

# TRANSCRIPT

## STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### Inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

Melbourne — 15 November 2016

#### Members

Mr Joshua Morris — Chair

Mr Khalil Eideh — Deputy Chair

Mr Jeff Bourman

Mr Nazih Elasmr

Mr Bernie Finn

Ms Colleen Hartland

Mr Shaun Leane

Mr Craig Ondarchie

#### Participating member

Ms Samantha Dunn

#### Staff

Secretary: Ms Lilian Topic

#### Witnesses

Mrs Linda Kitson, assistant secretary, Governing Council of the Cat Fancy Australia and Victoria Inc.; and  
Ms Jane van Dyk, member, Breed Standards Committee, Australian National Cats Inc.

**The CHAIR** — The Standing Committee on Economy and Infrastructure is hearing evidence today in relation to the inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016. The evidence today is being recorded. All evidence taken today is protected by parliamentary privilege. Therefore, you are protected for what you say in here today, but if you go outside and repeat the same things, those comments may not be protected by the same privilege.

Welcome to our witnesses who are present here this afternoon. At this point I will get you to introduce yourselves and the organisations to which you are attached and move into any introductory comments, and we will follow with some questions from the committee. Over to you.

**Mrs KITSON** — My name is Linda Kitson. I am the assistant secretary of the Governing Council of the Cat Fancy, and I am also chairperson of the combined cat applicable organisations committee.

**Ms van DYK** — My name is Jane van Dyk. I am on the Breed Standards Committee for Australian National Cats and the local representative here in Victoria. I am on the applicable organisations committee as well.

**Mrs KITSON** — Thank you for the opportunity to address this inquiry into the puppy farms and pet shops amendment bill. My name is Linda Kitson and I am here with Jane van Dyk to represent the four cat applicable organisations in Victoria — namely, ANCATS, CVI, FCCV, GCCFV — and our combined membership total of 800 members. You may wonder why a bill about puppy farms has brought us here.

Firstly, this bill was drawn up without any consultation with any of the applicable organisations, neither the dogs or cats. Contained within the pages of this bill is the rewording of the definition of the term ‘domestic animal business’. Previously our members had an exemption clause, which allowed them to breed with up to nine fertile females before requiring them to become a domestic animal business, or DAB. While still requiring them to comply with their AO’s code of conduct in addition to the other laws covering cat ownership, — namely, POCTA and the private keeping of cats and heritable diseases code. This new definition removes the exemption and requires anyone with three or more fertile females to become a DAB.

The stated purpose of this bill is to improve the welfare of domestic breeding animals in Victoria, close down puppy farms and kitten mills, stop the sale of commercially produced pets through pet shops and brokers, and further regulate breeding of cats and dogs within Victoria. Yet Victoria’s registered cat breeders, who are adversely affected by this proposal, are not amongst the kitten mills, they do not sell kittens through pet shops or brokers, they largely desex pet kittens before sale, they select their proposed owners and promote responsible pet ownership by encouraging indoor-only homes, and they will often assist in future rehoming. It is not purebred kittens produced by the registered breeders who are filling the pounds, the shelters and the rescues. Therefore the proposal to remove the exemption clause for members of AOs will not actually facilitate the stated purposes of this bill.

The reading speech of 12 October in relation to this bill makes the claim that the AOs have not been able to properly enforce suitable conduct on members. We would point out that the AOs have not actually been granted any authority by which to enter property or seize animals. Such powers belong with and are held by local council authorised officers or the RSPCA. Most registered cat breeders operating under the AO exemption have council permits of one form or another, depending on their own individual council’s requirements, and are therefore already under the council’s jurisdiction regarding those permits. The vast majority of registered hobby-scale breeders within Victoria are operating clearly with the AO code of conduct and the local council laws and guidelines. We feel that these ethical hobby breeders will be penalised by the bill by the reason of irresponsible breeding and the actions of a minority.

