

ANIMALS (REGULATION OF SALE) BILL 2008

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Agreement in Principle

Debate resumed from 14 November 2008. Debate resumed from 14 November 2008.

Mr PAUL McLEAY (Heathcote) [4.01 p.m.]: I oppose the Animals (Regulation of Sale) Bill 2008. The bill claims to protect the lives and wellbeing of cats, dogs and other mammals, but not livestock, as follows: by prohibiting the keeping of cats and dogs at shops or markets for the purpose of this sale; by prohibiting the sale of cats and dogs at or from shops or markets; by prohibiting the display of mammals other than cats or dogs in shop windows or in parts of shops visible to passers-by; by regulating the advertising of the sale of cats and dogs; by requiring any person who offers a cat or dog for sale to inform prospective purchasers of the basic care requirements of the animal; and by restricting who can carry on the business of selling cats or dogs, or breeding cats or dogs for sale. One of the highlights of my family's weekly shopping trip with our eight-year-old daughter and three-year-old son is to go to the local pet stores and have a look in the windows. Our children like to look at the dogs and other animals that are for sale. At the moment my daughter is infatuated with the Australian silky terrier, which she is very keen for us to purchase. We hope to purchase a house in the next couple of weeks. This weekend we are going to look at a house that has a large backyard. One of the reasons we would like a large backyard is that we want to have a dog. When we go to purchase that dog, we will probably go to the RSPCA first. However, to get some ideas about our purchase, we will look at our local pet stores at Miranda and Engadine. We will look at the dogs in those pet stores to see if we can get an idea of the sort of dog we want to purchase. The great thing about pet stores is that the staff are friendly and helpful, they can provide assistance and guidance no doubt to the extent and qualification of a breeder—

Mr Brad Hazzard: Point of order: It appears that the member for Heathcote does not intend to speak to the bill or the object of it. He is now speaking well outside the leave of the bill. I ask that you direct him to speak to the bill.

The DEPUTY-SPEAKER: Order! There is no point of order. The member for Heathcote has indicated that he opposes the bill.

Mr PAUL McLEAY: The bill aims to introduce a significant number of offences prohibiting the advertisement, keeping and sale of animals in pet shops. There needs to be some consideration of how difficult and costly it would be to effectively enforce the provisions in this bill. This effort needs to be weighed up against the very limited outcomes the bill is capable of delivering. For example, the scheme proposed in the bill would require regular inspections of over 500 pet shops, plus the targeting of breeders who sell animals in New South Wales. This is not to mention the need for some level of inspection of private pet owners to ensure compliance.

It is highly unlikely that the general community would support the invasiveness and cost of the inspectorate this would require. And the return to the community for all this cost and effort is the possibility of a reduction in the number of pets that end up in pounds or shelters, based on the fact that a small proportion of pets currently sold through pet shops later end up in a pound or shelter. However, this assumes that people would not go elsewhere to get a dog or cat if they want one, and that the proportion of pets that are later dumped would be different. These are both unfounded assumptions.

The costs to enforce the provisions of the bill are clearly not justified on the basis of the possible outcomes. In addition, the bill would create a number of offences with penalties that are

disproportionate and impractical. For example, the bill treats the illegal sale of an animal as an offence that is equivalent to animal cruelty under the Prevention of Cruelty to Animals Act. It is clearly ridiculous to suggest that the act of selling an animal is somehow comparable to committing an act of cruelty on that animal. What is even more nonsensical is that the bill does not even empower enforcement officers to investigate any of these offences. While the object of this legislation is admirable, it is clear that the mechanisms set out in the bill are flawed, costly to the New South Wales community and inappropriate. For these reasons I oppose the bill.

Mr CHRIS HARTCHER (Terrigal) [4.07 p.m.]: The member for Sydney is to be commended for the enthusiasm with which she has approached this difficult issue and the commitment she has given to the protection and welfare of companion animals and mammals other than livestock in New South Wales. The Animals (Regulation of Sale) Bill 2008 is important because the protection and care of animals is important in our society. Australia has probably the highest rate of pet ownership of any society in the world. It is estimated that almost 75 per cent of Australian households have a pet cat or dog. Many people have an enormous emotional attachment to their pet; indeed, the pet is often regarded as a member of their family. The dog or cat, in particular, becomes part of the family unit and is loved and cherished as a member of the family. Indeed, these days in many retirement villages one of the great issues of concern for prospective residents is whether they will be able to bring their dog or cat with them into the retirement village. People have said to me that they do not wish to buy a home unit because they would not be able to have their cat or dog with them in the unit.

Dogs and cats are not only valuable companions, they also play an extraordinary role in our society as therapy aids for residents in nursing homes and for children who have special difficulties. Dogs also play an important role with regard to customs, and as guide dogs, police dogs, security dogs and cadaver dogs in the investigation of dead bodies. At all levels of our society, mammals, but especially dogs, are integrated into our daily lives, so their protection and wellbeing is of vital interest to us as a civilised society. The New South Wales Coalition therefore approaches the bill with great respect because of our regard for the animals it seeks to protect.

The member for Sydney has introduced legislation that regulates the sale and breeding of mammals. I shall place some figures on the record. However, before doing so I acknowledge my research officer, Mr Spence, for his work in preparing them. Currently in New South Wales Guide Dogs NSW/ACT provides approximately 260 guide dogs and Seeing Eye Dogs Australia has approximately 14 dogs. I quote from the website of Guide Dogs NSW/ACT:

The primary role of a Guide Dog is to assist its user to avoid obstacles in their immediate path. A Guide Dog can allow a person to walk at their preferred pace especially in complex situations such as crowds. Many people find moving about with a Guide Dog less stressful than other means of getting about. The dogs are taught special techniques for using stairs and lifts, as well as learning to use all forms of public transport.

