Companion Animals Amendment (Puppy Farms) Bill 2024

Animal Care Australia submission

Approved: 10th June 2024

"Animal welfare is animal care"

Animal Care Australia

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ACA Background

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 including those representing dogs, cats, birds, horses, small mammals, reptiles, fish and exhibited animals. Some individual members also work in the rescue, care, and rehabilitation sectors.

Animal Care Australia does not support the unethical breeding of any species and continues to consult with state and territories in order to enhance animal welfare legislation, regulations, and codes of practice in order to improve the animal welfare outcomes for all species.

Opening statement

To be clear: Animal Care Australia DOES NOT support this Bill.

For the purpose of clarity, the use of the term 'puppy farm' within this document refers to both puppy and kitten mills.

As a nationally recognised animal welfare organisation, Animal Care Australia continues to oppose so-called 'puppy farm bills' when they:

- ☒ refuse to identify and define what a puppy farm is - ie define what it is that is being banned
- ☒ are clearly drafted to restrict responsible breeders and breeding organisations
- ☒ include ideological claims not supported by scientific fact
- ☒ extend powers to local councils as there is a recorded history of councils abusing said powers
- ☒ there is no evidence that supports existing puppy farm legislation is a successful method of:
    - reducing unethical breeders
    - reducing in-take numbers for shelters and rescues
    - improving animal welfare outcomes for dogs and cats (puppies/kittens)
- ☒ do not include any education requirement to alter societal behaviour

Animal Care Australia fully supports education initiatives and if required enforcement action for ANYBODY who keeps and breeds animals in poor welfare conditions. We continue to be astounded that yet again this Bill does not define a 'puppy farm'.

If poor welfare defines a puppy farm, then Animal Care Australia is totally opposed to puppy farms. However, if the number of animals alone defines a puppy farm, which yet again appears to be the case in Ms. Hurst's Bill and is currently the overriding factor in Victoria and Western Australia then we have strong concerns and reservations.

Whatever a puppy farm is, or isn't, the problem centres on animal welfare.

The Companion Animals Act 1998 (CA Act), which Ms. Hurst seeks to amend, centres on the registration and management of dogs and cats to ensure they do not cause nuisance, endanger or otherwise affect

neighbourhood amenity. Councils are tasked with enforcing those duties. However, the CA Act is not animal welfare legislation and Councils are not and should not be animal welfare authorities.

Animal welfare is not about restricting numbers it is about improving conditions, promoting and funding greater education programs and the manner in which the government (authorities) deals with those who are unethically breeding.

Animal Care Australia does not comprehend why a facility/breeder would keep 3000 dogs[1], 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 (animals). Whether this is being enforced by Council is a matter that should be addressed by all political parties.

A facility with 3000 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.

Despite Ms Hursts claims that she has taken the amendments of her previous Bill which made it through the Legislative Council into account – Animal Care Australia notes this Bill ignores previously agreed to numbers/restrictions and is in fact more onerous and restrictive than the legislation in Victoria and Western Australia.

Clearly this is an attempt to create a more restrictive precedent that can be used across the country.

Given the damage that has already been inflicted in Victoria (Note: it is too soon to tell in Western Australia) on responsible breeders and shelter/rescue capacities, including the expansion of underground breeding of unethically bred puppies/kittens resulting in a continuous burden on the veterinary industry – why should NSW be placed under greater risk of this occurring given the greater restrictions being proposed?

Addressing misinformation in the Second Reading speech on 15 May 2024…

> *"A mother dog can be forced to pump out litter after litter for her entire life, as there is no limit on the number of litters any one dog can be forced to endure."*

While there is no current limit to how many litters a dog or cat may bear over their entire lifetime, there are clear limits on how many litters can be borne over any 2 year period as prescribed in the Standards Section 10, and specifically 10.1.1.10 and 10.1.1.11 of the Animal Welfare Code of Practice Breeding Dogs and Cats.[2]

> *"… and at any point in time she can simply be killed—shot in the head, even—if she is not producing the litters that someone wants."*

Not true. Page 26 (section 8.3) of the COP sets out the Standards for humane euthanasia.