In the main the small breeders covered under the current exemption are hobby breeders — breeding for the love of the cat and with a passion for their respective breed of cat. They outlay a considerable amount of time, effort and expense for their hobbies, in a dedicated and caring manner, and with very little likelihood of breaking even on their financial outlay in conducting their hobby. Their animals are generally reared within a home environment with a high standard of ethical care and compassion.

By far the greatest concern with this proposal to remove the current exemption for AO members is the requirement for those breeders to now become a DAB. The reality is that very few currently registered breeders will actually be able to get a DAB, as their local councils zoning and planning prohibit it, as they have already now been advised. Very few breeders currently operating under the exemption clause have any interest in

keeping their animals in outdoor pens, as stipulated by the DAB requirements. Their breeding cats are, in the main, their pets — their family members — and their kittens are raised indoors as part of the family. For these dedicated hobby breeders, already complying with over 300 pages of legislation, largely written to regulate commercial dog breeding and requiring an annual council audit of 96 pages, it is simply not a realistic event.

The bill also introduces a worrying change to entering and seizing powers. Under the bill if it is even suspected that you are conducting a DAB without a permit, then an authorised officer has the right to enter, seize and destroy items from your property without even requiring a warrant and without even requiring your presence. The idea that you could be subject to a vexatious complaint and have all your cats seized and destroyed, and you come home one day to simply see a note on the door saying that your cats are gone and can now be rehomed or destroyed is certainly hard to reconcile against animal welfare concerns. It is a very serious removal of our human rights and our right to be innocent until proven guilty.

Under this bill hobby breeders who no longer have exemptions and who are not granted a DAB by their council will be restricted to a maximum of only two breeding females. Limiting a registered breeder to just two female cats will have serious consequences for the gene pool of Victoria's purebred cat breeds. In some cases it will literally see the end of some of the rarer breeds within Australia, as operating with two females each makes it impossible to sustain enough genetic diversity in a rare breed without severe health impacts. In the cases where that breed might only be bred in Victoria, it could see the end of that breed altogether.

Unlike dogs, the use of artificial insemination in cats does have welfare concerns and is not a practice undertaken by our members or approved by our organisation. There is a very strong public demand in Victoria for purebred pets. Victoria's registered breeders are held in high regard, and their kittens are very keenly sought by pet buyers, locally interstate and even overseas. If registered breeders are closed down, where will this demand be supplied from? The bill will actually facilitate backyard breeding, where the demand is there and the registered breeders are no longer. Unregistered or backyard breeders have no need to operate under any code of ethics. They do not currently operate within the law, and they are even less likely to if flying under the radar is going to allow them to continue unchecked.

The kittens from registered breeders are sold already desexed, microchipped and vaccinated, while it is likely that the kittens sold by backyard operators will not be. This proposed bill makes no suggestion as to how to deal with backyard breeding, un-desexed pets, accidental breeding or the dumping of pets, all which have severe animal welfare concerns and all of which contribute to the numbers filling our pounds and shelters.

We would like to see this bill do more to recognise the welfare concerns that affect cats in Victoria, and we would like to be consulted on a further reconstruction of this bill. We believe our members deserve their right to retain the exemption status from having to turn an ethical and caring hobby into a registered business enterprise with all the associated and exacting requirements written for a commercial operation. We would like to see appropriate bill changes to address the major welfare concerns for cats in Victoria — namely, the unregulated backyard breeding and trading, particularly of non-desexed pets.

Once again thank you for the opportunity to speak before you, and we now welcome any questions that you would like to put to us.

**The CHAIR** — Thank you very much for your presentation. Do you think this bill will improve the animal welfare of cats and cat breeders?

**Ms van DYK** — No, we do not. It will promote the illicit breeding that is going on and you see advertised on Gumtree, where some person sticks one cat with another cat to see what happens and then advertises it on Gumtree. They are usually not vaccinated or desexed and usually not vetted. Those small breeders do not know how to breed properly, generally. They are not following the guidelines and they are not breeding healthy kittens, whereas we are held to very high standards within our organisations. We must microchip, we must desex and they must be socialised animals, or people will simply not buy them. Do you know what I mean?

