

# 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

Dr Paul Martin, president, and

Ms Susan Chandler, executive officer, Australian Veterinary Association, Victorian division.

**The CHAIR** — I declare reopen the Standing Committee on the Economy and Infrastructure public hearing, and thank you to our witnesses present this afternoon. Today we are of course hearing evidence in relation to our inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016. The evidence today is being recorded. For the interest of our witnesses, all evidence taken today at this hearing is protected by parliamentary privilege. Therefore you are protected against action for what you say in here today, but if you go outside and repeat those same things, those comments may not be protected by this same privilege. Once again, welcome and thank you to our witnesses for agreeing to provide evidence to the committee. I will get you both to state your names and the organisation you are attached to and then move into any introductory comments, and we will follow with questions from the committee. Over to you, Dr Martin.

**Dr MARTIN** — Thank you, Mr Chairman. My name is Dr Paul Martin, and I am president of the Victorian division of the Australian Veterinary Association. I have been a veterinarian for 36 years, and I have worked in small animal, large animal and mixed animal practice over this time, in addition to owning a small animal practice in the Yarra Valley. I am joined today by the division's executive officer, Susan Chandler. I would like to begin by thanking the committee for the opportunity to contribute to this inquiry.

The Australian Veterinary Association's 9000-plus members are made up of veterinarians across Australia that work in all fields of veterinary science. Veterinarians are key experts in animal health and welfare, so it is important for our views to be heard on this proposed legislation. The AVA's highest priority is animal welfare, and we agree with strong regulation to protect all pets, the consumer rights of new pet owners and the accessibility of pets for families. We encourage pet ownership, because the human health benefits of owning a pet have been well demonstrated by research.

I would like to congratulate the government for its dedication to improve animal welfare in Victoria. Although the intent of this proposed legislation is admirable, we have concerns that the legislation will not have the intended positive effect in some respects. The AVA, and I dare say all Victorians and certainly those that have appeared here today, are opposed to puppy farms and to bad breeding that results in poor animal welfare. Whether you are an animal lover or not, no-one wants to see an animal suffer, let alone suffer for financial profit.

The RSPCA's definition of a puppy farm is 'an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs'. Perhaps the naming of this proposed legislative amendment should not only refer to puppy farms but rather illegal breeding establishments, because poor welfare in regard to breeding can happen whether you have one fertile female or many fertile females. I myself have seen poor animal welfare with breeders that have one breeding dog, and in contrast I have seen good animal welfare with breeders that have numerous breeding females.

This brings me to particular aspects of the proposed legislation that we have concerns about. We have heard from numerous people today — and the AVA would certainly agree — that there is no scientific evidence whatsoever that the number of animals kept by a breeder in itself is a factor that determines the welfare of those animals. This is a view that has been conveyed to us by many of our members, and certainly the recent New South Wales parliamentary inquiry that has been referred to found the same thing. We are not aware of any evidence that suggests limiting the number of fertile dogs will lead to the abolition of puppy farms, because puppy farms, as previously defined by the RSPCA, are currently illegal. New legislation is not necessarily going to put an end to that.

However, there have been many things that have been mentioned here today that would help. A central database for breeder registration is imperative, and on this point we agree entirely with the RSPCA that a database and recording for breeder registration is imperative. Every breeder could be, or would be, issued with a breeder number so that the animal can be traced to its origins. This means all animals can be accurately traced to their source and breeders can be held accountable for the animals they breed. Education, compliance, protection, traceability and enforcement are the keys to making this successful.

We do not believe that there is a need to register every single breeder as a domestic animal business because in our opinion the current resources of council could not possibly cope with the responsibilities required to administer and monitor this. There is also the issue of 79 councils having differing attitudes towards the issues of permits, differing standards of monitoring and contrasting application fees, which sets a totally uneven playing ground for breeders throughout Victoria. A solution to this is the establishment of a compliance and enforcement unit within the government department responsible for a central registry. This unit should work

with councils but ultimately take on the responsibility for enforcing compliance. If we are serious about enforcement, we have to be realistic about the resourcing of it.

The current code of practice for breeding and rearing businesses should be amended, in our opinion, by removing all exemptions and changing the number of fertile animals to one. If this was properly complied with and enforced, it would go a long way to towards weeding out breeders that are doing the wrong thing.

The AVA does not see a reason that puppies and kittens cannot be sold in pet shops. Victorian pet shops must abide by the code of practice for the operation of pet shops as well as needing to comply with consumer law. Again the New South Wales parliamentary inquiry found that pet shop sales should not be banned because this would lead to less scrutiny of animal sales without improving welfare.

