

07/04/2022

NSW Parliament – Legislative Council
Select Committee on Puppy Farming in New South Wales

Animal Care Australia Opening Statement

Good morning,

Chair – I ask that this statement and related survey results be tabled.

I am Michael Donnelly – President of Animal Care Australia or ACA, and I am joined today by Kylie Gilbert – ACA Dog Representative. ACA represents keepers and breeders of animals nationally, our goal is to promote and encourage high standards in all interactions with the animals in our care.

“There are an estimated 200 puppy farms located in NSW ... which is a legal operation producing 103,000 puppies annually” (Emma Hurst 2/4/22)

“Dogs are often living in filth, deprived of social interaction ... with animals kept in squalid conditions and forced to breed and produce litters until they can no longer cope.” (Emma Hurst 2/4/22)

“... dogs are often kept in small, empty crates for most of their life without ever seeing the daylight.” (Emma Hurst 2/4/22)

Those are not statements from ACA – they are Ms Hurst’s words from an article¹ dated April 2nd 2022 in the Daily Mail UK.

“Most puppy farms are secretive and out of public view and are almost impossible for authorities to locate ... there are likely thousands of dogs living in squalid conditions on these puppy farms, but because of secrecy of the industry ... it's impossible to know exactly how many there really are.” (Emma Hurst 2/4/22)

Also from the same article! So which is it? We have an actual estimate with a very specific number of puppies, or the industry is so secretive it is IMPOSSIBLE to know?

Rather than play the speculation game I’d like to focus on some facts.

Fact: The very conditions described by Ms Hurst in that article are NOT legal – they directly defy welfare standards outlined in both POCTAA and the Breeding Code of Practice. Poor food, squalid conditions, mass breeding, restrictive confinement, and so on. All illegal in NSW.

Fact: The description outlined in that article and social media propaganda produced focusses on what the general public find abhorrent, but nowhere in any legislation or even the Terms of Reference for this Inquiry is an agreed definition of what an actual puppy farm is.

Fact: It is agreed no-one likes ‘puppy farms’ but what is a puppy farm? ACA’s own social media posts have seen an array of opinions. That array and the lack of a definition will have resulted in many submissions that would be based on ideological and perfect world responses, and not the reality of the problem.

ACA is appalled by the idea of puppy farming, but in the real world the primary issue we should be focused on is educating breeders and the public on what are ethical breeders and what they offer as opposed to the unethical breeders who blatantly disregard all laws and act immorally.

¹ <https://www.dailymail.co.uk/news/article-8697081/NSW-puppy-farms-mums-covered-filth-riddled-disease.html>

Fact: ACA recently surveyed all Councils in NSW – provided to you today - seeking data on the total number of DAs, and DAs in the past 3 years, both rejected and approved for what Council refer to as ‘dog breeding facilities’. We received 84 responses from 128 Councils. The majority reported no ‘puppy farms’ – err – breeding facilities, and most of the others just 1 or 2 facilities. In addition, just 15 new breeding facilities state-wide were recorded in the past 3 years.

Based on the results of our survey, combined with the RSPCA NSW puppy farm taskforce experience, leads ACA to seriously question whether there is a significant ‘puppy farm’ problem at all, and, in particular, is this problem deserving of the funding and attention it currently receives?

Fact: The great migration across the border into NSW is not proven.

Of the 10 Councils on the border, 8 of whom responded, only 3 DAs have been identified in the past 3 years – one facility being the Moama facility is well known to authorities.

Where is the evidence Councils are inundated? Underground/secretive puppy farmers wont apply for DAs!

Fact: While on Councils, those in Victoria are now refusing to approve the Excess Animal Permits that allow for retired older animals to remain with their forever families. They are forcing them to give up or euthanise their animals. Legislative sanctioned forced rehoming and killing! Councils should not be playing as compliance officers in this manner, and NSW Councils will be given full control if the current Puppy Farm Amendment has its way.

Fact: The proposed NSW Puppy Farm amendment requires all excess dogs to be desexed if they are to be kept. It also requires all non-breeding bitches to undergo a hysterectomy as an 8 week old pup or kitten – not cruel correct? Yet during this past month’s Inquiry into Animal Welfare the AJP and cohorts opposed surgical AI – a surgical procedure of far less implication than a hysterectomy. A major hypocrisy! One is cruel – but the other isn’t?

Fact: The Amendment doesn’t even fit within the NSW Companion Animals Act which centres on the registration and management of dogs and cats to ensure they do not cause nuisance, endanger or otherwise affect neighbourhood amenity.

Fact: The placing of restrictions on the numbers of bitches, and age of breeding males etc only incentivises the unethical breeders. It’s simple to understand: Less puppies annually equals higher demand which equals higher sales price which incentivises greedy breeders. Simply put – anti-puppy farm legislation equals MORE puppy farms. This has been proven in Victoria during the Covid pandemic, with the media releases from the RSPCA Victoria and the shelter industry in Victoria.

Final Fact: Unethical breeders or puppy farms are not going anywhere regardless of the outcomes of this Inquiry. The only real way of reducing them is to educate the public. When was the last time you saw an advertisement from any government on responsible pet buying or responsible pet breeding? Want to stop the unethical breeders – then pull them out of the shadows by educating the public and leave the responsible breeders alone.