Pets As Therapy, a well-established organisation, is a free community service provided by Guide Dogs NSW/ACT that is designed to fulfil the companionship needs of people who may be disadvantaged because of age, illness, disability or isolation. Notwithstanding the role played by mammals in our society and the enormous respect all of us afford to mammals, especially dogs, RSPCA New South Wales stated that in 2005-06 it received more than 38,000 dogs and cats at its shelters, 18,000 of which had to be destroyed. That is over 1,000 mammals per month, according to the RSPCA, simply because of irresponsible pet ownership. That does not claim to total all figures across New South Wales.

In addition, it is estimated that councils across New South Wales receive more than 20,000 dogs per year through their dog pounds, most of which are destroyed. That number does not include other animals such as rabbits, mice and guinea pigs that are put down, nor does it include animals, especially cats, that are dumped in national parks and die of starvation or, if they live, cause extensive damage to our ecosystem. The proponents of the bill—the member for Sydney and those who support her—argue that the display of pets in shops promotes impulse buying, especially at Christmas. Breeders and

suppliers produce animals in environments such as puppy farms, where animals are kept in appalling conditions to reduce cost and maximise profit. The proponents of the bill argue that there is a lack of regulation with regard to the source of the animals for sale.

Animals may come from unregistered backyard breeders, puppy farms or other pet owners. There are many cases of adorable puppies or kittens being sold to children at fetes or simply given away, especially as Christmas presents. Purchasers then have no advice as to the genetic history of the pets, past treatment or possible behavioural problems. The minimum age for the lawful sale of puppies and kittens is eight weeks, with exceptions. Prepaid vouchers for desexing are rarely used by pet shops—the onus is on the purchaser to bear the cost of desexing or face the implication of unwanted litters, which then have to be disposed of. The Say No to Animals in Pet Shops organisation has been campaigning to prevent the sale of animals in pet shops, claiming that there is a link between pet shops, impulse buying and the number of animals killed every year in shelters and pounds.

In my case, my family took a dog at Easter 2008 from the RSPCA at Somersby. The dog had been born in November 2007 and was sold as a Christmas present in December 2007. The dog lasted with its new owners only until Easter 2008, when it was dumped on the RSPCA. Tragically, that is common practice. I commend the splendid animal welfare centre operated by the RSPCA at Somersby, in the electorate of the member for Gosford, who I note is present in the Chamber to participate in this debate. I commend the work of all the animal rescue organisations across Australia. It is not without significance that when President Obama got a dog for his two daughters on moving into the White House, he stipulated that it had to be a rescue dog. President Obama wanted the message to go out that responsible pet ownership starts from the President of the United States of America and works its way down in America.

The New South Wales Coalition has received a number of submissions in relation to this bill.

Submissions have been received from a wide range of animal welfare and protection organisations, many of which the member for Sydney spoke about when she introduced the bill and its predecessor some time ago. The Coalition has received representations from other organisations and it is important for the views of those organisations to be put before the House. The Pet Industry Association of Australia Ltd, the peak body for pets, believes that all parties in the New South Wales Parliament should reject the bill. The association listed its reasons against the bill as follows:

1. Only 5% - 10% of dogs and cats come from pet shops. The Bill *won't solve any problems*.
2. The NSW Government has revised and relaunched the Pet Shop code of Conduct, and Pet Industry Association Pet Shops commit to a Code of Practice. Pet Shops are now the safest and most regulated source of kittens and puppies.
3. The proposed Bill takes no action against "black market" animals and will effectively hand these operators a monopoly.
4. The bill's object has changed, from "preventing euthanasia" to "stopping puppy mills". The Bill will achieve neither. The real agenda appears to be reduction in responsible pet ownership.
5. Around 90% of kittens sold in pet shops come from "surrendered" litters. These kittens will be dumped or end up in shelters if pet shop sales are banned.
6. Pet shops don't buy from "puppy mills"—

as defined by the bill—

The POCTA [Prevention of Cruelty to Animals] Act allows strong punishment of puppy mills without additional legislation REQUIRED.

7. The Bill will INCREASE animal populations (especially cats) in shelters because pet purchase (and particularly dog purchase) appears to be *not substitutable*.

The Bill is bad policy. Regulation only works on those who choose to be regulated. Parliament should forget legislative "populist fixes" and initiate real change.

The views of the Australian Veterinary Association Limited also need to be put before the House. It stated:

Key Concerns regarding the Proposed Bill

A Summary

Our concerns regarding the proposed Bill have been realised through scientific research and founded on years of experience and expertise.

1. There is an alarming lack of scientific evidence to support the proposed Bill

There is no evidence to show that pet shop purchased animals are any more likely to be euthanased or are any less well-loved or cared for than those pets acquired from other sources.

2. The proposed Bill is based on flawed logic

Prohibiting people from purchasing animals from a highly visible source that can be readily regulated is counter intuitive. Instead, the introduction of "best practice" pet shops sales legislation has shown to significantly improve animal welfare.

3. There are practical difficulties with the proposed Bill

Preventing the sale of animals through print and electronic media is both costly and impossible to enforce. Similarly, animals shifted from location to location on a daily basis will suffer stress and subsequent related illnesses.

4. The proposed Bill will cause unintended negative outcomes

Restrictions on the breeding and advertising of animals will create serious ramifications across many sectors of our society. It will affect the already vulnerable rural sector, the regular pet owner, and the health of cats and dogs across Australia.

5. Pet ownership in Australia is becoming increasingly socially responsible

95% of owned dogs and cats never require the services of a welfare shelter or pound. Research shows that Australian pet owners are becoming more socially responsible. Why should they be punished for this?

Both the Pet Industry Association of Australia, which represents hundreds of responsible people in the pet industry, and the Australian Veterinary Association Limited effectively have expressed their opposition to the bill. The New South Wales Farmers Association, when approached by the Coalition, indicated that it was unhappy with the bill, particularly as it affected farmers. Although the bill does not relate to livestock, it does relate to working dogs on farm properties. Accordingly, the New South Wales Farmers Association declined to endorse the bill.