> *"Puppy farms on this massive scale are continuing to be set up around New South Wales, especially since 2017 when the Victorian Government passed legislation effectively banning this cruel industry.*

[1] Second reading speech – Hansard transcript

[2] Breeding Code of Practice for Dogs and Cats in NSW

Towns on the New South Wales-Victoria border have been worst hit. Murray River Council, for example, has reported a 500 per cent increase in development applications for intensive dog breeding facilities, including a facility that will house over 300 dogs."

While Murray River Council did in fact receive an application for a 300-dog facility, Animal Care Australia's survey[3] of NSW Councils did not find they are popping up all over the state.

Additionally deciding that a breeding facility is a puppy farm solely based on the number of animals housed is not appropriate – it MUST be about the welfare and the ability of the facility to uphold and maintain the standards. The fact that DAs are being sought indicates the facility is legitimately going to operate a business with full oversight by authorities, which history has shown will include regular audits by those authorities.

"… If we introduce a new regime to ban puppy farming, we need to ensure that someone is going to enforce it. Our view is that it should not be left to private charities like the RSPCA or the Animal Welfare League, which are already not properly resourced to enforce animal cruelty laws…"

Animal Care Australia could not agree more and we strongly encourage Ms Hurst and all other members of parliament to the NSW Government to remove said charities as enforcement officers under POCTAA. Animal Care Australia will be releasing information regarding an alternative for the enforcement in due course.

Responses to the Draft Bill.

Section 61 C:

companion animal breeding business *means an enterprise that—*

(a) carries out the breeding of dogs or cats for sale, and

(b) has, at any time, no fewer than 3 fertile female dogs or 3 fertile female cats, including dogs or cats the subject of a breeding arrangement

Section 61D – definitions:

microbreeder *means a person who—*

(a) carries out the breeding of dogs or cats for sale, and

(b) has, at any time, no more than 2 fertile female dogs or 2 fertile female cats.

Animal Care Australia has concerns with this category as this will result in breeders needing to place a greater emphasis on only keeping more profitable breeds in order to remain under a perceived 'threshold' and the onerous burden of being considered a companion animal breeding business (CABB).

Why is that a concern? The burden of having Council trapsing through your property every year to inspect you as a CABB is a strong reason to only maintain two fertile females. This then reduces the genetic viability of breeding and health of future generations. Ordinarily genetic viability is maintained by introducing other females or males to your animals when looking to breed – however this Bill restricts that as those other

[3] NSW Puppy Farm Local Council Survey data

animals would now be included in the count of just two – even though they do not ordinarily reside on your property. This will have an enormous knock-on effect on genetic purity and diversity.

Animal Care Australia is concerned about the animal welfare impacts this will create as it will incentivise certain individuals to continue breeding back on to the same genetic line including siblings – despite Section 61ZM of the Bill relating to the inability to breed the same bloodline. That particular Section raises major concerns, which are outlined further in this document.

It should also be noted that the 2022 version of the Puppy Farm Bill allowed up to 5 breeding females.

> ***recreational breeder*** *means a person who—*
>
> *(a) carries out the breeding of dogs or cats for sale, and*
>
> *(b) has, at any time, no more than 10 fertile female dogs or no more than 10 fertile female cats, including a fertile female dog or cat that is the subject of a breeding arrangement, and*
>
> *(c) is a member of an applicable organisation.*

The separate definitions of a recreational breeder and a companion animal breeding business do create a level of confusion – other than highlighting the recognition of a breeder who is a member of an authorised organisation.

The confusion dwells in the wording: *'no more than 10'* versus *'no fewer than 3'*. The latter implies that a recreational breeder 'may' have more than 10. This is misleading as the Bill later reveals that no one can have more than 10 fertile females.

Section 61K Meaning of "companion animal business"

> *For this part, a companion animal business means the following—*
>
> *(a) a pet shop,*
>
> *(b) a companion animal breeding business.*

Section 61L Meaning of "companion animal breeding business"

> *(1) For this part, a companion animal breeding business means an enterprise that—*
>
> > *(a) carries out the breeding of dogs or cats for sale, and*
> >
> > *(b) has, at any time, no fewer than 3 fertile female dogs or 3 fertile female cats, including a dog or cat the subject of a breeding arrangement.*
>
> *(2) Despite subsection (1), a farmer is not taken to conduct a companion animal breeding business in relation to a fertile female dog if the dog is primarily a working dog.*
>
> *(3) In this section—*
>
> *dog means a dog other than a registered greyhound.*

Section 61M to 61R - Registration of Premises

This entire Part is not supported by Animal Care Australia.