**The CHAIR** — Yes, absolutely; indeed. Just to be clear about any consultation, was there any consultation with any of your organisations prior to the release of this bill?

**Ms van DYK** — No.

**Mrs KITSON** — The first we knew of this bill was when we got an email from the domestic animal business unit at 10.51 on 12 October — so the day of the second reading.

**The CHAIR** — That is from the state department.

**Mrs KITSON** — From the state department, with a press release saying, ‘This bill has just been tabled in Parliament. Here you go’. We had absolutely no consultation whatsoever.

We finally were able to get a meeting with the minister’s adviser on 31 October, and from there we then had a meeting with the minister herself on 4 November, and that is it. Even that was just basically saying, as I think DOGS Victoria alluded to earlier, ‘We’re just going to change the name of the permit, and that will probably solve everybody’s problems’, and pretty much that was it. They were not terribly receptive to hearing any of our other ideas about breeding. About the only thing they asked us about was how would we address the moggy problem, but they were not interested in anything else about cats or cat breeding.

**Ms van DYK** — We did ask for specifics of what changes were being proposed, and we have not been provided with that information. We asked on what basis they were putting these changes through that affected cats.

**Mrs KITSON** — And they could not give us figures.

**Ms van DYK** — They could not give us answers on that either.

**The CHAIR** — So no evidence base. They did not say, ‘Here are the numbers; this is why we’re doing this’.

**Mrs KITSON** — Correct. They said that the rates that they had had figures on were primarily dogs, that they did not believe that there was a business case for the large-scale operation of cat facilities but that they felt that it was easier to just have one legislation so, ‘We’ll package up the cats and the dogs together because that makes it easy’.

**Mr LEANE** — Thank you on behalf of the committee. How many of your members would have more than three female cats that have not been desexed?

**Ms van DYK** — The majority of our members would sit between having three to nine animals, purely because you need to have those sorts of numbers to maintain a viable genetic pool.

**Mr LEANE** — Yes, that makes sense. I do not know if this goes particularly to the reference, but I was just interested. We had some evidence — I think it was from one of the pet shop owners that sells a lot of dogs — where they ensure that they sell a certain breed of dog because of the nature of their business and who they sell to. I imagine with cats there would be a number of breeds within your interest group compared to just sort of one.

**Ms van DYK** — Yes, there is. We have different breeds that have a lot of very definite personalities that fit different types of people. You have got, dare I say, sluggish Persians that like to sit nice and fluffy on the seat and look pretty, versus Burmese that are very energetic, very intelligent cats that will bounce off your walls and be quite a companion. They are like a dog, but they are a cat.

**Mrs KITSON** — And everything in between. They certainly do not vary size-wise as much as, say for instance, a dog. You have got quite a difference between a Great Dane and a Chihuahua, but you certainly do have the difference in the temperaments, and you do have difference in the care needed. A Persian, for instance, has a very long coat, so there is a lot more grooming requirements; a Sphynx has absolutely no coat whatsoever, but they still need regular bathing because they can get very greasy; and you have short-haired cats that maybe you just brush once every couple of months and they are happy with that sort of thing.

But they also differ quite a bit in activity levels. As Jane was saying, you can get your Burmese and Abyssinians that like to jump off the wall, and you can get other cats that are happy to sit by you. But by and large the reason that a lot of people like the purebreds is they like knowing that personality. They say, ‘Yes, I had a Persian, and that Persian died. I want to get another Persian because that is the personality type that I want. I am happy doing the care, but I want that cat. I don’t just want to go to a pound and a shelter and get a cat of unknown ancestry’. Then there are some people for whom that is exactly the cat that they want, and that is fine. We are all about

people having choice and being able to pick the animal and the cat that suits them and suits their family, because ultimately if they have picked something that suits their family and their environment, then they are far less likely to be surrendering it at the end of the day.