The Department of Primary Industries has introduced a code of practice for pet shops. That was referred to in the Pet Industry Association document, which I read out. The updated code of practice entitled "Animal Welfare Code of Practice: Animals in Pet Shops", issued by the New South Wales Department of Primary Industries, seeks to enforce an appropriate code of practice for the keeping of animals in pet shops. It sets out the standards required in relation to the various mammals referred to in the bill—dogs, cats, rabbits, rats, mice and guinea pigs—and birds and fish. This comprehensive document was obviously compiled with a good deal of thought and community consultation. It is to be commended. The code of practice, in paragraph 12 on page 20, sets out 19 points of standards for the

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sale of dogs and cats. I will not read them to the House. They are available on the website and in this document. It is a valuable document. It shows that New South Wales, through the Department of Primary Industries, has a proactive policy in ensuring the welfare and protection of animals in pet shops.

It should not be considered that those who do not support this bill in its present form do not support the welfare or protection of mammals. New South Wales and all civilised societies must have a responsible code, which is effective and capable of being enforced, to look after mammals. There are problems with this bill, as has been illustrated not by the Coalition but by organisations such as the New South Wales Farmers Association, the Veterinary Association and the Pet Industry Association. These problems and other issues must be addressed. Accordingly, the Coalition has adopted a policy to seek to have the legislation reviewed by a select committee inquiry into the protection of companion animals and mammals in New South Wales. In accordance with the standing orders, I move the following amendment:

That the motion be amended by leaving out all words after "That" with a view to adding the following words:

the bill be referred to a select committee of members of the Legislative Assembly for consideration and report.

This amendment, if carried by the House, does not mean that the bill will be defeated. It means that the bill will be delayed while a select committee of members of Parliament drawn from the Legislative Assembly inquire into the objects of the bill—that is, the protection of all those mammals the member for Sydney and animal welfare associations have sought to advance. A select committee will conduct its inquiry in a public manner, as all parliamentary committees do. It will be able to hear representations from organisations, such as the Veterinary Association, and individuals. It will be able to examine the policies of the Department of Primary Industries. It will be able to produce a comprehensive report, bringing together all the issues, and make appropriate recommendations. The inquiry will be based upon the principles and objectives set forth in the bill introduced by the member for Sydney.

As it stands, the bill presents problems. It is inappropriate for a legislative body to ignore them. The appropriate response is not to vote the bill down, as it is an important bill. The appropriate response is for a select committee to investigate the issues the bill raises and to bring back to the Parliament a full report on the advancement of the protection of mammals in New South Wales. An inquiry can address issues such as costs, enforceability and the practicality of the legislation. When my office sought to obtain from the member for Sydney the estimated costs that would be imposed on councils, which would be the primary enforcement bodies, she was unable to provide that information. The bill would impose additional costs upon councils, but we do not know what the costs will be. For all those reasons, in the spirit of advancing the protection of animals in New South Wales, the Coalition has sought to refer the legislation to a select committee of the Legislative Assembly.

Mr ALAN ASHTON (East Hills) [4.26 p.m.]: The Government opposes the Animals (Regulation of Sale) Bill 2008. The bill purports to protect the lives and wellbeing of dogs, cats and other animals through a range of narrowly focused measures relating to the sale of these animals. The bill sets out ways to do this that are clearly out of step with community needs and expectations. It will unnecessarily and unfairly target the New South Wales pet industry, which is worth an estimated \$1.6 billion a year. The New South Wales Government recognises the value of the pet industry and the positive contribution that pets make to the lives of so many people.

As have all members, I have been subject to advice and lobbying from proponents and opponents of this bill. That is why I have considered this matter seriously before speaking to the bill. The Government already has appropriate legislation in place that regulates the pet industry and imposes

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reasonable requirements on the keeping of companion animals. Clearly, the stated object of the bill—"to protect the lives and wellbeing of dogs, cats and other mammals in New South Wales"—is comprehensively covered by a range of regulatory requirements under the Prevention of Cruelty to Animals Act 1979 and regulations, the Animal Trades Codes of Practice, the Companion Animals Act 1998 and regulations and policies made under that Act, and the Veterinary Practice Act 2003. I would assume it also is covered under sections of the Local Government Act.

This is the second time the member for Sydney has introduced a bill of this type; she introduced a similar bill in 2007. While some of the more unworkable provisions have been removed, this bill will decimate an industry that is worth an estimated \$1.6 billion a year. Prudent and careful consideration of the issues would have shown that the objects of this bill are already well regulated in New South Wales and that the proposed mechanisms set out in the bill are flawed. The member for Terrigal commenced to make a good speech. Then he chickened out and moved an amendment to refer the bill to a select committee. That will keep the issue kicking along for a few more months. Opposition members will not take a stand on the bill because they may offend some voters in marginal seats.

The member for Terrigal said that the member for Sydney was unable to provide the estimated costs that would be imposed on councils. Obviously, it is difficult to assess the estimated costs. That is a good reason not to support the bill. The Opposition should work with the member for Sydney to introduce an amended bill before the Parliament rather than move an amendment to refer the bill to a parliamentary committee inquiry. No doubt a committee inquiry will be set up in the upper House, with the appointment of the usual upper House members that dominate the show.

I do not doubt that the Government will oppose the bill. The Opposition opposes it also but is not brave enough to say so. At the moment only the member for Sydney supports it. For those who have watched me in this place over the years I point out that I have always supported motions moved by the member for Sydney and I have supported bills dealing with cats, dogs and other animals introduced by her. I pointed out to one of my colleagues in the House that the picture I have on this new boysenberry or strawberry machine is of my cattle dog cross bull terrier. I have owned six or seven animals—mainly dogs but cats also—and all of them have come from pounds or have been found at schools or on the side of the road where they have been dumped.

I mention personal information to show that one cannot assess a person's response to a bill on face value. I have never bought a dog from a pet shop and I would not. But that does not mean that I do not consider that the bill has flaws. The bill is based on the misconception that severely limiting the sources of animals available to the public will mean fewer animals end up in shelters. However, companion animal loss is a complex issue. Studies indicate that there are many reasons given for relinquishing a companion animal. These include accommodation, health and personal issues. I am advised that some of the most difficult animals for pounds and shelters to deal with are unidentified strays with behavioural problems that cannot be rectified through training. These types of problems usually reflect a lack of ability or commitment on the part of the owner, and this will not change simply by changing the point of purchase.