Thank you for this opportunity, we welcome any questions.

Animal Care Australia Closing Statement

Animal Care Australia does not support regulations that will further restrict breeders who are doing the right thing by their animals.

So called Puppy Farm regulations only penalise the ethical breeders and incentivise the rest. It’s time the public are educated in responsible pet ownership.

Welfare education over regulation is the best solution.

2/04/2022

ACA Commercial Dog and Cat Breeding Survey

ACA wrote to all 128 NSW Councils on 17/11/2021 asking the following 3 questions. The full text of the email is reproduced as Appendix A.

1. Total number of commercial dog (and cat) breeding facilities approved in <LGA>.
2. Number of successful commercial dog (and cat) breeding facility DAs for 2019, 2020 and 2021 in <LGA>.
3. Number of unsuccessful commercial dog (and cat) breeding facility DAs for 2019, 2020 and 2021 in <LGA>.

A follow-up reminder was sent on 3/2/2022 to Councils who had not yet responded (Appendix B), including notification the matter was to be considered an informal request under Section 8 of the *Government Information (Public Access) Act 2009 No 52*.

Summary of the results of the survey to date (2/4/2022)

All NSW Councils	
Total Breeding Facilities with DA	78
Successful DA 2019-2021	15
Unsuccessful DA 2019-2021	0
Total Council Responses	84
Total Councils	128
Percent Responded	66%
Councils Adjoining Victoria	
Total Breeding Facilities with DA Adjoining Vic	8
Successful DA 2019-2021 Adjoining Vic	3
Unsuccessful DA 2019-2021 Adjoining Vic	0
Total Councils Adjoining Vic Responses	8
Total Councils Adjoining Vic	10
Percent Responded	80%

Survey observations and notes

1. Some Council's expressed difficulties distinguishing between breeding, kennels, training and other similar facilities. The term "Animal Boarding or Training Establishment" encompasses all such facilities within most Council's LEPs, therefore extracting breeding facilities from these DAs may not be 100% accurate. It should be noted the survey results are likely overstating (not understating) the number of commercial breeding facilities.

2. It is pertinent to note Murray River Council LGA, which adjoins the Victorian border, includes 6 of the 8 breeding facilities identified in LGA's adjoining the border including all 3 of the 2019-2021 successful DAs. There have been no other new DAs for such facilities identified within LGAs adjoining the Victorian border.
3. Many Councils indicated there is no issue with breeding facilities within their LGA, and furthermore they are of the view they would be aware of any large facilities should they be operating, whether legally or otherwise.
4. The majority, 56/84, respondent LGAs have zero commercial breeding facilities. 11/84 recorded 1 facility, 7/84 recorded 2 facilities, with the remaining 10/84 LGAs recording greater than 2 facilities.
5. After more than 4 months 44/128, some 35% of Councils, have failed to respond at all to our survey, despite being required to do so under the *Government Information (Public Access) Act 2009*. One Council, Bellingen Shire Council refused our request (Appendix C) due to inability to efficiently search their DA records. Our hypothesis, based on some other commentary, is that this may account for a number of failures to respond, whilst the majority are due to inefficiencies or failures of Council's administrative processes.
6. Currently commercial dog (and cat) breeding facilities are included within the category of "Animal Boarding or Training Establishment" in all Council LEPs of which we are aware due to the following definition.

"animal boarding or training establishment" means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

Standard Instrument (Local Environmental Plans) Order 2006 -

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2006-0155#sch-inc-dict>

7. RSPCA NSW renamed the "Puppy farm taskforce" as the "Intensive Breeding Taskforce". The RSPCA NSW 2021 Annual Report, which is a glossy marketing brochure, states the following regarding the "Intensive Breeding Taskforce".

...we've identified nearly 900 breeding facilities across the state and aim to inspect each to ensure compliance with all laws and codes of practice."

RSPCA NSW 2021 Annual Report (p8) - https://www.rspcansw.org.au/wp-content/uploads/2021/12/RSPCA-Impact-Report-%C6%92-3-compressed_compressed-compressed.pdf

8. RSPCA NSW has deemed some 900 breeders to be commercial "animal trades" and hence subject to inspection under Section 24G of the *Prevention of Cruelty to Animals Act 1979*. ACA continues to strongly refute this determination, contends RSPCA NSW inspectors have been illegally entering non-commercial premises for many years and is dedicated to ensuring such powers of entry are restricted within legislation as soon as possible¹.

¹ ACA met with NSW Minister for Agriculture, Adam Marshall on the "animal trades" matter and have a commitment restrictions on the right of entry to residential premises will be included within the new Animal Welfare Act. The draft Animal Welfare Bill 2021 section 66 and 67 implement this commitment, however issues currently remain with Section 66, regarding commercial versus residential, in particular RSPCA NSW interpretation currently differs from ACA's and that of the NSW DPI.

