



COMPANION ANIMALS AMENDMENT (PUPPY FARMS) BILL 2024

The Royal NSW Canine Council Ltd and its predecessors have been assisting the NSW Government with dog legislation since 1946. Trading as DOGS NSW, we are an association which promotes the welfare of purebred dogs and responsible breeding practices. Our Breeding Codes have requirements that go beyond the requirements of POCTA and the Companion Animals Act. We currently have 7,600 Registered Members. As well as Championship Dog Shows, we conduct 16 dog sports, many of which allow the participation of non-pedigree dogs and provides opportunities for families to take part in fun activities with their dogs and, consequently, boosts the number of people involved with us to well over 10,000. The dog sports are Agility, Dances With Dogs, Trick Dogs, Draft Test, Earthdog Test, Endurance, Flyball, Grooming, Herding, Lure Coursing, Obedience, Tracking, Retrieving & Field Trials, Scent Work, Sled Dogs and Sprintdog, all of which would be threatened by the introduction of restrictive breeding regulations reducing the numbers of puppies available to families to take part in these activities. By now, you are probably aware of the reworked Bill to outlaw Puppy Farming, which is currently before Parliament. DOGS NSW supports any legislation that addresses breeding practices that exploit bitches for commercial purposes without any regard for their health and welfare, however, the Companion Animals Amendment (Puppy Farms Bill) 2021, which did not pass in the Lower House, contained propositions that if enacted, would have had catastrophic consequences for many breeds of dogs whose history can be traced back for hundreds of years. Supported by information from leading Academics, flaws in the proposed legislation were brought to the attention of the AJP and clearly have not been considered.

Our main concern with the proposed legislation is that the majority of our breeders, who are currently providing healthy well-adjusted puppies to pet loving families in NSW will be unable to continue. This is because the amendments will force them to apply practices that are contrary to the health and wellbeing and the long-term viability of their breed.

To give you an understanding of the effects the reworked Bill may have on responsible dog breeders, the pet loving public who currently benefit from the service they provide, and the real consequence of some breeds being completely eliminated, we have divided the relevant sections into groups, referenced the individual amendments and given a commentary of our concerns.

We hope that after reading this document you will understand our concerns for the future supply of well bred, healthy puppies to the dog loving families of New South Wales. If the Bill were to pass, it will mean that the only option for sourcing pets will be unregistered, irresponsible, for-profit breeders who will continue to operate 'under the radar' selling pets via unregulated platforms and other avenues that remain unpoliced.

What you will note on reading our comments on the proposed Bill is the total absence of supporting Regulations and some definitions.

1. Numbers of dogs and requirements

(61G) Concern for Breeders:

A Microbreeder will only be allowed 2 breeding bitches or queens, including animals in loving guardian homes.

Comment:

These are Insufficient numbers to be able to manage a responsible and genetically viable breeding program that ensures the health of future generations and is sustainable Even the 2022 version of the Puppy Farm Bill allowed up to 5 breeding females. This proposed Bil will effectively wipe out legitimate companion animal breeding.

(61ZX) Concern for Breeders:

A Recreational Breeder will only be allowed to have 3 to 10 breeding females if a member of an applicable organisation.

Comment:

This proposal could have merit, but the wording does not make it clear how Recreational Breeders will operate within this Bill. It appears not favourably as many clauses do not reference recreational breeders at all.

(61H) Concern for Breeders:

Working Dogs are excluded from the proposed Regulations which discriminates against other breeders

Comment:

We question why working dogs need to be excluded, it will allow working dog breeders to go totally unchecked as to the numbers of dogs in their breeding program and more of a concern, unchecked on the health & welfare of their dogs. We cannot see this as a positive position against Puppy Farming, it discriminates against animal breeders who are already heavily regulated. What message does it send to the community with such an inequity of views on dog welfare, it is certainly inconsistent with welfare issues.

(61ZR) Concern for Breeders:

After a maximum of 5 litters for a breeding bitch she MUST then be desexed.

Comment:

Whilst restricting the number of litters per breeding bitch is not problematic, mandatory desexing is not recommended for a number of reasons that are evidenced by research here in Australia and Internationally. Additionally, mandatory desexing of bitches after 5 litters would eliminate those bitches from taking part in mainstream conformation exhibition, a very negative and unnecessary outcome to the purebred dog world.