There would not be a member in this place who has not at sometime had the sad situation of a person in their electorate keeping up to 40 or 50 dogs. I encountered this in my electorate of East Hills. A lady had 47 dogs in a housing commission apartment. Those dogs were in a terrible condition. The lady could not look after them. She wanted to set fire to the apartment because the dogs—and probably her too—were going to be evicted. That would have meant that she and all the animals would have been burnt. Her love for the animals was a great commitment but it also reflected a mental illness, which is an issue we should be aware of. Her loving of the animals was doing them no favours at all. They were slowly dying. That is one of the tragedies: Not all dogs that are overly loved are looked after.

The bill attempts to limit access to animals, but clearly does not take account the major factors that persuade people to surrender their pets. The bill also fails to recognise the complex nature of the human animal bond. This again reinforces the limited impact that targeting pet shop sales and unregistered breeders will have on the operations of pounds and shelters. In fact, it is clear that the bill would do very little to meet its stated object of protecting the lives and wellbeing of dogs and cats.

It is useful to compare this proposal with existing Government initiatives such as the Companion Animals Act 1998, which provides for the identification and registration of companion animals. Microchipping facilitates the return of animals from pounds and shelters to their owners. Two weeks ago I wanted to get away for two or three days. I thought I would go down to the South Coast. I got to the top of my street and saw a very little old dog running around. I pulled up in the middle of the road and got out of the car—I probably nearly got myself killed. I had my cattle dog in the back of the car and my family. I grabbed this little dog and took it to the vet, who discovered that it was microchipped. I explained that I had to get away and that I had my dog in the back of the car. I rang the vet a few days later and was told that the vet had found where the dog lived and had returned it.

There are good people out there. I am not trying to overly personalise my contribution to this debate but I want the House to know that very good people who may speak against this bill would not necessarily be prepared to leave animal welfare rights to the whim of bad pet shop owners. Clearly, we expect people in a position of trust with animals to do the right thing. Rather than being seen as a problem, the New South Wales pet industry should be recognised for its positive contribution to responsible pet ownership. The little dog I found had a collar but no name tag. It was an elderly dog that obviously had been owned for quite some time and certainly did not deserve to get run over on that main road. If I had not grabbed the little dog off the street a car would have come around the blind corner and the dog would have been killed or people may have been killed trying to avoid it.

I thank the Panania vet service—Monique Gollop and the staff—for taking the dog in and reuniting it with its owner. It is not the first time I have picked up an animal. I once found a cat on the road that I thought was thoroughly deceased. I picked it up, put it in a little box and took it to the vet. It woke up; it was not dead at all! It was about 15 years old and was very slow. Again, the vet returned it to its owner. I received a letter from a little girl and her father, who were obviously the owners, thanking me very much for what I had done.

Dogs and cats sold through pet shops are required to be microchipped and vaccinated. They have to be easy to identify. This means there is a much lower likelihood that these animals would be euthanased in a pound or a shelter. Pet shops and responsible breeders, whether registered or not, provide an orderly and visible outlet from which the public can buy pups or kittens. This arrangement reflects community expectations regarding peoples' rights to own a pet and the desire for a reasonable opportunity to purchase their pet of choice. In fact, pet shops and breeders can provide a great service. They are required to provide advice to prospective owners and are perfectly positioned to ensure that basic requirements such as microchipping and vaccinations are done. Simply removing pet shops and responsible breeders from the equation will not change community expectations or peoples' desire to purchase a pet. But it may push people away from a responsible outlet and towards less scrupulous backyard operators.

Unlike this bill, the animal trades codes provide a solid foundation for future progress on a broad range of animal trade issues. These codes cover the keeping and trading of birds, animals in pet shops, dogs and cats in animal boarding establishments, breeding dogs and breeding cats, companion animal transport agencies, animals in pet grooming establishments, security dogs, and horses in riding centres and boarding stables. The codes are formally enshrined in legislation. The Prevention of Cruelty to Animals (General) Regulation 2006 requires the proprietor of a business that conducts an animal trade, and each person concerned in the management of the business, to comply with these codes.

Proprietors and those concerned with the management of pet shops already need to comply with the recently revised animal welfare code of practice, animals in pet shops, which has raised standards for companion animals in the pet shop industry. This code provides enforcement agencies—including the RSPCA—with a clearer mandate to act when the minimum requirements of the code are not being met. It also allows enforcement agencies to issue penalty infringement notices against pet shops for certain offences in lieu of prosecution. This provides a simpler and cheaper option than if the matter were dealt with by a court, and aims to encourage increased compliance by enabling enforcement agencies to act more quickly to address non-compliance. Importantly, the code also seeks to educate prospective pet owners about the responsibilities involved in choosing to become a pet owner and not falling for impulse buying.

Since the introduction of this code in 2008 experience indicates that it has worked effectively. A revised code of practice for breeding dogs and cats now has been developed and will be implemented shortly—and that is why a further inquiry in another place is unnecessary. This will impose increased welfare requirements on people in the business of breeding dogs and cats. The new code has had input from industry and the community, including peak bodies such as the New South Wales Animal Welfare Advisory Council, Dogs NSW, the Waratah National Cat Alliance, the NSW Farmers Association, enforcement agencies under the Act, the Australian Association of Pet Dog Breeders and the New South Wales division of the Australian Veterinary Association.

The code will deliver improved outcomes for animals held in dog and cat breeding establishments, particularly in terms of health care, hygiene and breeding regimes. Like the pet shop code, it will require that people wishing to purchase an animal be provided with information, in writing, about their new responsibilities. It will also circumvent the possibility of impulse buying. These provisions will ensure that the sale of pets is sensibly and effectively regulated, and this will contribute to reduced levels of euthanasia. The code also includes appropriate requirements to regulate the farm working dog industry, which were developed in consultation with the NSW Farmers Association.