There is little evidence that animals bought from pet shops contribute to unwanted pet populations or that they are the primary sales channels for puppy farmers. A Victorian study by the Animal Welfare Science Centre at Monash University found that only 8 per cent of cats and 11 per cent of dogs are obtained from pet shops. That means that the majority of animals that are being sold in the state are not coming through the pet shop channel. In our opinion restrictions on pet shops selling animals will have little impact on pet numbers entering and/or being euthanased in shelters or pounds.

However, with pet shops having to keep detailed records, at least transparency is now present as opposed to with online purchases. Our members are not concerned about sales in pet shops; however, there is deep and growing concern about the sale of pets online. There are virtually no controls to protect animal welfare and certainly no accountability in online sales. Our members have reported significant health and welfare issues in animals bought online. Online purchases have continued to grow, and no real solution has been suggested as to how to stem this. A 2015 study of online advertisements through Gumtree estimated that that site alone is responsible for more than 149 000 puppy sales throughout Australia each year.

Another concern we have is about limiting choice to prospective pet owners. Members of the public quite often have definite views on the type of dog they want that suits their lifestyles and households. We believe the current legislation as it is will drive up the affordability and people may choose not to own a pet at all. This means that families and communities would miss out on the benefits that pets provide, and we think Victoria would be the poorer if this happened.

To summarise, the focus should be to achieve good-quality welfare standards for breeders, inspection of facilities and the enforcement of those standards, a centralised licensing system for all dog and cat breeders run by the state, and consumer education so that people only buy from licensed breeders. If this was to be done successfully, it would identify and shut down bad operators using registration details to trace the source, discourage underground breeding, eliminate loopholes and allow people to access a suitable, healthy pet at a reasonable price.

I will finish by saying it seems there has been a lack of consultation regarding this legislation. The AVA was not consulted. We in fact requested a meeting with the minister in January this year to voice our concerns over the election promises of capping breeding numbers and restricting pet shop sales. The domestic animal business registration requirement took us completely by surprise, as we were not aware of this at all.

The intention of the government to abolish puppy farms is good, but this legislation has too many flaws and unintended consequences. We believe this legislation should go back to the drawing board, and robust discussions, especially with many of the groups that have already presented, and consultation with industry stakeholders should occur so that new legislation can be drawn that would be workable and would really make a difference. Thank you again for the opportunity to present. We welcome any questions from the committee.

**The CHAIR** — Excellent. Thank you very much for a very comprehensive presentation. We certainly do appreciate that.

To maybe compare and contrast a little bit, we heard from the RSPCA earlier, and I believe you were present for the RSPCA's evidence as well. You said in your presentation that the 10 breeding females is something that the AVA does not agree with. You agree with the finding of the New South Wales parliamentary inquiry that the number of dogs does not have a direct correlation with animal welfare. What is the RSPCA on about in agreeing to this limit of 10?

**Dr MARTIN** — We have been in frank discussions with the RSPCA on this legislation. There are certain elements of the legislation that all interested parties seem to like, but everyone disagrees from a different aspect. You have asked me: what is the RSPCA on in regard to the 10? I believe that the problem, as they perceive it, is one of enforcement, and therefore they believe that it would be much simpler if they could go into a premises and count 1, 2, 3, and when you get to 11, the person has contravened the act. You asked me about their belief, but there is absolutely no evidence — and the RSPCA also agrees that there is no evidence — that limiting to 10 would have better animal welfare outcomes.

I would further add the point that the industry per se has seen some really, really good operators, and Banksia Park has been mentioned numerous times. I have visited Banksia Park, as I have visited many other breeder establishments. Animal welfare is not dictated by the number of dogs a person has; it is more dictated by the attitude that the animal owner has or the people in charge of looking after those animals.

**The CHAIR** — You mentioned Banksia Park. I, along with you, have attended the facility. As you have said, you have attended a lot of different breeding facilities. Would I be correct in assuming Banksia Park would be the largest one in Victoria that you would have attended?

**Dr MARTIN** — It is certainly the largest breeding establishment that I have attended, yes.

**The CHAIR** — In saying that, do you have any concerns about the welfare of the animals that you see at Banksia Park?

**Dr MARTIN** — No, I do not. I think Banksia Park does a great job in lots and lots of different areas. I think that the breeding and supply of pets into the consumer market has lots of different aspects to it, and it is very, very important that we do not just say one size fits all.