9. Based on numerous personal accounts from hobby breeders, ACA is of the view many if not most of the 900 facilities RSPCA NSW identifies as commercial are in fact hobby breeders operating from residential premises. ACA's survey identifies a total of 78 commercial breeding facilities within 84 Councils, so in all 128 NSW Councils we estimate the number of commercial dog (and cat) breeding facilities to be $78/84 * 128$, approximately 118 facilities.

Conclusions and recommendations

1. The survey results do not support assertions there is a proliferation of new dog (or cat) intensive breeding facilities, (aka puppy farms/factories) adjoining the Victorian border.
2. More generally, the survey results do not support claims there is an increase in the number of dog (and cat) intensive breeding facilities throughout NSW.
3. It is clear from the comments from many Councils, that the breeding facilities within their LGA are well known to council staff, monitored by rangers, and they are not considered to be of concern both in terms of neighbourhood amenity or animal welfare.
4. Given the attention commercial dog (and cat) breeding facilities are currently receiving, ACA recommends consideration is given to including and recording a sub-category for such breeding facilities under the "Animal Boarding or Training Establishment" category on all DA applications so that analysis such as this survey is simplified.
5. ACA disputes RSPCA NSW's claim of 900 commercial facilities and concludes that in excess of 700 of RSPCA's claimed commercial facilities are hobby breeders incorrectly targeted with many residential premises potentially illegally inspected.
6. RSPCA has reportedly performed 206 inspections out of the 900 facilities they claim are commercial, with a total of just 3 charges being laid. This evidence combined with these ACA survey results lead to the conclusion the issue is not as significant as claimed.
7. ACA submits that limited animal welfare resources would be better utilised in other areas, for example, educating the puppy and kitten buying public.

Kind regards,



Sam Davis
Vice President – Animal Care Australia
E: samdavis64@icloud.com

Appendix A

17/11/2021

Re: Commercial Dog (and Cat) Animal Breeding Facilities

Animal Care Australia Inc. (ACA) represents the interests of all hobbyist and pet animal keepers nationally. Our members are comprised of most major animal keeping representative bodies nationally and within NSW.

As you are no doubt aware, there has been much media with regard to new “Puppy Farms” (or “Puppy Factories”) emerging throughout NSW, particularly within LGAs bordering Victoria. ACA is endeavouring to compile some facts to quantify the size of the problem and inform our advice to government.

In most LEPs each commercial dog (and cat) breeding facility is required to submit a Development Application (DA) to operate as an “Animal Boarding or Training Establishment”. We are seeking details from «LGA» as follows:

1. Total number of commercial dog (and cat) breeding facilities approved in «LGA».
2. Number of successful commercial dog (and cat) breeding facility DAs for 2019, 2020 and 2021 in «LGA».
3. Number of unsuccessful commercial dog (and cat) breeding facility DAs for 2019, 2020 and 2021 in «LGA».

ACA acknowledges there are planning challenges with the specific definition of an “Animal Boarding or Training Establishment” and a range of complexities with other instruments operating in parallel or that blur the distinction between hobbyist versus commercial. For instance, between “ancillary to residential” versus commercial for Animal Shelters within the SEPP (Exempt and Complying Development Codes) 2008, and the definition of “Animal Trades” within the Prevention of Cruelty to Animals Act 1979. There are also data integrity and data verification issues with the current Pet Registry operating under the Companion Animals Act 1998. Any comments on these additional complications would be much appreciated.

This issue is currently the focus of a range of meetings with senior bureaucrats and politicians, so a timely response is appreciated.

Kind regards,



Sam Davis
Vice President – Animal Care Australia
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“Animal Welfare by the experts –
those who keep, care for and breed animals.”

www.animalcareaustralia.org.au

Appendix B

3/2/2022

Good afternoon Mayor and GM

The request below was made on the 17/11/2021. 61 of the 128 NSW Councils have responded, however we have not had a response from «LGA».

Please consider this to be an informal request under Section 8 of the Government Information (Public Access) Act 2009 No 52.

Without wishing to pre-empt our findings, to date evidence from approximately 60 councils who have responded indicates there is no significant puppy farm issue (whatever a puppy farm is). In terms of improving animal welfare outcomes, which everyone wants, we'll likely argue that any additional funding will be most effective if directed towards projects to educate the puppy buying public.

Your attention is appreciated.

Kind regards,



Sam Davis

Vice President – Animal Care Australia

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BELLINGEN SHIRE COUNCIL



23 March 2022

Animal Care Australia
C/- Sam Davis
info@impulsports.com.au

Mr Sam Davis,

Re: Informal GIPA application on Dog & Cat Breeding approvals

Council does not record the approvals granted by category of animal breeding; this means to locate the information requested a council officer would need to review the conditions of consent of every development application from the years 2019-2021. A total of 448 Development Applications were received in the time frame specified. In order to determine the information, you have requested a Council staff member would have to manually source the files and review them to identify the information.

Due to the volume of records and the time that would be required to assess the information, the application is denied under s60.1.(a) dealing with the application would require an unreasonable and substantial diversion of the agency's resources.

If you have any further questions, please do not hesitate to contact me on 02 6655 7300.

Yours sincerely

Manu Pillai
Senior Governance & Risk Officer

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