A further code of practice—to provide standards for dogs and cats in pounds and animal shelters—is currently in development. Codes of practice are the appropriate mechanisms to foster progress in the way these sectors operate while also ensuring appropriate input from the pet industry and key stakeholders. To give credit where credit is due, I am advised that the pet industry has actively engaged with Industry and Investment NSW and the Animal Welfare Advisory Council in the updating and development of these codes.

The codes of practice help protect animal welfare by focusing on practical measures that the pet industry can deliver. This approach fosters industry collaboration and cooperation while helping to ensure that industry practices support appropriate animal welfare objectives. In addition to ignoring the opportunity that already exists to build constructively on progress that has been made, the bill contains a number of proposals that, at best, have not been well thought out. The bill will unfairly restrict the ability of pet owners to breed from their animals and sell or give away the offspring. This is because many of these people may not meet the requirements of "recognised" breeders. Furthermore, the bill will affect families. Parents in New South Wales will have no choice but to surrender unwanted or accidental litters to pounds and shelters; they will have to explain this to their children.

I note that the bill contains provisions that try to exempt the breeding and selling of working dogs from the general requirements of the legislation. However, these provisions are simply unworkable and demonstrate that the member for Sydney does not understand rural New South Wales. The 2007 bill did not make any provision for those on the land who breed and sell working dogs. I am pleased to see that the bill at least attempts to resolve that issue. Unfortunately, the proposed solution is still unworkable. For example, there is a limit on the number of working dogs that a farmer can sell in any

year, and if that number is exceeded the farmer is presumed to be in the business of selling dogs. By contrast, the revised code of practice for breeding dogs and cats appropriately regulates the farm working dog industry by requiring the sector to comply with the standards in the code while not unfairly limiting a trade that is important to the rural sector.

I reiterate that the Government is committed to ensuring that the principles of responsible pet ownership are promoted in the community. The Government has backed that commitment with initiatives including the Companion Animals Act 1998 and subsequent amendments that made microchipping compulsory. I also make it clear that, while the Government opposes the bill, there is no suggestion from this side of the House that pet ownership should be undertaken without proper consideration. I have already recounted my personal experience in that regard. That is why the New South Wales Government has endeavoured continuously to improve animal welfare standards and to educate the community.

The Government will continue to work with the pet industry and animal welfare organisations to implement the improved animal welfare codes of practice. In reality, it does not matter whether pets are sold by pet shops or unregistered breeders, banning their sale will not stop them being dumped or make a substantial difference to the number of animals that end up in shelters. People have a right to own pets and should be free to do so. The bill cannot fail to impact on the freedom to own a pet: People will not be able to buy pets from pet shops and no-one will be allowed to advertise pets for sale unless they are an authorised seller.

Mr GREG PIPER (Lake Macquarie) [4.41 p.m.]: I speak in debate on the Animals (Regulation of Sale) Bill 2008. I have previously spoken in this House on the concerns raised in the electorate of Lake Macquarie about the welfare of unwanted companion animals. It is unacceptable that some 63,000 animals are euthanased each year in New South Wales and it is deeply concerning to many that the pet industry produces a supply that so greatly exceeds sustainable demand. My office has received an ongoing stream of emails and letters supporting the legislation and/or a parliamentary inquiry into the pet industry. It is obvious that there is widespread and passionate concern for animal welfare and that that is reinforced by relevant facts. It is appropriate to recognise that those involved in the pet industry opposing the bill have made representations. I have no doubt that those who have made such representations are very genuine in their beliefs, and that the vast majority are responsible and respectable breeders and traders.

It is unacceptable that the community bears the cost of destroying unwanted animals. Councils within my electorate have reported to me the enormous and costly burden of dealing with unwanted pets. Wyong Shire Council advises that it spends more than \$880,000 on its animal care facility and mandatory compliance responsibilities under the Companion Animals Act. Lake Macquarie City Council does not operate an animal pound and relies on the RSPCA through an agreement—which was recently re-signed—costing \$170,000 annually and must also cover the significant cost of deploying its own staff in the collection and handling of unwanted animals.

Even with the best intentions of the Companion Animal Act, the way many in our community treat companion animals is not good enough. Too many people choose to buy animals without making, or perhaps even conceiving, a commitment to the responsibility of ongoing ownership. Too many animals are bred without good reason and are consequently killed, and the cost to the community is onerous and difficult to justify. Local government in New South Wales pays a high price to support the status quo of the pet industry.

The bill introduced by the member for Sydney is a genuine attempt to address a significant problem in our society, where many companion animals are seen as consumer items and often dealt with as a disposable item. Eliminating or greatly reducing impromptu decisions on pet ownership would reduce

these outcomes. The bill would align the production of animals more closely with the actual demand rather than with the ability of the pet industry to sell. It would link the sale of animals to a preconceived intention, rather than a whim inspired by the sight of a cute puppy or kitten.

There are strong ethical arguments about the euthanasia of many thousands of animals and there are weighty questions about the cost of it. The Animals (Regulation of Sale) Bill is an attempt to deal with the issues surrounding the oversupply of companion animals. While the bill will clearly not be supported by the House, it and the sentiments expressed by other members—even those not supporting it—should serve as a wake-up call to the industry to further improve its policies and codes of practice, and to drive out the unscrupulous minority.

I have listened to the contributions of members from both sides of the House, including the members for East Hills and Terrigal. There is a common sentiment that we should support the animals that are cruelly treated, but there is a difference in approach. The member for East Hills said that it was unnecessary to establish a committee and the member for Terrigal disagreed. Given the representations made to me, if this bill is not supported, it would be appropriate for this House to establish a select committee to examine the issues affecting companion animals and the pet industry.

Mr PETER BESSELING (Port Macquarie) [4.46 p.m.]: Like other members, I commend the member for Sydney for introducing the Animals (Regulation of Sale) Bill 2008 and for her ongoing commitment to all animals, particularly puppies and kittens sold in pet shops. The Government notes her attempts to deal with the issues in the bill and to draw them to public attention so that people realise how many pets are euthanased or taken home by families who have no regard for the responsibilities involved in pet ownership. Pets make a valuable contribution to our community. Members have mentioned the companionship that they provide, and that is an important issue in the electorate of Port Macquarie, which has the largest number of people over the age of 65 in the State. Dogs, cats and other pets play an important companionship role, including in aged care facilities, nursing homes and so on.