There is no guarantee that a local council will approve or renew the registration of the breeders. In fact, in Victoria, we are aware that a number of Councils are declaring their shires as 'dog breeding free zones' and refusing to approve the Domestic Animal Business – equivalent to the CABB in this Bill AND the excess animal permits – also required under the Domestic Animals Act in Victoria. These Councils are instructing their residents to reduce their dog numbers to Local Law provisions which are restricted to either 2 or 3 dogs without an excess animal permit. NSW currently has Councils with Keeping of Animals Plans limited to between 2 and 6 dogs or cats whereafter the person is required to apply for permission for more. Noting the 6 are on larger acreage – not residential. This directly mirrors what existed in Victoria when their legislation was introduced.

While the fees to register as a business may be fixed within new regulations, the issue arises when Councils demand the breeders apply for development applications. In NSW and Victoria this has resulted in some breeders being made to install carparking, public toilets, separate buildings for public access/waiting rooms – all because the breeder is ' deemed' to be a commercial entity based on the fact they are selling puppies/kittens. The costs associated with this run into the $10,000's. While this may sound appropriate for large sale breeders, it is not relevant for small (hobby) breeders who have only 1 or 2 litters per year – and yet it is being enforced in Victoria – because breeders are labelled as a ' domestic animal business'.

Section 61R – Discretionary grounds to refuse applications or suspend or revoke registrations

This is massive overreach of power. What business is it of Council to investigate the financial standing of one of its residents? What other business or industry has to comply with anything similar as 61R

How does a council employee determine whether a person can afford to meet the expenses by providing proper care, have sufficient qualifications to care for a companion animal or is a fit & proper person ?

Additionally: –

- what is a fit and proper person? It is not defined here or in any other legislation relating to the keeping or breeding of animals.
- what are sufficient qualifications to own or breed pets? Where are these legislated or defined by government?
- What financial or accounting skills will Council employees have to have in order to confidently assess a persons' financial situation?
- what legal provisions need to be incurred i.e., a warrant by Council in order to demand all of the above information be provided? Surely a council ranger is not being provided such carte blanche access to one's private lives and breaching their right to privacy? **NOTE:** Even the Legislation Review Committee [4] highlights this invasion of privacy.

[4] Legislation Review Digest

Section 61U - Registration Term of 1 year

This section is completely unworkable and not logical. This gives a breeder no confidence to implement a responsible plan for breeding. The limit on the number of litters each animal can have exceeds this time frame meaning a breeder cannot plan for more than one possible litter. Remember Council must renew the breeders registration, source number etc before a breeder can continue.

Registering as a breeder will likely be months apart from obtaining the source number – both of which would need to be reviewed and renewed. A breeder cannot be renewed if their animals have not been seen by a vet – despite the fact that the animal:

- may not have actually had a litter at all in that first 12-month period
- even required to be seen by a vet for a medical reason

If the animal's gestation period is likely to exceed the 12-month expiry date this could raise questions as to what would happen with the animal/s once the litter is born and the Council with their own 'local agenda' have determined not to renew the registration. This Bill authorises the Council to seize excess females. That in itself raises greater concerns.

If they have to renew every year on every aspect of breeding their animals why would they put themselves through all of that burden? Or is that the goal here?

Section 61V - Registration applications—councils must provide general information

(1) A council must, within 7 days after making a decision to grant or refuse an application to register premises under Division 2, provide the following 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 intended 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,

(iv) a law of another State or a Territory that corresponds with a law referred to in subparagraph (i) or (ii),

(h) the details of the applicant being the subject of an order made or recognised under the Prevention of Cruelty to Animals Act 1979, section 30B(1), 31(1) or 31AA(1),

(i) the details of the applicant's qualifications or experience in caring for companion animals, if any,

Referring to the definition of a Companion Animal Business (61K) this means that all breeders (who are not micro-breeders or recreational breeders) MUST register with ASIC for an ABN as a business.

