

## HOUSE OF ASSEMBLY

THURSDAY 15<sup>TH</sup> NOVEMBER 2012

### ANIMAL WELFARE (COMMERCIAL BREEDING OF COMPANION ANIMALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November 2012.)

**Mr PEDERICK (Hammond) (10:52):** I wish to speak to the Animal Welfare (Commercial Breeding of Companion Animals) Amendment Bill, which was introduced by Dr Bob Such. In my opening remarks, I want to say that the Liberal Party is very sympathetic to the intent of this bill, but we think it needs considerable improvement to make sure that we get the right outcomes so that we do not have so-called puppy farms in operation but also so that purpose-bred dogs and their breeders are protected from the potential impacts of the legislation in terms of how it was initially drafted.

There are complexities, as I have indicated, that surround the Animal Welfare (Commercial Breeding of Companion Animals) Amendment Bill 2012. Simply, the bill provides that 'a person must not breed a dog or other prescribed companion animal for a commercial purpose except in accordance with an authorisation of the minister' and they 'must not sell a dog or other prescribed companion animal that has been bred' in contravention of the minister's authorisation.

The bill is designed to target people who are not legitimate breeders. However, as I indicated before, in its current form it does not account for any exemptions, in particular, for purpose-bred dogs and, for example, livestock working dogs, skilled guide dogs, Customs detector or border protection dogs, police dogs, dogs bred for competition or show purposes and, in some cases, pure-bred dogs.

The bill also does not make clear the following: how one would be deemed a puppy farmer; how many litters a year are acceptable not to be considered a puppy farmer; who will police the activities; how licences will be applied for, administered and maintained; how often authorisation is needed or the duration of those licences; the conditions in which companion animals are bred; and also the compliance necessary in order to sell a companion animal for commercial purposes.

I want to note what happens in Victoria, noting that all states are currently reviewing their legislation to control puppy farms. Victoria has in place the Domestic Animals Act 1994, which was recently amended in 2011, and it is a strict piece of legislation that has caused some angst with canine representative organisations, such as the Working Kelpie Council of Australia. The Victorian legislation states how many dogs per enterprise for a domestic animal business, how domestic animals should be bred for commercial purposes, and it currently applies to breeders of livestock working dogs.

I note that the Victorian legislation is complex and considerably strict and, for the house's information, it has 188 pages. We have consulted various groups and people on this including Mrs Barbara Cooper AM, the Vice President of the Working Kelpie Council of Australia. We are concerned that this bill is too broad, and it is having some effects in Victoria where they restrict the number of dogs you can have and, from memory, on some bigger properties I think you can have three working dogs, and they can get overworked, so they do not have enough dogs to do the job.

We think, on this side of the house, that there is a place for a bill like this. We think the intent is there and we think the intent is right. I want to read from clause 4 in the bill, which provides:

After section 15A insert:

15B—Commercial breeding of dogs and certain companion animals to be authorised

(1) A person must not breed a dog or other prescribed companion animal for a commercial purpose except in accordance with an authorisation of the Minister under this section.

Maximum penalty: \$20,000 or imprisonment for 4 years.

I guess you could go really broad and sort out what is a companion animal. Is it your budgerigar? Is it a pet pig? I do not know; I am just asking those questions. I think it is fairly broad and, from my farming background, the way in which this bill is worded at the moment it is my belief that anyone who breeds pups—for example, if one of their bitches has a litter, which might only happen once a year, they might want to sell one or some of those pups to the neighbours—could be hit with a \$20,000 fine or four years' imprisonment. I certainly do not think that that is just and right, and I think this bill is too broad.

I note a document the Hon. Bob Such has just provided me with from the Law Society and, although I have not had a chance to go through it, I believe the Law Society is saying that the intent is there but that it certainly needs some more work so that we can come to the right outcome for purpose-bred dogs in this state, and

also the right outcome in regard to these factory puppy farms, and so that we can get the intent of the legislation in place without affecting those legitimate processes.

We want to make sure that those people are protected who could get caught up in this quite innocently through not knowing that the legislation is even in place—for instance, people who may be breeding guide dogs and do not have an authorisation or, as I indicated, just breeding their farm dogs, kelpies or border collies, which are obviously bred as working dogs—and do not come under any wrongful intent from any legislation in regard to puppy farming that could come through this place. We certainly support the intent of the bill, and I would certainly support working with the Hon. Bob Such and any other members of this place in getting a better outcome for dog breeders throughout the state, but also with the intent of clamping down on puppy farmers in this state.