**Mr BOURMAN** — Getting down to the cats that are kept in the outdoor enclosures, you were just discussing some very good examples — Persians and other long-haired, like some of the Ragdolls. I cannot imagine going from inside to outside is going to make the work of keeping a lot of those animals any easier?

**Mrs KITSON** — Definitely not.

**Mr BOURMAN** — And not to mention things like Burmese, which are very noisy and will not go away sort of thing — yes, I am a cat person. I would imagine putting them in a cage with a lot less human interaction would actually be crueller than the existing standards?

**Mrs KITSON** — Definitely. We do advocate for people to have an enclosure, but a lot of people that have enclosures have them with access, say, to the house so their cat can decide whether it wants to be in or out, but we certainly do not want to be placed in a position where we have to take them outside.

**Ms van DYK** — With the cats, unless you are interactive with them a lot, you can end up with behavioural problems as well. We want cats that are socialised, that are happy living in a house. The kittens normally move in and take over a person's bed and are part of the family straightaway, and they are not going to learn that by being stuck in a run in a concrete shell outside. The kittens are raised as part of the family; they are used to the noises of a dishwasher, of washing, of a TV — all the rest of it. They are bombproof by the time they go into a new home. They are not raised in a sterile environment; they are raised as part of a family so that they know how to interact with humans. That is very important for our breeds.

We have cat shows where we exhibit our breeds, so we expect to be able to bring a cat to the cat show, be taken out by a judge and handled in front of an audience and be able to accept that — in a strange environment, in a noisy hall full of lights and public. So we breed them for the temperaments to be able to handle being shown and moving into homes and the general public.

Once again, we tend to fit the right cat to the right person as well. There are some people that turn up to buy a kitten, and a big energetic kitten will be the wrong choice for them, so we will point them towards another breed perhaps that is more suited to them if they are a sedate person with issues or want a quieter cat. Obviously a Burmese is not the choice and a Persian might be, and we would refer them on to another breeder who would be a better fit.

**Ms HARTLAND** — Can I take a step back? In terms of breeding, what you are explaining to us is that large-scale breeding of cats does not occur; it tends to be quite small breeders. What is the average number of cats a breeder would have?

**Mrs KITSON** — Genetically, cats do not use artificial insemination. A lot of dog breeders can get by with having smaller populations of dogs themselves because they can import semen and do that sort of thing. With cats, basically AI is not a viable alternative, so generally people need to keep their own studs. The scientifically minimum level would be designed in order to not create inbreeding issues. To make sure that you have got a healthy, viable genetic program is one male to four females. Most people would generally have — —

**Ms van DYK** — Two males.

**Mrs KITSON** — Yes, two males.

**Ms van DYK** — And four females.

**Mrs KITSON** — Yes.

**Ms van DYK** — That is how the number was arrived at for the more than nine, so it allowed breeders to have that genetic diversity with two boys. You would normally have four girls to work with two boys, and if you would wanted to keep the lines separate then you would swap out. For example, I do not keep my boys for a long time. I would only use them for breeding for two years, and then they would be desexed and moved into a home environment. I would bring another stud in with different lines to keep my lines healthy for my kittens.

**Mrs KITSON** — Having said that, we know that many of our breeders have already faced issues currently with local councils, whereby even though current legislation says that, yes, you can have up to nine female cats and not have to be a DAB, your own council has its own limit, even if you are a breeder, on how many cats you can have. For instance, one of the breeders in our organisation lives in Hastings. That council allows her to have only five cats. Within that, you then allow for kittens and whether she might have anything. So, for instance, she only has one boy and she has two girls so that she has got that flexibility.

We have got another member, who I was talking to on the weekend, living in the Bayside council area and had an excess animal permit. They did not have any council law changes; they simply had a by-laws officer change. He came in at her next audit and said, ‘We don’t want her any animal breeding in this area, so your excess animal permit has been reduced from 15 to 6’. So she had previously been a DAB — she had done all of that — and they said, ‘No, we’re removing all of that’. Not that they had had any complaints or anything, they just did not want to do the work, and so they removed her excess animal permit. So we do have breeders that, as I say, are currently already constrained by how many cats they can have irrespective of what the legislation says.

