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Animals (Regulation of Sale) Bill 2007

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ANIMALS (REGULATION OF SALE) BILL 2007

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Bill introduced on motion by Ms Clover Moore.

Agreement in Principle

Ms CLOVER MOORE (Sydney) [10.15 a.m.]: I move:

That this bill be now agreed to in principle.

Abraham Lincoln said:

I am in favour of animal rights as well as human rights. That is the way of a whole human being.

I follow that quotation by Abraham Lincoln with the following facts. Australia has the highest rate of pet ownership in the world. Yet the most recent statistics of the Department of Local Government show that more than 60,000 dogs and cats are killed each year in New South Wales alone. Those numbers do not include animals dumped in national parks where domestic animals die of starvation, are killed by other animals or harm the natural ecosystem. If we want to consider ourselves as a humane society we must take action to prevent the cruel dumping and killing of so many companion animals. That is the basis of the bill I introduce to the House today. I repeat: Australia has the highest rate of pet ownership in the world. Four out of five Australians have owned a pet and almost two-thirds of Australian households currently own pets.

In New South Wales there are about two million companion animals. Pets play an incredibly important role in our society. They give pleasure and teach responsibility. For many people who live on their own pets provide love and security. A recent RSPCA survey demonstrated the degree of emotional attachment to pets by a high percentage of pet owners saying they would choose their pets' company over that of friends or flatmates. Yet there is a disturbing aspect to pet ownership.

In 2005-06 the New South Wales RSPCA received more than 38,000 dogs and cats at its shelters, 18,000 of which had to be killed. As I said, the most recent statistics of the Department of Local Government show that 60,000 dogs and cats are killed each year in New South Wales—a number that equates with the population of a medium-size town. This number does not include other animals such as rabbits, mice and guinea pigs that are put down, nor does it include animals that are dumped in national parks where domestic animals die of starvation or cause harm to our natural ecosystem. If we want to be considered as a humane society we must take action.

A campaign to prevent the sale of animals in pet shops has been initiated by the Say No to Animals in Pet Shops organisation. This body claims there is a link between pet shops and the enormous number of animals killed every year at pounds and shelters. Its claim is supported by other animal welfare and advocate groups and has wide community support. That is because pet shops promote impulse buying and irresponsible breeding for profit. Pet shops create a demand for animals that can only be met by unscrupulous breeders and puppy farms that continue to produce more animals, despite the already oversupply. The Say No to Animals in Pet Shops organisation has collected 5,000 signatures on petitions and my office has received a great deal of phone calls and correspondence on this issue.

The Animals (Regulation of Sale) Bill will protect the lives and wellbeing of dogs, cats and other mammals by prohibiting their sale in pet shops, fairs and markets. It will prevent the impulse purchasing of mammals by restricting sales to registered breeders, pounds, animal shelters and veterinarians where animals will be appropriately matched with buyers, who will be informed about special needs and requirements. Mammals will only be able to be kept at shops or markets and offered for sale if they are kept on behalf of animal shelters and returned to the shelter at night. Mammals cannot be sold at shops or markets. Instead, prospective buyers will be required to attend an animal shelter to make a purchase. This will allow the RSPCA to participate in the Road to Home Program, which increased the recovery and re-homing of abandoned pets in Queensland by 40 per cent.

The bill will make it difficult for the industry to shift to other outlets by preventing the advertising of sale of mammals through printed and electronic material. It will ensure that the pet shop cannot advertise to act as an

intermediary for the sale of the mammal unless the animal is at an animal shelter or council pound. The bill does not restrict shops from selling other animals, such as birds or fish, or from selling pet foods and accessories. There are approximately 300 pet shops in New South Wales. Only recently in Australia have pet shops become major suppliers of companion animals to the public. Previously animals were generally acquired either from breeders or, more commonly, from surplus litters in informal networks.

Pet shops are now part of a large commercial industry that supplies a range of animals. Pet shops can sell a puppy for \$550 or \$600 and make 100 per cent profit, according to industry representatives. Designer puppies or hybrid breeds can sell for as much as \$1,000. Like any commercial enterprise, pet shops exist to make profits. Site location and shrewd marketing are as essential to a pet shop as they are to any other retail business. I cite a pet shop guide produced by the Entrepreneur Business Centre:

The scenario is simple: Someone will walk by, fall in love with an animal and buy it. These sorts of impulse sales can add dramatically to your profits.

First-time browsers in a pet shop will not necessarily jump at the thought of spending \$450 to \$500 to bring a dog home. However, 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.

In other words, to maximise their profits, pet shops must encourage potential purchasers through clever marketing of their most appealing products. Puppies and kittens in prominent window displays are especially conducive to impulse buying.

Impulse buying is acceptable for handbags or shoes, but pet shops sell live sentient beings, such as puppies and kittens, which need ongoing care and attention. Unlike most animal shelters, pet shops do not ensure there is a suitable match between animal and purchaser. An inappropriate choice of an animal can result in neglect of the animal. A small cute puppy in a pet shop may develop unanticipated and undesirable behavioural problems as an adult and that can lead to its being dumped. A person who buys a puppy or a kitten on impulse may not be aware of the considerable responsibilities of owning an adult dog or cat. The cost of desexing, annual immunisation, veterinary checks and food can be considerable unanticipated financial burdens for the purchaser, who may also be unaware of the time and effort involved in walking and grooming a dog.

