

**Supplementary Submission:
Legislative Council, Select
Committee on Puppy Farming
in NSW - Inquiry into Puppy
Farming in NSW 2022**



MAY 16 2022

**ANIMAL CARE AUSTRALIA
STAKEHOLDER SUBMISSION**

Legislative Council, Select Committee on Puppy Farming in NSW - Inquiry into Puppy Farming in NSW 2022

Introduction:

Animal Care Australia (ACA) provided a submission on the 28th of February 2022 to this Inquiry. Since submitting, ACA has continued to seek out further evidence to support that submission along taking issue with elements of testimony provided by other witnesses. This document addresses those matters.

We would like to thank the Legislative Council, Select Committee on Puppy Farming in NSW for providing us with the opportunity to provide feedback for this Inquiry, and the opportunity to provide testimony at this Inquiry.

Matters of Note and Testimony:

1. Incorrect testimony provided by Dr ROSEMARY ELLIOTT, President, Sentient:

“ROSEMARY ELLIOTT: It is outdated; it is 2009. We have learned a fair bit about animals since 2009, so it is due for updating. I cannot speak very highly of it because, as I said earlier, the mandatory standards of care are pretty basic...” (page 33)

Dr. Elliott is referring to the NSW Breeding Code of Practice for Dogs and Cats and is clearly unaware the code was stakeholder reviewed and updated in 2021, therefore her understanding of the mandatory standards is in itself outdated.

2. Point of clarification to testimony provided by Ms TARA WARD, Solicitor, Animal Defenders Office, and Ms SARAH MARGO, Solicitor, Animal Defenders Office

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

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

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

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

Animal Care Australia calls this testimony in to question as it is purely speculation. Ms Margo is a legal practitioner and is purely speculating or expressing a personal opinion not based on fact.

As highlighted in our submission statistics from the breeds registered with the Australian National Kennel Council (ANKC) – now called Dogs Australia - contradict her testimony. ACA has chosen the ANKC registry due to it being a national registry. The numbers provided are for 2017 to 2020. These dates are extremely important as they highlight the national drop in breeding numbers since number restrictions were introduced into Victoria in September 2017.

The statistics outlined on pages 23-26 of the attached document **“BAN PUPPY FACTORIES NOT PUPPY BREEDING! REMOVE UNETHICAL OPERATORS and PROTECT RESPONSIBLE BREEDERS!”** highlights an increasing reduction in the numbers of newly registered puppies (with additional statistics on kittens).

This clearly highlights Ms Margo is speaking ideologically.

In relation to the testimony of Ms Ward below – Animal Care Australia again refers you to our original submission the above-mentioned document, in particular, the sections highlighting the increase in puppy costs and concerns expressed by the RSPCA Victoria over the numbers of puppies being imported from other states as well as an increase in puppy farmers in Victoria - ALL DUE TO DEMAND OUTSTRIPPING SUPPLY.

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

There is no equational factoring required when again this testimony is an ideological assumption that because animals are being euthanised the answer is an over-supply of them!

3. Accountability of the RSPCA:

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

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

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

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

***The CHAIR:** You do not already keep those statistics?*

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

The Hon. EMMA HURST: *Not online.*

KATHRYN JURD: *Not without going through the books.*

The information being sought by the Chair is directly relevant to claims dog breeders are non-compliant with the necessary legislation. The organisation is clearly willing to announce non-compliance, and to use this to justify the need for further funding and the continuation of the Puppy Farm Taskforce, and yet unlike the breeders who were issued with Section 24N's for their inability to provide records or paperwork – here we find Ms Jurd objecting to having to do the same.

Given much of the testimony during this Inquiry raised questions as to the validity of the statistics provided by the RSPCA, and also highlighted the fact many of the issued Section 24N's were a lack of paperwork and in many cases breaches that have now been removed from the revised code, Animal Care Australia calls upon this Committee and the NSW Government to require both ACO's to not only provide more detailed information on the issued Section 24N's but keep accessible and available records to be provided for public scrutiny.

4. Legislative changes in Victoria have enhanced puppy farming.

In reference to the Victorian legislation, Animal Care Australia did not have the opportunity during our testimony to highlight the following:

- 10 Fertile females is the 'magic' number in that Act, whilst you can own as many males as you want. This number was created with no supported welfare basis. While 10 may seem like a large number if a breeder has multiple breeds, they are now only able to keep a few females of each breed which reduced genetic diversity. The repercussions of this include cross breeds having or providing hybrid vigor while restricted numbers for purebreds are resulting in a decrease of this vigor. It also leads to breeders having to re-home older dogs to stay under the number restrictions when traditionally they would keep these dogs until their passing.
- Foster carers in the state have also been restricted. If a foster carer has a dog on their property that may be pregnant, they cannot whelp the litter without a change of land use, and this sees these animals having to whelp their puppies in a shelter which is not an ideal scenario for both the mothers and the pups
- The current cap on numbers for properties also limits breeders taking back dogs they have bred if needed. There should be room for special circumstances otherwise this is contributing to the over-crowding of shelters. The breeders are being fined when they are found to have extra dogs on their property even though they would be doing so to re-habilitate and re-home the animal.

5. Local Council Statistics

During our testimony Animal Care Australia provided an overview of statistics as a result of surveying all NSW Local Councils, requesting data on development applications for breeding facilities and puppy farms within the past 3 years.

Animal Care Australia would like to take this opportunity to provide a more detailed report on our findings. Please see our attached: **“ACA NSW LGA Breeding Facility Survey”**

Animal Care Australia appreciates this opportunity to provide additional supporting information.

This submission can be publicly listed.

On behalf of the Animal Care Australia Committee,



Michael Donnelly
President
Animal Care Australia