This is government mandating breeding of pets as a commercial activity when in most cases it is not. There is a range of criteria that designates a hobby from a business and this ignores these. This is an animal rights ideological viewpoint being forced into legislation – yet again. It is an attempt to denigrate animal breeders and make keeping pets harder.
This will see many small breeders (hobby breeders who are not members of an approved organisation) question contiuing they are doing as it will become unaffordable and appear too onerous to continue as a breeder and hold down their own separate full-time employment, and maintain what they see as a hobby for enjoyment now gone. It will become a second job and no longer a hobby.

All with the knowledge that Council could revoke the registration after only 12 months or at any point. As stated elsewhere in this document – Council will also view the fact they now have an ABN as justification to treat you as a commercial entity – demanding on DAs to be completed often with outlandish requirements and exorbitant costs attached.

Section 61W - Registrations granted—councils must provide additional information

Animal Care Australia is astounded by this requirement when a significant proportion of this will be required to be recorded in the NSW Pet Registry. Why is this information being duplicated?

This amount of information that a person will need to provide is excessive especially when Section 61ZD states that this information must be made available to the public via the Business Register to be held by the Department of Planning, Housing, and Infrastructure.

Section 61ZF - Inspection of Business Register

Animal Care Australia strongly opposes this section. The public SHOULD NOT be able to obtain information about breeders from the Business Register kept by the Dept Chief Executive due to a variety of potential risks with people having this information, not excluding:

- ☒ theft of personal information and of animals,
- ☒ defamation, discrimination, or bullying and property damage etc from someone who does not like breeders (animal rights advocates – let us not forget the impacts of the Farm Transparency website) or has a vendetta against a person

In the current environment of needing to protect our personal information this is a major concern. The Legislative Review Committee also found it to be a breach of a persons' right to privacy.

Section 61ZK - Proprietors and breeders must ensure dogs and cats undergo routine veterinary checks

A proprietor of a companion animal breeding business or a recreational breeder must ensure each dog or cat of the business undergoes a general health assessment performed by a veterinary practitioner—

(a) at least once a year, and

(b) in relation to a female dog or cat—within 8 weeks of a litter of the dog or cat being delivered.

Here we go again with the incessant demand for everything needing to be checked in a 12-month period.

While Animal Care Australia supports all litters being seen by a vet, part a) is unnecessary and highlights Ms Hurst has no understanding of the needs or circumstances that may occur when keeping dogs and cats. Not only does this add an additional financial burden to breeders having healthy animals checked by a vet but it will add a substantial burden on the veterinary workforce.

Wasn't it Ms Hurst who called for and Chaired the NSW Inquiry into Veterinary Workforce Shortage? Here she is adding an unnecessary legislative burden on the veterinary workforce in NSW.

As per POCTAA there is already a requirement for any animal that shows signs of being unwell to receive veterinary treatment.

Animal Care Australia supports animals being checked by a vet regularly, but we do not support this being a mandatory 365 day check-up. Veterinary checks should be based on veterinarian advise for that animal or as needed when an animal becomes unwell. POCTAA requirements for vaccinations etc are already mandated.

Section 61ZL Proprietors and breeders must obtain veterinary certification before breeding

(1) Within a reasonable period before breeding from a dog or cat of the business or breeder, a proprietor of a companion animal breeding business or recreational breeder 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.

Breeding cycles are not regular so it is impossible to determine what a 'reasonable' period of time is.

What criteria etc is the vet looking for in order to determine whether an animal is suitable for breeding especially when most vets have little to no idea about specific breeds breeding practices. Even if they do – what exactly is this certificate certifying? Would this certificate provide a legal argument for OR against the breeders, the vet, or the buyer when something has gone wrong?

Section 61ZM Proprietors and breeders must not breed dogs or cats in certain circumstances

(1) A micro-breeder, a proprietor of a companion animal breeding business or a recreational breeder must not breed from a female dog or cat in the following circumstances—

(a) if the dog or cat has already been bred by the proprietor 5 times,

(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 by blood to the dog or cat.

(2) The regulations may define heritable defect for subsection (1)(b)

(3) The Departmental Chief Executive must, within 2 years after the commencement of the Companion Animals Amendment (Puppy Farms) Act 2024, make and publish in the Gazette a code of practice dealing with the breeding of animals with heritable defects.

(4) In this section—

related by blood means a parent, son, daughter, sibling, grandparent or grandchild of the dog or cat.