**Ms van DYK** — With cats there are a lot of infectious diseases. There is feline AIDS, there is leukaemia, there is all the rest of it — a lot more than dogs. So the keeping of large numbers of cats usually does not work. I do not think I have ever seen any breeder with more than about 25 cats in total.

**Mrs KITSON** — No. In our organisation I believe we have only got one that is actually a DAB, and I think there are one or two others that I know of in a couple of the other organisations. As I said, there is not even the market for it, because cats certainly do not attract anywhere near the same sort of dollars that dogs do. As Jane said, there is the problem that you tend to move into, where you have the larger populations of cats. Even with the figures from the RSPCA showing their surrenders and their euthanasing, the greater volume of those are actually ones that have had to be put down because they have infectious diseases. So they are problematic in populations where the numbers get up.

**Ms HARTLAND** — I have owned a number of rescue cats over the years, so I can attest to the strange things they get.

You do not have the same kind of volume that has occurred with puppy farms. Have you ever had a breeder who has been charged by council or has been investigated by the RSPCA for animal cruelty or too many cats in a confined space in the way we have seen those problems with puppy farms?

**Mrs KITSON** — Generally what happens with investigations is normally either the council or the RSPCA will contact us — and it is across all four organisations — and ask whether that person is a registered member and what cats we have registered to their name. Generally that is pretty much the last you hear of it until it actually gets to court, and even then you have to chase these people to find out, ‘Okay, what was the outcome?’. Legally, as I said, because we are not an enforcement agency we cannot actually go out and prosecute, but we do have disciplinary steps that we can take against those people once we know they have been charged with anything and what the offences are. We can then take our own steps. If it is a minor misdemeanour, then it can range from a fine, to full expulsion of the membership and cancellation — and that is it, they are gone.

**Ms van DYK** — In our organisation — we are a national body — we have not had any of those cases in Victoria. We have had some complaints in Queensland. So we have an ex-prison warden, who turns up on a member’s doorstep and asks to be let in to view their cattery. If they do not allow him in, they are expelled as a member. If he is allowed to enter the premises, then we will work with the breeder to proactively bring them up to a standard. So that is what we do as an organisation, and others do similar things. We are self-policing. They do not usually come from council or court actions. They usually come from a complaint from a member of the public, which we action.

**Ms HARTLAND** — So how would a member of the public find you?

**Ms van DYK** — The pedigrees all have our contact details.

**Ms HARTLAND** — Right. So it is someone who has bought an animal from that breeder and is concerned about the cat or is concerned about what they have seen?

**Mrs KITSON** — You can get those sometimes, yes, and then generally we will investigate just to get the bottom of it. You sometimes get people who simply have a vexatious complaint or maybe there was something they were upset with or maybe there was actually something genuine. If there is something genuine, then, yes, we will work to get to the bottom of it and work out whether it is a step that involves us needing to expel the member.

**Ms van DYK** — Our emphasis is on education and trying to bring people up to a good standard. Sometimes when you are getting into cats and breeding, you need that guidance because a lot can go wrong.

**Ms HARTLAND** — Can you tell me what the average cost of a purebred cat would be?

**Mrs KITSON** — It can be anywhere between \$600 and \$1000. They are nowhere the sorts of figures like they were throwing around earlier with the dogs, unfortunately, or fortunately.

**Ms van DYK** — They all must have two to three vaccinations, a microchipping and a desexing.

**Mrs KITSON** — Correct. We have them until they are at least 12, 14, maybe 16 weeks before they go. So they are generally there and they have had a lot of socialisation and a lot of work.

**Ms HARTLAND** — Our cats have tended to come to live with us. They have found us and they have adopted us, rather than the other way around. They are usually very badly behaved feral cats, but in time they get much better.

**Ms van DYK** — It is funny you say that, because our kittens generally find the new owners as well when they come to visit.