Of course, they are also members of our families. My children enjoy letting our dog sleep on their bed. I am not keen on that, but it is sometimes difficult to stop. Our dog, Hunter, plays an important role in our home and is a valued family member. Requiring our children to care for the family pet teaches them to be responsible and is an important part of growing up. Pets are supplied by pet shops, so-called backyard breeders, registered breeders, animal shelters such as council pounds, the RSPCA and so on. This bill deals specifically with dogs and cats. The member for Sydney provided very concerning statistics and details. Her agreement in principle speech states:

Based on local government and RSPCA statistics, in New South Wales alone last year more than 50,000 cats and dogs were killed in council pounds and animal shelters.

Last financial year, the number of dogs and cats re-homed by the RSPCA in New South Wales increased 6.85 per cent on the previous year. However, the number of cats and dogs euthanased also increased by more than 9 per cent for dogs and almost 30 per cent for cats. It is worth reminding the House that an un-desexed female cat and her offspring can produce 420,000 cats in only seven years. I note the concerns of the member for Sydney. They are examples of what is going on in our society. Something must be done about the number of animals euthanised.

This bill goes to the core of responsible pet ownership, but there is no way Parliament can legislate for responsible parenting. If it could, I have no doubt that legislation would be applied first to responsible parenting. I would love to see a means by which that could occur. We can do what we can to raise awareness of how to be a responsible parent or how to be a responsible pet owner, but legislation is often very difficult and could restrict personal freedoms. Certainly I am one who believes that parents

should be given the right to determine the best way to raise their children, within certain boundaries of course. It should not be the role of government. The same issues apply to responsible pet ownership.

I have issues with pet shops that keep animals in confined spaces and from which purchases are made on the spur of the moment. One of the main drivers behind such purchases is empathy. People see a dog or a cat in a small cage and think, "The poor thing needs a good home, and who better than me? I can take the cattle dog home and the kids will be happy." That should not be motivation for buying a pet. It goes back to what was said earlier about responsible pet ownership. One must take into account the size of the dog or cat, the amount of feed the animal needs, fences around the home and the ability of a person to look after the animal—whether that person has a busy lifestyle and whether that person lives in a house or an apartment. Simple things like that should be considered whenever one is considering buying a pet.

We have also heard about puppy mills. A puppy mill or a puppy farm is a large dog-breeding facility created to mass-produce puppies for profit. Like battery hens, the breeding dogs are kept in cages or pens for their entire life with the sole purpose of producing puppies for profit at the direct expense of the welfare of the dog. Within the Port Macquarie electorate we had a pet shop that bought its puppies from a puppy farm. Thankfully that is well in the past and is no longer the case. The puppy farm was providing dogs to this pet shop. At the time there was a parvovirus epidemic in Port Macquarie. For those who are not aware, parvovirus is a relatively new disease. It is sometimes referred to as parvo. It is highly infectious. It attacks the gastrointestinal tract and cardiovascular system of dogs. The main source of the virus is the faeces of infected dogs. That infection was being passed along through the puppy mill. Thankfully, both the puppy mill and the pet store that was relying on puppy mill pups to sell are no longer in business.

In order to avail myself of as much information as I could, I spoke with a number of pet shops and vets within our area as well as the local council pound to try to ascertain the size of the problem within Port Macquarie. I understand the problem was probably larger in other areas than within the Port Macquarie electorate. I put that down to responsible pet ownership. Whether that is by design or otherwise I do not know. The first pet shop owner I spoke with takes any dog he considers for sale to the vet for check-up. The dogs are immunised and checked over for diseases. The pet shop owner will not accept them for sale unless they pass scrutiny and are declared healthy. The owner actively participates in trying to maintain the health of the animal. Following discussion with me, the owner said he would consider desexing all the dogs and puppies that are for sale.

It is a difficult situation, certainly in regional and rural areas. Once again, I thank the member for Sydney for raising it. It is something that should be discussed openly and debated not only in Parliament—it is a shame all members are not involved in this debate—but also within the broader community. It is something that should be discussed with children as well so they learn responsibility when dealing with pets. A great way to get children started is with a goldfish or something like that, or even a dog or a cat so they can learn about responsibility. Hopefully when they become parents they can draw on what they have learned about responsibility from that experience.

I suggest the Government consider the feelings within the broader community and throw the Opposition a bone—no pun intended—and consider referring this bill to a Legislative Council committee where it can be discussed more broadly. I would certainly support that, and I would love the Government to do the same. Once again, I thank and commended the member for Sydney for bringing this important issue to the attention of the House.

Ms CLOVER MOORE (Sydney) [4.56 p.m.], in reply: The Animals (Regulation of Sale) Bill 2009 is about responsible pet ownership. It would ban the sale of cats and dogs in pet shops and markets and limit dog and cat sale advertisements to rescuers, to shelters and to recognised breeders. This bill is

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about the humane treatment of animals. It stops pets being treated as commodities that can be bought and then discarded once the novelty wears off. With more than 60,000 cats and dogs being put down every year in New South Wales alone because homes cannot be found for them, pet shops should not be able to continue to promote the sale of pets in their shops. That figure does not include the pets that are dumped in national parks or at tips. Puppies and kittens are displayed in the windows of pet shops in shopping centres and they evoke, as we would all expect, an emotional response. This point has been emphasised in its guide for pet shops by the Entrepreneur Business Centre, which gives the following advice to pet shop owners:

The scenario is simple: Someone will walk by, fall in love with an animal and buy it. These sorts of impulse buys can add dramatically to your profits if your shop is accessible and your sales and service ability is convincing, it will not be long before you convert walk-in traffic into buying customers.