(1) a) While Animal Care Australia has no real objection to a limit of 5 litters' per animal – we wonder how this is to be monitored by a proprietor or owner if the animal is moved around and the records associated with that animal are not kept up to date due to the inclusion of Councils needing to ensure the information is correct. Councils today are still not recording the information in the Pet Registry with any level of efficiency. Who would be held liable under that circumstance? How would the current owner prove this was not their doing, especially if the same Council is enforcing this and that is responsible for the missing data.

(1) c) This will instantly restrict if not completely stop preservation breeding of a number of rarer breeds in NSW and will increase the substantial rate of extinction of a number of breeds in this country.

Section 61ZN – Proprietors and breeders 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 10 animals kept at the premises.

(2) A microbreeder or recreational breeder must ensure that, at all times, there is at least 1 person at the premises at which the microbreeder's or recreational breeders for every 10 animals kept at the premises.

(3) For this section, each offspring in the litter of a dog or cat, irrespective of the age of the offspring, is taken to be equivalent to 1 animal.

(3) In this section—

staff member includes the proprietor of a companion animal business and a person engaged by the proprietor to attend to an animal kept at the registered premises of the business.

Noting most micro-breeders and recreational breeders are a singular person, or couple or small family unit. A requirement of at least one person at all times applies the moment you commence breeding even one fertile female.

Taking into account each offspring is counted as 1 animal then a minimum of 10 animals is quickly met, and as soon as you have 11 animals you must have 2 persons at all times.

It is not physically possible to ensure that someone is on site AT ALL TIMES – that is - every moment of the day and night. This does not allow for the person/s to go grocery shopping, and so on. It is totally unfeasible and impractical.

It is generally recognised worldwide that one person for every 26 animals is a suitable staff ratio. While Animal Care Australia can see some merit as to why that may need to be reduced – there is no merit in requiring micro-breeders and recreational breeders to have full-time 'staffing.'

Breeding dogs & cats is not their primary source of income & therefore many work full time/self employed

Section 61ZR Proprietors and breeders—requirements to cease breeding and retire and rehome dogs and cats

(1) A proprietor of a companion animal breeding business or a recreational breeder must cease breeding and retire a dog or cat of the business or breeder if the dog or cat—

(a) for a female dog or cat—has delivered 5 litters, or

(b) for a male dog or cat—the dog or cat is 6 years of age.

(2) The proprietor or breeder 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 or breeder as a companion or rehomed to a suitable home.

It is not practical to desex male cats or dogs at the age of 6 years – they are still capable of mating with healthy litters. In fact, this requirement is not supported by any science that might indicate an animal welfare benefit in doing so.

Remembering the staff ratio – being forced to retire an animal does not exclude it from the count for staff ratios plus the retired animal would need to be replaced for breeding plans to continue, meaning one animal in the count has now become two.

This will also strongly disadvantage breeds with limited numbers of breeders as genetic diversity is gained by having a larger number of non-related breeding dogs & cats to avoid repeated matings and also includes international imported animals. Remember this Bill does not permit blood lines to mate either – so retiring one male that may be one of only a few in the country effectively retires ALL males he has sired.

Rehoming stud cats is not easy (due to behaviours relating to territory marking) and the desexing does not miraculously remove these behaviours. An additional note: If a breeder is unable to rehome an ex-stud cat, they will not be able to replace it, as the enclosure is occupied.

Male dogs & cats are not impacted physically like females (just as in the human world) and providing they are given sufficient time to "rest" between matings, they are generally quite happy to do their own thing in their enclosure.

Desexing at an older age is equally not supported by the science, and while we acknowledge the Bill allows for a veterinary exception – the retired non-desexed female animal is then still counted as a fertile female – despite it no longer breeding.

Sections 61ZS-ZV – relating to Pet Shops

Animal Care Australia will defer to the Pet Industry Association of Australia on these clauses.

Section 69L Power to enter property

> *(3) The powers of entry conferred by this section are not exercisable in relation to a part of premises used only for residential purposes except—*
>
> *(a) with the permission of the occupier of the premises, or*
>
> *(b) under the authority conferred by a search warrant under section 69D*

Animal Care Australia does not support 69L (3) and the use of the term: "*… premises **used only** for residential purposes…*"

While the term property is defined – premises is not defined. A property which includes buildings and land is used for residential purposes. This is clearer in rural areas where only the area surrounding the farmhouse and buildings would be deemed 'used for residential purposes.'

