

**Companion Animals Amendment (Puppy Farm) Bill 2021 Private Bill of Emma Hurst and Alex Greenwich**  
**Technical Notes**

1. The proposed regimes of registration and compliance with a presently unknown Business Code of Practice would effectively end the breeding of pedigree dogs and cats, and would effectively end the breeding of dogs and cats by persons and entities not breeding pedigree animals, the end result of which would see a significant underground and unregulated supply of a greatly demanded commodity, being supplied by means that are incapable of being regulated.
2. 61E of the bill presupposes a prohibition on breeding both dogs and cats in the one establishment, and deems that any enterprise that has more than two fertile female dogs or cats is a commercial breeder. Micro breeders are defined as only having two fertile females of the one species.
3. The costs arising from compliance for even micro-breeders, as they are described, being those persons with less than three breeding females would be prohibitive in this regard like many of the restrictions contained within the bill on breeding are not fair, equitable or reasonable and have as their outcome whether intended or unintended, unfair inequitable and unreasonable restrictions and impact on a significant number of people in the NSW community and its economy.
4. The Bill calls for retrospective effect on private contractual arrangements in the nature of breeder's agreement and seeks to intrude into those contractual arrangements without lawful justification.
5. The bill intends to manifestly restrict the ability to board and train animals, even where those boarding and training establishments are not breeding dogs. This restriction is entirely inappropriate and unreasonable, and there is no rationale for the same expressed in the support for the bill and the various statements of Emma Hurst MLC.
6. The costs of registration of premises would unduly burden both Council's and applicants, noting that such registrations are to be annual only and local Council's would simply not have the staff to inspect and otherwise enforce the proposed obligations upon them. The total of annual licence fees would not cover the costs of regulation and enforcement arising from the raft of poorly thought-out obligations and restrictions.
7. The fines proposed for breaches of the proposed obligations in the bill are excessive and draconian.
8. The definitions contain a reference to the "Business Code of Practice" but this has not been drafted and requires that the departmental Chief Executive of the OLG publish the same, although within 61C the meaning of "Business Code of Practice" includes the:-
  - a) Animal Welfare Code of Practice – Dogs and Cats in Animal Boarding's number 5, dated October 1996; and
  - b) Animal Welfare Code of Practice Animal in Pet Shops, published 1 August 2008; and
  - c) Animal Welfare Code of Practice – Breeding of Dogs and Cats, published by the DPI 1 August 2009; references an obsolete version of the Breeding Code of Practice and
  - d) A Business Code of Practice made by the Departmental Chief Executive, published in the gazette, but that does not contain the most recent updated Code of Practice for the breeding of dogs and cats.

9. The obligations upon local Council's and on the Departmental Chief Executive are administratively burdensome, expensive and notwithstanding the contemplation of a registration system, which would have an intention of user pay, where the regime is self funding, this would not occur as there would not be sufficient businesses registered so as to allow there to be a self-funding arrangement. It would be uneconomic to become registered thereby reducing the number of hobbyists or businesses breeding companion animals, which is no doubt the intention of the Animal Justice Party.
10. The cost of investigation and enforcement of the proposed regime of regulation would be extremely expensive and burdensome on the enforcement and investigation entity, be that the RSPCA, Local Council or otherwise.
11. The impact on Planning Law in the nature envisaged is poorly thought out and would be problematic particularly where they do not allow for a right of appeal to the Courts.