Of course people fall in love with little puppies and kittens. They do it while they are doing their shopping or they buy one spontaneously as a Christmas present. I know the RSPCA is very concerned at this time of the year, as are other shelters and pounds, because this is when their numbers dramatically increase. But when that cute animal starts to grow, bark, scratch and shed hair, gets bored and needs to be walked, needs to be vaccinated and needs to be microchipped, needs love and attention and incurs large food and veterinary bills, the owners change their mind about keeping it and dump it. I think it is vitally important that we discourage impulse buying of animals, that we promote responsible ownership and we ban displays of mammals, including rabbits and guinea pigs, in shop windows.

The City of Sydney's Companion Animals Policy promotes responsible pet ownership. We provide leash-free areas in parks. We educate non-pet owners and children about animal behaviour and the wider community about the benefits of pet ownership. We offer a \$40 cap for desexing and free microchipping for animals of residents on pensions and low incomes. We also offer discounted dog desexing on the first Tuesday of each month. We have gone into partnership with Sutherland Shire Council to provide a pound that has the lowest euthanasia rate in New South Wales, where 25 volunteers walk the dogs every day, sometimes three times a day, and where all the dogs are rehomed. Responsible pet ownership should start from the moment that a pet is acquired. Potential owners need to be compelled to think about the responsibility they are taking on before they adopt a pet. In fact, nearly three years ago the then Minister for Local Government issued a press release stating:

Poorly planned purchases from pet shops and newspaper ads often result in more unwanted animals turning up at the RSPCA and council shelters.

The Minister urged people to buy desexed pets from the shelters. Rescuers and shelter staff work tirelessly, and many of them are in the gallery today. They work to find homes for animals and to interview potential owners. Unlike pet shops, they are not driven by profit. They desex animals to prevent unwanted litters. Rescuers and shelter staff are distressed by the sheer number of loving, healthy animals being dumped. This is a poor reflection on our values. I was shocked when I first learnt about puppy farms and backyard breeders, who, unlike responsible breeders, breed pets purely for profit, in confined conditions with little or no social interaction. RSPCA inspectors in Queensland recently seized more than 160 dogs taken after raids on puppy farms.

One of these dogs had an ear infection and her fur was matted with faeces and urine. Others have ongoing urinary tract and ear infections, as well as stomach problems. In fact, the RSPCA shelters were so full that the organisation had to cancel another raid on a suspected puppy farm. On these puppy farms young female dogs start breeding at six months with back-to-back breeding until they can do it no longer—I find it very distressing—and then the dogs are destroyed. The cute little pets in the pet shop windows are the result of these practices.

Puppy farms and backyard breeders are supported by the pet industry. They sell to pet shops and markets and through classifieds. Pets are incredibly important in the lives of many people. They give us unconditional love and companionship. They teach us to care and nurture. They increase our sense of security and they encourage us to exercise. In fact, they save the national health bill more than \$4 billion a year and in return we should not treat them as commodities that can be manufactured and discarded. Respect and compassion for animals are essential to a humane and just society.

I turn now to some of the comments made about the bill.

I refer first to opposition to the bill.

It is quite clear that the pet industry and the Australian Veterinary Association want to protect their business.

They are effective lobbyists and the Minister is quite responsive to that lobbying.

I think opposition to the bill is a real cop-out and is the result of strong lobbying by vested interests.

Dogs NSW traditionally opposes dogs in pet shops and my office worked with that organisation to draft this bill, so its opposition came as a surprise.

I understand the industry tried to convince it that the bill is about banning dog shows and particular breeds.

These were scare tactics, because this bill would not do that. I have received numerous messages from individual vets and breeders who care about animals and strongly support this bill.

In response to the bill the Government has tweaked an existing code of practice. That tweaking is pathetic.

It does minor things such as making animals more comfortable in pet shops but it does nothing to prevent impulse buys and unscrupulous breeding.

The Government states that it is working on updating the breeders' code of practice. These are not public processes. The Government has failed to act for so long. The Opposition has said that it will move to defer debate on the bill to form a select committee on companion animal welfare, and I commend it for that. While the links between cruel backyard and puppy breeding, farm breeding, the unregulated pet industry and the high number of animals being put down every year are clear, this bill would address them.

Members of Parliament with any fortitude and sense of a humane society would support it.

However, I will support the Opposition's amendment to create a select committee to look at companion animal welfare. Of course, that will not prevent me from supporting this bill today.

An inquiry would give the thousands of people I have heard from who work in shelters and pounds, who try to rescue unwanted pets, who breed animals responsibly, who treat pets and who have worked in pet shops the opportunity to tell their stories to Parliament. The wider community and interested organisations would be able to make open and public submissions about animal welfare problems, and I support that.

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The inquiry could look at the broader animal welfare concerns that need to be addressed, including difficulties for pet owners who rent or live in apartments, mandatory desexing, backyard breeding, puppy farming for the international cat and dog fur industry, eugenics, inbreeding of pedigree dogs, as well as conflicts of interest in the bodies that advise government.

That conflict of interest in the bodies that advise government relates very much to the opposition to this bill today.

I support an inquiry into companion animal welfare, as do the thousands of people who support my bill and have nothing to hide. I think it is alarming that the Government apparently thinks that the deaths of over 63,000 cats and dogs every year does not warrant an investigation through an inquiry.

The codes of practice that the Government has updated are pathetic and will do nothing to change the appalling toll that we in this House are so concerned about.

I stress that I intend to hold the Opposition to account if it is in a position to initiate an inquiry at a future time. I believe that supporters of my bill who are here today or who read *Hansard* subsequently would like a commitment from the Opposition in the lead-up to the election that an inquiry will be a committed part of its animal welfare policy.

With respect to comments about the worth of the pet industry, the Government has said that the pet industry is worth \$1.6 billion a year. The bill does not ban the lucrative trade in other mammals or the sale of fish, birds, and spiders and reptiles, which I regret is the case.

