AJP have to contradict standard veterinary practice? Any responsible vet will advise against desexing an older animal unless there are necessary medical benefits.**

There is no documented welfare reason to desex an animal at 6 years of age, no welfare advantage.

By removing the male at 6 years of age and all females after two litters this is effectively reducing genetics and healthy bloodlines to the point of extinction of the breed.

**(2) (a) most vets will consider it inappropriate – defeats the point of this clause.**

**(b) aren't all animals meant to be microchipped as puppies/kittens? Defeats the point of this clause.**

**(c) again we find this push to ensure the supply of shelters.**

61ZL Pet shops—persons must not sell certain companion animals

A person must not sell, or cause the sale of, a companion animal that is not from a rehoming organisation to the proprietor of a pet shop

61ZM Pet shops—proprietors must not receive or sell certain companion animals

- (1) A proprietor of a pet shop must not, in conducting the business of a pet shop, accept or receive a companion animal for sale that is not from a rehoming organisation.
- (2) A proprietor of a pet shop must not, in conducting the business of a pet shop, sell, or cause the sale of, a companion animal that is not from a rehoming organization

ACA acknowledges this amendment is current targeting dogs and cats however these clauses when applied to pet shops may have broader consequences. The inclusion of 'companion animal' rather than dog and cat, once legislated could result in the cessation of all animals ordinarily sold in pet shops (other than those from shelters). The Companion Animals Act 1998 defines companion animal as:

***companion animal means each of the following—***

- (a) a dog,
- (b) a cat,
- (c) any other animal that is prescribed by the regulations as a companion animal.

**Note— The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of this Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs, police dogs and corrective services dogs.**

ACA reminds you that the amendment of a Regulation requires no consultation or approval via parliament and can be implemented by the current portfolio Minister. Should this legislation exist in a future government it could easily result in the inclusion of small mammals (rabbits, rats, guinea pigs), reptiles, fish and birds.

61ZN Pet shops—proprietors must not receive or sell dogs and cats of certain age

- (1) A proprietor of a pet shop must not, in conducting the business of a pet shop, accept or receive a companion animal for sale that is—
  - (a) a dog less than 6 months old, or
  - (b) a cat less than 8 weeks old.
- (2) A proprietor of a pet shop must not, in conducting the business of a pet shop, sell, or cause or allow the sale of—
  - (a) a dog less than 6 months old, or
  - (b) a cat less than 8 weeks old

**(1) (b) & (2) (b) - although the Breeding Code of Practice states a kitten can be sold at 8 weeks, all cat breeders in NSW with a prefix registered with a recognised registration body must not sell/rehome a kitten prior to 10 weeks.**

**(1) (a) & (2) (a) – a dog older than 6 months is too old. Most dogs older than 6 months that find their way to shelters are usually surrendered for behavioural issues. Shelters are not qualified in animal behaviour studies – particularly those shelters staffed by volunteers. ACA has received countless accounts of dogs rehomed by shelters (including from the RSPCA) where the bad behaviour, lack of socialisation as a puppy and even health issues have been ignored or hidden in order to simply rehome the dog rather than re-train or euthanise the animal.**

- Most families (particularly those with children) when search for a new pet will be looking for a puppy or kitten. A 6 months old dog will be overlooked. A 6 month old dog that has experienced a sheltered life will have reduced socialisation skills, and the loss of being able to do this as a puppy with its new family does impact on how well it settles in to its new home. In essence, animals from shelters are often ignored because no one wants to buy someone else's problem animal.
- Whether we all support the sale of dogs and cats in pet shops, or not, without the ability to go to a pet shop or a responsible breeder, people will go online. People will seek out the animal they want.
- The fact that pet shops are regulated, you can walk in and see the animal you're buying far outweighs the alternative.
- The recent rise in scammers in Victoria from online sales is not a coincidence: Victoria have a reduced supply of animals due to the demise of responsible breeders and the inability of people able to walk into a pet shop and buy a puppy or kitten.

61ZP Persons must not advertise dogs and cats for sale without source numbers

- (1) A person must not advertise a dog or cat for sale, or cause a dog or cat to be advertised for sale, whether or not the sale is for profit or a fee, unless the advertisement includes the source number of the person that is selling the dog or cat.
- (2) A person must not publish, or cause the publication of, an advertisement of a dog or cat for sale, whether or not the sale is for profit or a fee, unless the advertisement includes the source number of the person that is selling the dog or cat.

**As previously highlighted people are finding ways to ignore this.**

- In Victoria Source numbers are simply copied by scammers. This is already happening in

NSW with BIN's as part of the current Pet Registry.

- Social media accounts (other than Facebook) are not monitored or regulated. Even on Facebook, schemes and codes have been introduced allowing the sale of animals to continue.