This creates substantial confusion and is open to interpretation and misuse by the enforcement officers.

Animal Care Australia is also concerned with the addition of the word 'only' within this clause. Most hobby breeders (i.e., micro-breeders & recreational breeders) would bring birthing animals and whelping offspring inside their home in order to monitor and care for these animals. The second that animal enters the home – it would be argued by enforcement officers that it is no longer used ONLY for residential purposes. Meaning they can enter without a warrant or permission. This is absurd and cannot be supported.

Section 69M Powers of enforcement officers to seize animals—general

> *(1) Part 7 does not apply to the seizure of animals under this section.*
>
> *(2) An authorised officer may, on any property lawfully entered under this division, seize any companion animal—*
>
> *(a) kept in contravention of a provision of Part 6A or a regulation made under Part 6A, or*
>
> *(b) where, in the enforcement officer's opinion, there is a serious risk to the health or safety of the companion animal.*
>
> *Example— All companion animals may be seized if the proprietor of a companion animal breeding business—*
>
> *(a) has more than 10 fertile female dogs or 10 fertile female cats in breach of section 61ZJ, or*

(b) has not ensured a companion animal has undergone routine veterinary checks in breach of section 61ZK

The ability for ALL companion animals to be seized is massive overreach. Should animals need to be seized then that should be for a lack of veterinary care – not because there may be 11 fertile females on the property instead of 10.

It might be considered reasonable for the 11th animal to be ordered to be rehomed but not ALL animals seized. This would include retired/desexed animals on the property as well as any being used for breeding. This is totally unreasonable.

Acutely aware that the definition outlined in Section 61H only applies to that Part and not the entire Bill – the use of the term companion animal is then open to the definition under the Companion Animals Act – that being:

'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.*

The potential (i.e., floodgates) now exists for this 'puppy farm' Bill to be used by enforcement to seize any animal that may be re-classified or deemed by a current Minister as being a companion animal. Again, massive overreach.

Utilising Council officers as authorised officers under this Bill MAY have some merit – however there is no requirement in this Bill to train said officers in any manner.

Providing Councils with powers to approve registration of breeders is not supported by Animal Care Australia due to the reasons outlined within this submission. Animal Care Australia can envisage Councils will use this to remove dog breeding from their Local Government Areas. Councils already limit the number of dogs and cats permitted (on average between 2 to 4 dogs/cats) under provisions provided under Section 124 of the Local Government Act, 1993 and the Local Government (Orders) Regulation, 1999. The Council may, in the appropriate circumstances, issue an Order to:

- Prohibit the keeping of animals,
- Restrict the number of animals to be kept at a premises,
- Require the animals be kept in a specific manner,
- Demolish animal shelters built without the prior approval of Council,
- Direct the occupier to do or refrain from doing such things as are specified, so as to ensure that land or premises are placed or kept in a safe and healthy condition.

The fact Councils in Victoria are further restricting the numbers of dogs (and cats) than what is permitted under the Domestic Animals Act would be known by Ms Hurst and it is not a coincidence that this Bill hands

full control to NSW Councils. The fact that in Victoria, Western Australia, and South Australia a minister is provided with the ability to approve facilities with greater than 10 fertile females within their respective puppy farm legislation but are not in this Bill again contradicts her statement that this Bill is aligned with Victoria and Western Australia.

This Bill crisscrosses between how dogs and cats should be managed (the aim of the Companion Animals Act) and animal welfare of dogs and cats (the purpose of the Prevention Of Cruelty To Animals Act) and the two are overseen by two ministers and multiple government departments. Animal Care Australia is working on options that would see improvements made under POCTAA and to the Breeding Code of Practice for Dogs and Cats streamlining and removing the contentious overlap with the goal of improving animal welfare outcomes.

This Bill is not supported by Animal Care Australia and we urge you not to support it.

It comes as no surprise that a Bill predominantly designed to restrict responsible breeding is being proposed by an animal rights party.

Animal rights: no human should own animals.

On behalf of the Animal Care Australia Committee,

Michael Donnelly
President
Animal Care Australia