**The CHAIR** — Excellent. Thank you.

**Mr LEANE** — Thanks for helping our committee today. In your opening submission you mentioned that you would like to see a central register that would make it easy to identify where a certain dog came from. I am paraphrasing you, I know. DOGS Victoria's evidence spoke about small hobby breeders. Would you see the small hobby breeders having to be part of that registry?

**Dr MARTIN** — Yes, we would. If this legislation is specifically to improve animal welfare, then we do not believe any exceptions should apply. A central database that was open and able to be accessed by councils and by the public would be a really good thing. Also, we can look to different industries in Victoria to see similar models. You cannot run cattle on an individual property without having a PIC, a property identification code. We are just about to see e-tagging of sheep come into legislation next year for the purpose of traceability. We do not see any reason why there should not be a similar database so that dogs can be traced back to the point of origin.

**Mr BOURMAN** — Thanks for your submission. I just want a little clarification on one thing. You said you were not consulted by the government, but then you said you requested a meeting, and then I think we got sidetracked.

**Dr MARTIN** — Sure. The history as far as we were involved was that, in relation to the promise that the government made prior to the last election, we then requested a meeting with the minister to discuss a number of different topics, of which this was one. When this topic was raised, we were told bluntly that it was an election promise, that there was no room for any wriggle or discussion on it and to move on to the next topic.

**Mr BOURMAN** — I guess there is no room for interpretation there. Thank you.

**Ms HARTLAND** — You have got a number of interesting recommendations for the things that you think could make the legislation better. Do you support the intent of what the legislation is attempting to do?

**Dr MARTIN** — Most definitely. If you describe the intent of the legislation as to improve animal welfare, then, yes, we do support that, but we believe there are lots of unintended consequences of it. The things that we like in regard to the legislation are that there is a real emphasis on animal welfare and that there would be a central database, albeit that we do not believe that going down the line of having domestic animal businesses and that database under the auspices of council control is the way to go. I think there will be too many loopholes

and different councils will have different requirements. If we want to know where a dog that is on the eastern side of the state has come from, we need a central database so it can be accessed.

**Ms HARTLAND** — Sorry, can I just stop you there. Who do you think should run that?

**Dr MARTIN** — A state government should — the department should.

**Ms CHANDLER** — We are suggesting a compliance and enforcement unit be established within the department. They would run the central registry and they would work with councils, but ultimately it would not be as onerous as registering as a domestic animal business. They would be able to maybe pay a fee or maybe it is free to register as a breeder, so at least you have got them detected in the first place.

**Ms HARTLAND** — Many local councils have talked to us about their concerns about how they are going to manage this. That idea would then take a fair bit of burden off councils. I am thinking about the initial two years when this is set up. That is when I see the huge amount of work that is going to be required to just get it right.

**Dr MARTIN** — I think it would take an enormous burden away from councils and we would get it right. How did we get every cow in the state of Victoria registered? How do we intend to get every sheep in Victoria registered to be able to have it traced back? Certainly it needs to be a five-year project, but where do we want to be in five years time? To be able to have every breeder accountable would be a desirable thing.

**Ms HARTLAND** — You talk about public education programs to inform potential buyers about the need to buy from identified breeders. From other committees that I have been on we have seen some really quite effective advertising campaigns that have been done in other states. When we did the dangerous dogs inquiry, some of the CANs, I think it was, had particularly good education programs. That would seem to be something that would be quite possible, so that people know where. Do you think that is quite an important issue?

**Dr MARTIN** — Absolutely. To be able to have a central animal register of breeders would then even allow organisations like the RSPCA to come in and do gold star accreditation of them. They cannot see a way through to doing that when all the registrations are being held by council. Some councils clearly have a really good grip on it — the Shire of Wellington would appear to — but other shires throughout Victoria that may have less than one full-time animal officer are not going to have a good handle on it.

**Ms HARTLAND** — Just one more question. Obviously what has driven a lot of this legislation is the awful things that we have seen coming out of a number of puppy farms, with terrible and dodgy breeders, to say the least. Do you think this legislation goes towards fixing that problem?

**Dr MARTIN** — No. I do not believe that this legislation will fix the Pyramid Hills and the Lockwoods that have previously been referred to. Those situations are currently illegal, so why put more legislation on top of those people who failed to adhere to those standards or to register et cetera? If they are currently breaking the law, they are just going to break another law, so I do not believe it will have any impact on that. But I do think, and I will add, that Oscar's Law have played an important part in bringing some of these puppy farms to the public's and the community's attention. They have been responsible for at least getting it onto the agenda.