(61ZR) Concern for Breeders:

Breeding males MUST be desexed at 6 years of age.

Comment:

What science is there to justify this measure, this will result in decreasing the gene pool. In some endangered breeds, this could lead to extinction. This too would eliminate those dogs from taking part in mainstream conformation exhibition, for which all male and females must be entire i.e. not desexed. Overseas experience and logic suggest that mandatory desexing is an unsuccessful, wasteful and expensive management tool.

(61ZN) Concern for Breeders:

1 staff member must be onsite 24/7 for each 10 animals kept at the registered premises, each puppy in a litter will be counted the same as an adult dog.

Comments:

This could be viewed as Mandatory 'House Detention'! This is extreme and unnecessary. No Government in Australia or anywhere in the world mandate such an excessive and unnecessary requirement.

2. Local Council Requirements

(61M) Concern for Breeders:

This Regulation will Classify Dog & Cat breeders requiring Local Council Approval as a Companion Animal Business/Companion Animal Breeding Business.

Comment:

This is very concerning as most dog & cat breeders currently reside in areas where they could/would not obtain Council approval to operate an animal boarding & training establishment, which covers breeding. This Regulation will legislate against small scale responsible companion animal breeding, removing discretionary consideration currently given by most councils.

(61M,61N,61O) Concern for Breeders:

These Regulations will give Local Councils absolute discretion to impose terms and conditions to any registration of a Companion Animal Business.

Comment:

As with other parts of this legislation this Regulation will give Local Councils absolute discretion to refuse to renew any registration of a Companion Animal Business & Breeding Businesses, it is unspecified as to what encompasses "further information required by Council".

(61P) Concern for Breeders:

Under this Regulation a Local Council has absolute discretion to refuse to renew any Registration of a Companion Animal Business and Breeding Businesses.

Comment:

This Regulation is vague and open ended. It is not clear on what grounds a Council could refuse the renewal of Registration.

(69) Concern for Breeders:

Any Local Council officer will have greater powers of entry than NSW Police.

Comment:

Regarding 69L & 69M - Why is it necessary to empower any council officer, with no clarity on animal experience defined in this Bill, to be able to enter a person's home without a warrant because they want to? Why should they be empowered to seize all animals on a property where there is an alleged breach of any of the overbearing requirements in this Bill? the great concern here is THERE IS NO RIGHT OF APPEAL BY THE OWNER IN REGARD TO THE SEIZURE even the Police do not have this power.

3. Veterinary & Mandatory Requirements

(69M) Concern for Breeders:

If in a Council Officer's opinion any unregistered breeder/s are unsuitable, he can seize their animals.

Comment:

We are concerned by what will happen to the seized animals, especially as pounds & rehoming organisations are at or over capacity. This is an automatic death sentence for those animals as the OWNERS HAVE NO RIGHT OF APPEAL.

(61ZP) Concern for Breeders:

As part of a Mandatory sign-off by a Vet on a Health Management Plan a proprietor of a companion animal breeding business or a recreational breeder must, in consultation with a veterinary practitioner, prepare a plan for response plans, including evacuation procedures.

Comment:

Why is it necessary for a Vet to certify emergency response plans and evacuation, this is already required in the DPI Breeding Code, in addition, advice for these situations is already provided by the Police, NSW Fire and Rescue Service, SES and NSW Rural Service. Is the Bill inferring that a Veterinary Practitioner would have greater expertise in emergency response or evacuation procedures? This is an unnecessary imposition especially with a shortage of Veterinary Practitioners.

(61ZK) Concern for Breeders:

This Regulation requires a Mandatory health check within 8 weeks of delivering a litter.

Comment:

We do not believe that there is any scientific evidence to back this requirement up, as with other sections of the proposed Bill it is an unnecessary burden on currently over-stretched veterinary resources.

(61ZK) Concern for Breeders:

This Regulation requires a Mandatory annual health check on breeding animals.