The bill bans the sale of mammals to persons under the age of 16 in line with the recent changes to the United Kingdom Animal Welfare Act. Persons under the age of 16 are unable to understand the responsibilities of owning a pet and purchases could lead to parents abandoning the animal if they are not in a position to take on the new responsibilities. The Pet Industry Association of Australia has a national code of practice based on the Department of Agriculture's code of practice for animals in pet shops. However, it is voluntary. It covers animal housing, care and management, including written information for the purchaser. The seven-day health warranty is encouraged, but there is no provision for returning the animal because of behavioural problems. Even this inadequate warranty is ignored by at least one major chain of pet shops.

Animal behaviourists claim that a pet shop is an inherently stressful environment for an animal. This is because the animal is often too young to be taken away from its mother and is subject to constant handling and lack of quiet times. Animal behaviourists say that this can lead to depressed immune systems and illness. The RSPCA, the Animal Welfare League of New South Wales and the police all have power under the Prevention of Cruelty to Animals Act 1979 to oversee the health and welfare of animals in pet shops, yet the basic standards set by the code of practice are not adhered to by many pet shops. My office receives countless phone calls, letters and emails from people who are distressed about the treatment of animals in pet shops.

The pet industry's national code of practice sets a minimum age of puppies and kittens for sale at eight weeks with some exceptions. It recommends that pet shops advise the purchaser about the advisability of desexing both male and female dogs and cats. Advice from veterinarians is that both dogs and cats can be desexed at eight weeks, although it is not always desirable. Prepaid vouchers to be used when the animal is more mature are used by some animal rescue groups, but rarely by pet shops. The onus is on the purchaser and the community to bear either the financial cost of desexing or the implication of litters. I point out to the House that an un-desexed female cat and her offspring can produce 420,000 cats in seven years.

The sale of mice in pet shops is also a serious problem when some pet shops do not separate male and female mice, and some mice may be pregnant when they are purchased. The quick succession of multiple litters can be dealt with by the purchaser either by killing them or dumping them in the bush or at an animal welfare organisation, or by taking them to animal advocacy groups that either kill them or, very rarely, re-home them. Litters of mice are detrimental to the environment when dumped in either urban or bush environments, and killing them is inherently cruel and unnecessary.

One of the most disturbing issues in relation to pet shops is the 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. Purchasers have no guarantee of the pet's genetic history, past treatment or possible behaviour problems.

Unregistered backyard breeders and puppy farms breed dogs and cats in large numbers to be delivered to the lucrative pet shop market. They sell animals without identification or microchip and without screening the new owner. Animal advocates allege there are numerous puppy farms in New South Wales where animals are kept in shocking conditions, bred continuously and housed in inhumane conditions, and when they are no longer able to breed, they are killed. Their offspring have little or no contact with either humans or other animals of the same breed.

Say No to Animals in Pet Shops has provided evidence of these puppy farms on its website. As well as the cruelty involved in this form of breeding, animal behaviourists maintain that it can lead to future health and behavioural problems for the animal: it may be unable to socialise properly with a family or it may have problems with other dogs. The result is that the animal may be dumped or surrendered to a pound or shelter where it will be killed. Only a very small percentage of these animals will be re-homed. The Dutch Society for the Protection of Animals published information in one of its magazines and ran a television commercial about puppy farms. They received approximately 1,200 phone calls from people who suspected that there might be a puppy farm in their neighbourhood. Following up every call found that 70 per cent were puppy farms and 18 per cent were unregistered backyard breeders.

The situation in New South Wales is probably similar. There is no reason to suggest otherwise. Animal advocates claim that the organisations given power under the New South Wales Prevention of Cruelty to Animals Act do not have the resources to monitor such an extensive underground industry. Even if the numbers were small, a civil society would act to prevent this cruelty and reduce the number of unwanted animals that are killed or die of starvation or disease. It is a sobering fact that the average lifespan of a dog in Australia is two years. Pet shops create a demand for animals. The more companion animals sold through pet shops, the greater is the demand from puppy farms and backyard breeders. Animals must not be bred solely for profit. The tragic implication of the oversupply of dogs and cats in New South Wales must be stopped.

This bill will reduce the oversupply of mammals. It will immediately remove the lucrative market. It will ensure that a person wishing to acquire a cat, a dog or a mammal will have to go to a registered breeder, and/or a pound or a shelter. Debate last year in the United Kingdom Parliament's House of Commons on the Animal Welfare Bill involved an amendment to ban the sale of dogs in pet shops. The Government in reply acknowledged the problems associated with pet shops selling pets and said that the Parliament would consider a ban on the sale of all animals in pet shops when developing regulations. Regulations could also introduce mandatory codes of practice for pet shops and other practices to discourage impulse buying.

Austria has introduced legislation. Belgium and Croatia recently introduced legislation and many pet shops in America re-home animals only from shelters. It can be done here. Many pet shops run profitable businesses selling pet food and accessories. I do not claim that this bill will stop backyard breeders or completely transform the ways that society treats companion animals. However, if people have to consider the real consequences of owning and caring for a pet, the shocking oversupply of dogs and cats may be reduced. As a civil, just and humane society, we must take action to stop the cruel dumping and killing of companion animals.

I note that the following organisations support this bill: the RSPCA, Animal Liberation, Young Lawyers Animal Rights Committee, Saying No to Animals in Pet Shops, World League for the Protection of Animals, Dogs New South Wales, the American Staffordshire Club of New South Wales, Doggie Rescue, the Cat Protection Society and the Humane Society International. I commend this bill to the House.

Debate adjourned on motion by Mr Joseph Tripodi and set down as an order of the day for a future day.

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