We know some successful pet shops do not trade in live sentient beings: shops that sell pet food and accessories and do very well. In fact, I was in one of them last Saturday. Paws on The Coast in the main street of Umina is a very successful pet shop that does not trade in live sentient beings. Given the 63,000 cats and dogs that are destroyed in New South Wales alone each year, I believe we should stop treating these pets as commodities and should not promote impulse buying. A responsible Parliament should promote responsible pet ownership.

The pet industry here can operate profitably with an emphasis on responsible pet ownership, as the industry in many European countries, including the United Kingdom, does. It would be great if Australia, New South Wales and Sydney could start showing some leadership instead of always being behind the rest of the world. Under my bill, pet shops would be able to help shelters rehome dogs and cats.

The member for Terrigal said that the New South Wales Farmers Association opposes my bill because it affects working dogs. The initial bill was subsequently withdrawn and updated in response to these concerns and working dogs are now exempt.

So that claim is misinformation put before the Parliament.

The member for Heathcote raised concerns about the costliness of enforcement. Inspectors under my bill will be the same as they are now. These enforcement officers will be able to respond to community complaints that pet shops are selling cats and dogs.

The Government's response to my bill has been to upgrade the code of practice for pets in pet shops. If the Government believes that enforcement officers will not be able to enforce the bill, how will the officers be able to enforce the code of conduct that the Government is boasting about?

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There is no substance to the Government's claims, other than responding to the vested interests of the pet industry.

The result is something that should make this Parliament hang its head in shame.

Before concluding I wish to thank Kay Vernon, a long-time volunteer in my office who worked very hard on this bill. Kay worked tirelessly throughout the process and has always been a dedicated advocate for animals. I also thank Angela Radich from the Young Lawyers Animal Law Committee, who provided invaluable help with the legal drafting of the bill and is also a strong advocate for animal protection. I also thank everyone who provided information to my office, and everyone who took the time and effort to contact their members of Parliament on this issue.

I understand that members of Parliament have received more representations on this important issue than probably any other issue ever. The public have called for a more humane policy that does not treat companion animals as consumer items that can be discarded.

I particularly thank the volunteers from Paws for Action, Death Row Pets and Lead the Way who worked very hard to create excellent campaigns specifically to get support for the bill.

I welcome the new Give Pets a Chance campaign that is being developed.

I understand that the campaigns will continue beyond this debate today, and I look forward to continuing to work with these groups. I also wish to acknowledge the support of a large number of animal welfare, animal protection and animal care organisations who supported the bill by distributing information to their members, providing media comment, and including articles in their newsletters and magazines. There are too many of them to name individually.

I say to all those who worked hard to gather support for the bill: Do not be disheartened.

We have achieved much.

Since introducing the bill, problems with the pet industry have been reported on the *Sunday Program*, *Stateline*, *9am With David and Kim*, and in almost every State and local newspaper in New South Wales.

More people now know about puppy farms, backyard breeders, and the appalling number of cats and dogs that are destroyed every year in this State compared with previously.

I am certain that many members of this House never thought about this issue before I introduced my bill. I noted that speakers in this debate gave anecdotes about their pets. It is a pity they do not have a greater conscience about the good of animals across the State.

I have received thousands of letters and emails on the issue, and I have been encouraged by the many communities that care about the plight of animals. Indeed, I understand that the bill was studied in a university animal law course. I remain committed to raising this issue in the Parliament in the future. I encourage everyone to continue to inform their friends, family and colleagues about the problems with the pet industry, and to continue to write to their elected representatives in this House to protect animals. I will conclude with the words that I have spoken in this House before regarding this issue. I quote Mahatma Gandhi, who said:

“The greatness of a nation and its moral progress can be judged by the way its animals are treated”.

The world's great thinkers have long understood that social progress can be seen in the way a society treats its animals. Animals cannot speak; they cannot vote.

I think we have a comment today in this place about how this Parliament treats its animals, and it is a real comment on our society.

It is a comment I really regret, and a comment I will work to change.

Question—That the words stand—put.

The House divided.

Ayes, 44

Mr Amery	Ms Firth	Mr McLeay
Ms Andrews	Mr Furolo	Ms Megarrity
Mr Aquilina	Ms Gadiel	Mr Morris
Ms Beamer	Mr Gibson	Mr Pearce
Mr Borger	Mr Greene	Mrs Perry
Mr Brown	Mr Harris	Mr Sartor
Ms Burney	Ms Hay	Mr Shearan
Ms Burton	Mr Hickey	Mr Stewart
Mr Campbell	Ms Keneally	Mr Terenzini
Mr Collier	Mr Koperberg	Mr Tripodi
Mr Coombs	Mr Lalich	Mr West
Mr Corrigan	Mr Lynch	Mr Whan
Mr Costa	Mr McBride	<i>Tellers,</i>
Mr Daley	Dr McDonald	Mr Ashton
Ms D'Amore	Ms McKay	Mr Martin

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Noes, 33

Mr Aplin	Mrs Hancock	Mr Smith
Mr Baird	Mr Hartcher	Mr Souris
Mr Baumann	Mrs Hopwood	Mr Stokes
Ms Berejiklian	Mr Humphries	Mr Stoner
Mr Besseling	Mr Kerr	Mr J. H. Turner
Mr Cansdell	Mr Merton	Mr R. W. Turner
Mr Constance	Ms Moore	Mr R. C. William
Mr Debnam	Mr Piccoli	
Mr Dominello	Mr Piper	
Mrs Fardell	Mr Provest	<i>Tellers,</i>
Mr Fraser	Mr Richardson	Mr George
Ms Goward	Mrs Skinner	Mr Maguire

Pairs

Ms Hornery	Mr Hazzard
Ms Judge	Mr O'Dea
Mr Khoshaba	Mr O'Farrell
Mrs Paluzzano	Mr Page

Question resolved in the affirmative.

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Amendment negatived.

Question—That this bill be now agreed to in principle—put.

Division called for and Standing Order 181 applied.

Ayes

Mrs Fardell

Mr Piper

Ms Moore

Question declared resolved in the negative.

Motion negatived.

Bill not agreed to in principle.

The SPEAKER: Order! It being close to 5.30 p.m., the House will now proceed to private members' statements.