69I Definitions:

**Departmental officer** means an employee of, or other person engaged by, the Office of Local Government who is authorised by the Departmental Chief Executive to exercise the functions of an enforcement officer under this Division

**Would this allow for the Office of Local Government to appoint Council employees (such as rangers) to enter properties under the same powers as existing Authorised Compliance Organisations. Council are neither qualified or authorised under the provisions of POCTAA to do this.**

69L Registrations suspended, revoked or expired—enforcement officers may enter property and seize dogs and cats

- (2) On the recommendation of the relevant council or the Departmental Chief Executive, an enforcement officer may—
  - (a) enter a property, and
  - (b) seize a dog or cat of the business that was being kept on the property immediately before the suspension, revocation or expiry of the registration.

- This permits Council to contact the RSPCA or AWL who can then enter a property without any other cause or warrant!
- Dogs and cats can be seized BEFORE a registration is suspended, revoked or expires?
  - On what grounds if the animals are in good health and welfare standards are being met?
  - Where is the right of appeal?

**This is absolute overreach and abuse of power.**

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## Appendix 1:

*Reference; Animal Welfare Code of Practice Breeding of Dogs and cats NSW*

### **1 PREFACE**

Compliance with this Code does not remove the need to abide by the requirements of the *Prevention of Cruelty to Animals Act 1979* and any other laws and regulations, for example; the *Local Government Act 1993*, or the *Companion Animals Act 1998*.

This Code contains both standards and guidelines for the care of dogs or cats for breeding. The standards have legal effect in two ways:

- Failure to meet a standard may result in a Penalty Infringement Notice or a prosecution under clause 26 of the *Prevention of Cruelty to Animals Regulation 2012*.
- In more serious cases, failure to meet a standard may support a prosecution for an offence under the *Prevention of Cruelty to Animals Act 1979*.

### **2 INTRODUCTION**

**2.3** This Code comprises both Enforceable provisions and guidelines. Enforceable provisions are identified by the words “Standards”, and are located within the boxes

### **3 INTERPRETATION AND DEFINITIONS**

#### **3.1 INTERPRETATIONS**

##### **Objectives**

The intended outcome(s) for each section of this Code.

##### **Standards:**

*Standards describe the mandatory specific actions needed to achieve acceptable animal welfare under law.*

*They are identified in the text by the heading “Standards” and use the word “must”. They are highlighted in boxes within the text.*

### **6 ANIMAL HOUSING**

#### **Objective**

The accommodation, environment and security of animals should be of a standard which ensures their security, safety and wellbeing

#### **6.1 ACCOMODATION**

##### **6.1.1 Standards**

- 6.1.1.1 Vehicles, caravans, portable crates and the crawl space under any dwelling must not be used as permanent housing for dogs and cats.
- 6.1.1.2 Premises must have a continuous water supply, adequate to meet the daily requirements of the dogs and cats held.
- 6.1.1.3 Premises must be designed, constructed, serviced and maintained in a way that provides for the good health and wellbeing of the animals, prevents the transmission of infectious disease agents, prevents the escape of animals and does not cause injury to either animals or humans.
- 6.1.1.4 Animals must be provided with shelter from rain and wind, direct sunlight or other adverse weather conditions and must be provided with a clean and dry dedicated sleeping area.
- 6.1.1.5 Where a premises houses both dogs and cats, cat housing must be a sufficient distance or otherwise isolated from dog housing to minimise the stress created by the sound, sight or smell of dogs.
- 6.1.1.6 Where dogs or cats are not housed in enclosures, the minimum floor space requirements in Tables 1 and 2 must be complied with.
- 6.1.1.7 Where dogs and cats are housed in enclosures, minimum enclosure sizes in Tables 3 and 4 must be complied with. These limits do not apply to a dog or a cat for the period of time
- it is under veterinary care or direction in relation to a disease or injury, or
  - it is under observation during birthing.
- 6.1.1.8 Roofed enclosures must have a minimum height of 180cm to allow persons in charge to enter, access animals and clean the enclosure.
- 6.1.1.9 Dogs and cats must not be in extended contact with wet floors.
- 6.1.1.10 Each cat must be provided with a suitable box in which to hide or sleep
- 6.1.1.11 All sleeping areas for cats and dogs must have clean, hygienic, dry and soft bedding, appropriate to the species and breed, sufficient for the number of animals held, and sufficient to insulate them from the floor.
- 6.1.1.12 Each confined cat must be provided with a litter tray which is at least 1.2 times the length of the cat from the tip of its nose to the base of its tail, and which contains a sufficient depth of material such commercial cat litter, sawdust, shavings, sand or shredded paper.

