

**Submission
No 335**

COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES

Organisation: Wingecarribee Shire Council
Name: Mr Nicholas Wilton
Position: Group Manager - Planning
Development and Regulatory Services
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15 June 2015

Mr Adam Marshall MP
Chair
Joint Select Committee on Companion Animal Breeding Practices in NSW
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

Dear Mr Marshall

Re: Wingecarribee Shire Submission to the Joint Select Committee on Companion Animal Breeding Practices in NSW

I refer to your email of 19 May 2015 inviting submissions to the subject inquiry. A staff working group was convened to prepare Council's submission. The working group consisted of the following staff:

- Mr Troy McGlynn – Senior Ranger;
- Mrs Ellie Varga – Senior Town Planner;
- Mrs Rosemary Robin – Ranger; and
- Ms Karen Guymer – Bushland Projects Officer.

Wingecarribee Shire Council's submission is as follows.

The current situation in NSW in comparison with other jurisdictions

Wingecarribee Shire Council (WSC) recommends that, unless subject to an exemption, all companion animals are de-sexed as a part of the companion animal registration and sale processes.

WSC notes that generally it is not a requirement of the *Companion Animals Act 1998* (the 'Act') for pets to be de-sexed (exceptions only apply to dogs declared to be menacing, dangerous or restricted dogs).

WSC notes that mandatory de-sexing provisions for companion animals exist in other national jurisdictions, including the ACT and in Victoria.

Although not required under the Act, all animals that are rehomed from the Wingecarribee Animal Shelter are de-sexed at time of sale to new owners.

WSC includes National De-sexing Network (NDN) information in most of its companion animal correspondence to encourage owners to de-sex their pets. The NDN is an initiative of its parent organisation the Animal Welfare League of Queensland. Residents are referred to the NDN as there is no other NSW based program to assist with the cost of de-sexing for pet owners in financial need.

WSC also considers that the mandatory publication of breeder membership numbers in any form of advertising is appropriate to ensure the responsible sale of companion animals. This would be consistent with other forms of advertising for the motor vehicle and building industries.

Proposals to limit the number of animals allowed to be kept by breeders

Other than in relation to the permanent identification of companion animals prior to being sold, there are no other mandatory requirements under the Act that deal with breeding practices.

In some instances a development application may be submitted by a companion animal breeder to Council under the provisions of the *Environmental Planning and Assessment Act 1993* for an **animal boarding or training establishment**. An animal boarding or training establishment is defined under the Wingecarribee Local Environmental Plan (WLEP) as:

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.

As a development condition, approved establishments are generally to be operated in accordance with relevant industry guidelines and standards.

However, Council may become aware of backyard breeding type operations but is otherwise unable to deal with the matter under the planning instrument as Council is generally unable to establish the '*commercial purposes*' element of the activity as defined under the WLEP. By definition, backyard breeding is discreet in nature with limited commercially related activities such as record keeping, signage and advertising.

However, limiting the overall number of companion animals able to be usually kept at a residence under the Act would enable backyard breeding operations to be disrupted without having to establish 'commercial purpose' elements. The keeping of more than a prescribed number of companion animals would be a strict liability offence.

Calls to implement a breeder's licensing system

WSC feels that legitimate companion animal breeders do and will continue to operate within the breeding regulatory framework. WSC further believes that any additional regulatory requirements are likely to disadvantage compliant breeders and potentially increase the attractiveness of backyard breeders who operate outside the regulatory framework and therefore are able to provide more competitively priced animals.

The limiting of the number of companion animals being able to be usually kept at a premise, together with the mandatory de-sexing of companion animals, effectively prohibits the backyard breeding of animals without having to increase the regulation of the industry.

The role of industry councils and associations would still be necessary in determining requirements for breeding exemptions through relevant memberships, together with mandatory breeding standards for recognised and approved breeders through those governing bodies.

The implications of banning the sale of dogs and cats in pet stores

The limiting of the number of companion animals being able to be usually kept at a premise, together with the mandatory de-sexing of companion animals, effectively prohibits the backyard breeding of animals without having to prevent the sale of companion animals through pet stores.

In fact, many animal rescue organisations currently use this model to promote the rehoming of companion animals through their organisations, as well as through other types of businesses.

WSC considers that it would be appropriate for pet stores to be encouraged to sell rescue animals through their organisations, through access to discounted registration fees.

Any legislative changes that may be required

Legislative amendments that may be required include:

- Amending the Act to include provisions for the mandatory de-sexing of animals at six months of age;
- Amending the Act to include provisions for the maximum number of companion animals to be usually kept at a premise;
- Amending the Act to include for the mandatory de-sexing of animals prior to the sale of the animal;
- Amending the Act to include provisions for the giving of a notice by an authorised officer to require the owner of a companion animal to de-sex the animal;
- Amending the Act to include provisions for the inclusion of a breeder membership number in any form of advertising the sale of a companion animal;
- Remove the element of 'commercial purposes' from the definition of animal boarding or training establishment currently found within state environmental planning instruments.

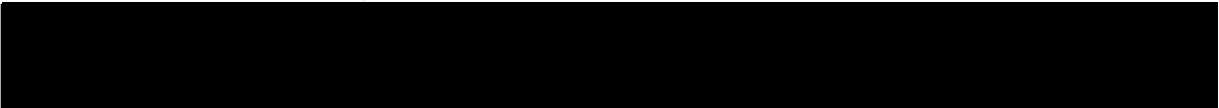
Any other related matter

WSC feels that the incidental breeding of companion animal breeding must also be considered as a part of this inquiry. The uncontrolled breeding of companion animals also

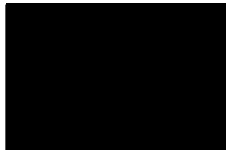
contributes to the euthanasia of otherwise healthy animals. The mandatory de-sexing of companion animals would in time, contribute to the reduced numbers of companion animals subject to euthanasia by decreasing stray and abandoned animals.

Decreasing stray and abandoned animals is also important to reduce the impact of both cats and dogs as a key threatening process under the provisions of the *Threatened Species Conservation Act 1995*. The predation and hybridisation by feral dogs together with the predation by stray and feral cats are recognised by the NSW Scientific Committee as a Key Threatening Process. WSC feels that preventing the uncontrolled breeding of companion animals would have a direct and positive influence on the impact of cat and dog predation.

WSC would also consider that amendments to the Act dealing with the Companion Animals Fund would be appropriate to provide for a subsidy scheme for companion animal owner's to assist with the cost of de-sexing their pets.



Yours sincerely



Nicholas Wilton
Group Manager Planning, Development and Regulatory Services