**Mr FINN** — I have not got too many questions. I have just been sitting back here listening because I do not know much about the cat industry. I am just wondering is there much of an underground cat breeding industry, one that is unregistered and unregulated and not doing what it should do?

**Ms van DYK** — They tend to be ones that you see on *Gumtree*, where someone has stuck a Persian with a Burmese and ended up with a mixed litter and are trying to advertise a pregnant queen plus kittens on *Gumtree*. They are not members of our organisations, and they tend to be people that think they can make a bit of money out of breeding. To be perfectly honest, we think that this bill is actually promoting that sort of breeding, because they are the ones who will fly under the radar with three or fewer females.

**Mrs KITSON** — Correct.

**Ms van DYK** — It is actually hitting us as registered breeders that are trying to do things right. We are going to be ending up with 90-plus pages of audit every year from an overworked council that really does not want to have deal with us.

**Mrs KITSON** — We showed one of those ads to the minister when we had a meeting with her; it was an ad that we had pulled off *Gumtree* that morning. It was somebody advertising a female cat described as being possibly pregnant and another female cat with a thing that said, ‘These cats are for sale. There is a bundle for \$5000. You will easily make back your money because you can sell the kittens at \$500 each, and I’m looking for a Sphynx, because I have now decided to change from breeding these ones to now I’m going to start breeding Sphynxes’. The minister has agreed that there is not actually anything in the bill that is going to stop people doing that, because she had advertised the microchip numbers with the cats, so as far as the law goes she had met that requirement of the law.

**Ms van DYK** — We are already seeing in Victoria through our national body that the inquiries to South Australia and New South Wales for kittens have dramatically increased over the last couple of years, so there is a lot more interstate transfer happening into Victoria.

**Mr FINN** — When you pointed that out, did the minister show any interest at all in amending the bill to cover the sort of circumstance that you are talking about?

**Mrs KITSON** — Not really, because she indicated that the logic around that was that cats get out easier than dogs, so they needed to have a provision in the law to allow for accidental litters. So that was why that part of the legislation was there. As I say, I will say that — —

**Mr FINN** — That would be the flying cat loophole, presumably.

**Mrs KITSON** — I will say that last week I actually went around and had a look online at the RSPCA, Animal Aid, the Lost Dogs Home, Second Chance Animal Rescue and Pets Haven, just picking out some animal shelters at random. There were 235 cats advertised for sale across all of those, and of those there were only two that were pure bred and there were three that were mislabelled as purebred crosses that were no more those breeds than what any other cat in the shelter was. The rest of them were just purely average normal moggie cats.

**Mr FINN** — So you are suggesting to the committee that this bill, far from improving the welfare of animals, would actually work against that?

**Mrs KITSON** — Most definitely. As has been alluded to previously, anybody who is already flying under the radar will just stay right under the radar. It is only going to hit the target of the breeders who are already out there, who are already visible and who have already got their animals council registered, so council knows where they are. If they have got excess animal permits, again council knows who they are and they are meant to be doing their annual audits on those, and if they are a DAB, they already know who they are, too. With all of this information we feel that there is no need for an additional overlay of a central registry and that the council already have all of this information at their fingertips.

As I say, anytime we get phone calls from either the RSPCA or the local council to check on if somebody is a member, we supply that. Even if a member of the public is looking to buy a cat and they ring us up and they say, ‘Is Fred Nerk a breeder with you?’, we would say, ‘Yes’, whether they are or not. So we do have this information already that people can access. There is really no need for an additional overlay of the same information.

**Mr FINN** — So this bill is not really necessary at all?

**Ms van DYK** — Not in our opinion, no.

**Mrs KITSON** — And definitely not in its current form.

**The CHAIR** — Thank you both very much for your attendance and evidence today. I just remind you that you will receive a transcript of evidence which you will be able to proofread and ultimately it will make its way onto the committee’s website. Once again, thank you for your attendance today.

**Witnesses withdrew.**