**Table 1: Minimum Floor Space For Non-Enclosed Dog Housing**

| Animal/s   | Min floor area (m <sup>2</sup> )* |
|--|-----------------------------------|
| Socially compatible group of dogs, < 40 cm height at shoulder, housed in back yard or house  | 1.5 per dog                       |
| Socially compatible group of dogs, 40–60 cm height at shoulder, housed in back yard or house | 2.4 per dog                       |
| Socially compatible group of dogs, > 60 cm height at shoulder, housed in back yard or house  | 3.5 per dog                       |

\* Minimum floor area includes the area allocated to bedding.

**Table 2: Minimum Floor Space For Non-Enclosed Cat Housing**

| Animal/s  | Min floor area (m <sup>2</sup> )*                    |
|---|--|
| Socially compatible group of cats, housed in back yard or house | 0.8 per cat, with provisions made for vertical space |

\* Minimum floor area includes the area allocated to bedding

**Table 3: Minimum Enclosure Sizes For Dogs**

| Animal/s   | Min floor area (m <sup>2</sup> ) * | Min width (cm) | Min height (cm) for non-roofed enclosures | Min height (cm) for roofed enclosures |
|--|------------------------------------|----------------|---|---------------------------------------|
| Puppy/ies (+/- bitch)<br><br>< 40 cm height at shoulder  | 3.5                                | 120            | 120                                       | 180                                   |
| Puppy/ies (+/- bitch)<br><br>40–60 cm height at shoulder | 3.5                                | 120            | 150                                       | 180                                   |
| Puppy/ies (+/- bitch)<br><br>> 60 cm height at shoulder  | 3.5                                | 120            | 180                                       | 180                                   |
| 1 dog, < 40 cm height at shoulder                        | 1.5                                | 90             | 120                                       | 180                                   |
| 2 dogs, < 40 cm height at shoulder                       | 2.5                                | 90             | 120                                       | 180                                   |
| 3 or more dogs, < 40 cm height at shoulder               | 1.5 per dog                        | 90             | 120                                       | 180                                   |
| 1 dog, 40–60 cm height at shoulder                       | 2.4                                | 90             | 150                                       | 180                                   |
| 2 dogs, 40–60 cm height at shoulder                      | 3.6                                | 90             | 150                                       | 180                                   |
| 3 or more dogs, 40–60 cm height at shoulder              | 2.4 per dog                        | 90             | 150                                       | 180                                   |
| 1 dog, > 60 cm height at shoulder                        | 3.5                                | 120            | 180                                       | 180                                   |
| 2 dogs, > 60 cm height at shoulder                       | 5.2                                | 120            | 180                                       | 180                                   |
| 3 or more dogs, > 60 cm height at shoulder               | 3.5 per dog                        | 120            | 180                                       | 180                                   |

\* Minimum floor area includes the area allocated to bedding.

**Table 4: Minimum Enclosure Sizes For Cats**

| Animal/s              | Min floor area (m <sup>2</sup> ) | Min height (cm) | Min width (cm) |
|-----------------------|----------------------------------|-----------------|----------------|
| Kitten/s* (+/- queen) | 0.8                              | 210 *           | 60             |
| Single cat            | 0.8                              | 210 *           | 60             |
| Cats (max 2)          | 0.8                              | 210 *           | 60             |

\* The module must contain at least 2 levels incorporating raised sleeping quarters. Access to all levels must be available through the provision of ramps, poles, steps or the like.

## Notes

The floor space requirements and enclosure sizes provided in Tables 1, 2, 3 and 4 provide the minimum enforceable standard.

Enclosure heights for animals should consider breed, animal behaviour and security.

Refer to Standard 6.1.1.3 in relation to ensuring fencing is adequate to protect against escape or injury to animals or humans.

Breeders of dogs and cats are strongly encouraged to check local council regulations with respect to boundary fence heights.

Breeders of dogs and cats are strongly encouraged to ensure that the physical and mental needs of individual animals are met by their spatial environment.

## 6.2 ENVIRONMENT

### 6.2.1 Standards

- 6.2.1.1 Animals must have access to a shaded area, when exposed to sunlight.
- 6.2.1.2 Dogs and cats must be protected from extremes of temperature.
- 6.2.1.3 Where artificial lighting is used in a premises other than a house, the duration and intensity of the lighting must be as close as possible to natural conditions and mimic the prevailing natural light cycles, but still allow for inspection and observation of the animals. Animals must be protected from excessive light which is generated from an external source (such as from floodlights).
- 6.2.1.4 Premises must be sufficiently ventilated to maintain the health of the animals; while minimising undue draughts, odours and moisture condensation.
- 6.2.1.5 If air ventilation devices are used, they must have an air change rate which is sufficient to distribute fresh air evenly to all of the areas holding animals, and must have a back-up system in the case that the ventilation device becomes inoperable