**Ms HARTLAND** — I just keep on going over this issue around resources. One of the reasons why people in Oscar's Law needed to do what they were doing was because there were not enough resources or they were not being taken seriously about what was happening on these puppy farms. So if we had a more rigorous compliance system and we had the people to staff it and to actually do the inspections — and I am now thinking of local council — local council cannot do it, I think, without money from the state government. What would your opinion be on that?

**Ms CHANDLER** — We definitely agree that the government needs to resource it. If the code of practice was being adhered to now, we would have no problems. But councils just do not have the resources to monitor and enforce the code of practice now. The only thing this legislation is going to do, with the capping, is drive out professionals. You are going to get more micro backyard breeders, who are going to be harder to detect.

**Dr MARTIN** — I think the point was made this morning, is it easier to look after one property with 150 breeders or 15 different establishments with 10 breeders? That point is valid. The way, however, that a central database register would work would be that at any stage councils can look it up and they can monitor easily how many pups are being advertised for sale from a particular breeder, from one establishment. The

Pyramid Hills of this world flew under the radar because they were not able to be detected; they did not register. If they were on somebody's radar, they would have been detected a lot earlier. That is why registration of breeders we believe is an important way to go, to therefore be able to make the industry accountable.

**Ms CHANDLER** — The Queensland government are actually implementing a similar system next year. It is free for all breeders to register.

**The CHAIR** — Maybe we should have a look at that one as well.

**Dr MARTIN** — I was just going to make the comment about online sales that no-one has been able to come up with practical solutions in regard to online sales. Currently breeders are supposed to identify by their microchip number. But I had a quick look on a website last week and saw many dogs advertised and not a microchip number amongst them. Microchip numbers certainly identify uniquely an individual animal but they are able to have a number inserted or changed very easily because there are up to 10 or 12 digits into a single microchip, whereas with dog breeder registration numbers, if a breeder did not have a dog registration I see that the government would be able to make it the onus on the online agencies not to accept ads from people who do not provide a breeder number. I believe that breeder numbers on an open database would be a lot easier to enforce than the current system.

**Mr FINN** — I have one question and one question alone. I have been sitting here thinking about the evidence that we have heard today and I have a suggestion perhaps for the government and I would be interested to know your comment on this. My suggestion would be to go back to the drawing board and listen to those who actually know what they are talking about next time. What would your feeling be on that?

**Ms CHANDLER** — You are plagiarising our presentation.

**Dr MARTIN** — I believe that the major stakeholders can contribute greatly to the solution of what is now a well-identified problem. So I would agree with your premise that if we are able to get all major stakeholders to contribute in a meaningful way to a system which allows traceability and enforcement, we will go a long way to making Victoria's animal welfare laws, which are the best in the country, even stronger.

**Mr ONDARCHIE** — Paul, if anybody knows about the welfare of animals, surely the AVA does. In a sense, as president of the AVA, that makes you a bit of a leader of a union, does it not? That is why I cannot believe you were not consulted, because that is what the government do, consult union leaders.

**Ms CHANDLER** — We are an association.

**Dr MARTIN** — We are a professional association, rather than a union-based one.

**Mr ONDARCHIE** — Maybe that is the problem; I do not know. Given your expertise and following on from Mr Finn's question, can you give us any particular reason why the government would not come to you for consultation around this legislation?

**Ms CHANDLER** — I cannot.

**Dr MARTIN** — No, I cannot.

**Mr ONDARCHIE** — As a vet, do you have any issues with dogs being chauffeured in limos at all? No, do not worry about it. I will ask that — —

**Dr MARTIN** — I will make a comment in relation to the chauffeuring of dogs in cars.

**Mr ONDARCHIE** — You do not have to.

**Dr MARTIN** — I mean, we do have legislation around it and as the president of the AVA what I was most concerned about was whether the dogs were wearing seatbelts, not whether they were going from point A to point B.

**Mr ONDARCHIE** — I think there was a challenge about the choice of radio station in the car as well. If you were not consulted on this and this legislation is being pushed through — and it is highly probable it will pass the house — do you feel like the industry is being bullied into a position here?

**Dr MARTIN** — Most definitely.

**The CHAIR** — Thank you both for your attendance and your evidence today. You will be provided with a transcript of evidence for proofreading and it will ultimately make its way onto the committee's website. Thank you once again for your attendance. And thanks to members of the gallery, too. I think most of you have been here all day, so thank you for your attendance here today.

**Committee adjourned.**