Comment:

This unnecessary burden is punishable with a massive fine and a gaol sentence, the vast majority of pets in the community are not required to meet this requirement, most breeders currently ensure that their animals are healthy, and on past history the rogue puppy farmers will not be found, this is illogical.

61ZL) Concern for Breeders:

Under this Regulation a breeder will not be able to use a dog for breeding unless it has a Vet – certification that the dog is suitable for breeding.

Comment:

This is a waste of Veterinary resources, in a sector that is struggling to meet demand at present with no reprieve to the shortage in sight.

(61ZM) Concern for Breeders:

Must not breed from a female if a previous litter has identified a heritable defect.

Comment:

This regulation is lacking any definition of "heritable defect" or what it encompasses, this needs scientifically backed evidence to support the reasoning before this can be considered. DOGS NSW breeders currently health test and have effective breeding plans

in place to work toward breeding out adverse heritable conditions, which are recorded on the Dogs Australia ORCHID database. Has there been any consultation with the NSW Veterinary Surgeons Board or the AVA to ascertain the implications of setting up a reportable heritable defect register?

(61ZM) Concern for Breeders:

Under this Regulation 2nd degree mating's will be prohibited

Comment:

As with the proposed Regulation on heritable diseases there is no scientific evidence to support this proposition, it could impact many numerically challenged breeds adversely, by vastly decreasing the number of animals available to a continuing breeding program.

Summary of Matters of Concern to DOGS NSW

There does not seem to be any benefit to Recreational Breeders in the proposed Regulations.

Whilst a "Recreational Breeder" is listed under Part 6A Div1 Definitions, there is no clarity throughout the Regulations as to whether there is any benefit afforded to Recreational Breeders.

Extreme Compliance and Registration Requirements.

Requirements placed on Applicable Organisations are overreach and do not give credence to the organisations own Breeding Regulations and Codes which require a higher level of compliance, if enacted the Regulations listed in groups 1 to 3 may have unintended consequences for Dogs NSW Business and resourcing. They may cause DOGS NSW Members to cease breeding which would have a significant impact on Veterinary Services, Pet Food and equipment Suppliers. The cessation of breeding and losing the benefits of pet ownership could also have a Mental Health impact on the breeders.

The suggested scope of requirement of Applicable Organisations member's personal details raises privacy concerns, and as to whether there has been consideration of the requirements in relation to The Privacy and Personal Information Protection Act 1998 (PIPP Act).

Lack of oversight of enforcement officers/bodies and the activities they perform.

There is a heavy reliance in this Puppy Farm Bill on Enforcement Regulations, this may be compromised by the fact that some Enforcement Officers are companion animal breeders themselves without any oversight of their breeding activities, and in their dealings with breeders there is again no oversight of their activities, with owners of dogs having nowhere to lodge objections of enforcement officers operating outside their remit, except with the organisation that employs them. It is a denial of natural justice that there is no independent appeal process against disputed actions of Enforcement Officers.

Duplication of existing legislation.

Parts of the proposed Bill overlap the existing Animal Welfare requirements of POCTA, a prime example of this is (61ZP) the requirement for a Mandatory Health Management Plan, which mirrors the requirements of the Animal Welfare Code of Practice, Breeding Dogs and Cats, sections 7 & 8, the Bill also duplicates the Pet Registry process.

Companion Animal Businesses & Breeding Businesses would be in conflict with zoning, and Development Control Plans with most Councils.

This is extremely concerning as existing legislation would be used against responsible companion animal breeders whose animals have not been a nuisance and those breeders that currently have DA approval.

Conclusion:

The question remains, how will this Bill seek out and control/restrict Puppy Farmers? They are the breeders that don't microchip, don't vaccinate, don't observe current legislation, so that leaves the same question as to how is this Bill going to capture those currently breaking the law? This Bill is aimed at eliminating small time responsible companion animal breeders, whether they belong to an Approved Organisation or not. The Government made an election promise to close down Puppy Farms, a position supported by DOGS NSW. We are sure that the Emma Hurst Puppy Farm Bill is not a way that they will choose to achieve a workable outcome, what is certainly not needed is legislation driven by Animal Rights aspirations, what is needed is legislation that does not deny bona fide breeders from continuing to give the families of NSW the family pets they have come to know and trust.