

**Submission  
No 293**

# **COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES**

**Organisation:** Animal Defenders Office  
**Name:** Ms Tara Ward  
**Date Received:** 14/06/2015



Joint Select Committee on Companion Animal Breeding Practices in New South Wales  
Parliament House  
Macquarie St  
Sydney NSW 2000

Via: [CABPinquiry@parliament.nsw.gov.au](mailto:CABPinquiry@parliament.nsw.gov.au)

Dear Sir/Madam

## **“How much is the doggy in the window?”—Companion Animal Breeding Practices in New South Wales**

Thank you for the opportunity to provide a submission to the Joint Select Committee’s Inquiry into Companion Animal Breeding Practices in New South Wales (the Inquiry).

### About the Animal Defenders Office

The Animal Defenders Office (ADO) is a Canberra based, non-profit community organisation that focuses on animal law. The ADO provides information and representation for individuals and groups that want to take action for animals. The ADO also produces information to raise community awareness about animal protection issues, and works to advance animal interests through law reform.

### Summary

The ADO welcomes an inquiry into companion animal breeding practices.

Huge numbers of healthy companion animals are killed each year simply because a home cannot be found for them.<sup>1</sup> Such numbers should be unacceptable in today’s society, and indicate that the regulation of the ‘pet supply’ industry needs to be strengthened.

‘Puppy farms’ and cat equivalents are not banned in NSW. The very existence of these intensive pet breeding facilities is another indication that the regulation of the pet supply industry in NSW must be reviewed and improved.

The ADO recognises the inherent difficulties in regulating the breeding of pets, such as the problems in enforcing laws against ‘invisible’ breeders who trade over the internet or through classified ads. The ADO nonetheless supports tightened measures such as a strict licensing regime for breeders, and the complete ban of the sale of companion animals in pet stores.

---

<sup>1</sup> According to some estimates, one dog is killed every 4 minutes in Australian pounds:  
<http://www.oscarslaw.org/about-us>.

## Background – breeding practices in NSW

The ADO understands that there are three main types of breeding practices that occur in NSW:

- Professional or ‘recognised’<sup>2</sup> breeders who generally engage in responsible breeding practices such as vet testing, not selling puppies until a certain age, and selecting responsible keepers for each dog or animal they sell. These breeders may not make a profit from breeding due to the high costs of vet bills, good quality food, etc.
- ‘Back-yard breeders’ who may fall into breeding ‘by accident’ and/or who breed for hobby and money. These breeders may breed cross-breed dogs and cats and may not vet check their animals or engage in responsible breeding practices, but do not breed on a large scale for commercial profit.
- Large scale puppy or kitten ‘farms’ that breed pets for profit and often have little regard for the health and wellbeing of their breeding animals and litters. These intensive breeding facilities are characterised by over-breeding, inbreeding, little or no veterinary care, poor hygiene, poor socialisation, poor nutrition, inadequate and crowded housing conditions, and high mortality rates.

Specific comments in relation to the Inquiry’s terms of reference are outlined below.

The ADO’s recommendations are set out in the section relating to legislative changes that may be required (section (e)).

### **a) The current situation in New South Wales in comparison with other jurisdictions**

#### *New South Wales (NSW)*

The current code of practice covering the breeding of pets in NSW is the *Animal Welfare Code of Practice – Breeding Dogs and Cats* (the NSW Breeding Code), published in 2009.<sup>3</sup>

The NSW Breeding Code sets out standards for the ‘care and management of breeding dogs and cats’ and ‘applies to the welfare of dogs and cats which are involved in the business of breeding and raising puppies and kittens’ (2.1 and 2.2). It does not apply to the ‘incidental’ breeding of animals by pet shops, pounds or shelters (2.4).

There is currently no state licensing scheme for companion animal breeders in NSW.

Companion animals are able to be sold in pet stores in NSW. The sale of animals in

---

<sup>2</sup> ‘Recognised breeder’ is defined in the *Companion Animals Regulation 2008*, section 3.

<sup>3</sup> *Animal Welfare Code of Practice – Breeding Dogs and Cats*, Industry & Investment NSW; available at: [http://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0004/299803/Breeding-dogs-and-cats-code-of-practice.pdf](http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/299803/Breeding-dogs-and-cats-code-of-practice.pdf)

pet stores is regulated by the *Animal Welfare Code of Practice—Animals in Pet Shops* (the NSW Pet Shop Code), published in August 2008.<sup>4</sup>

The NSW Pet Shop Code covers ‘dogs, cats, rabbits, guinea pigs, rats, mice, birds, fish and other vertebrate species’ (2.2).

Non-compliance with both NSW codes is an offence under clause 26 of *the Prevention of Cruelty to Animals Regulation 2012*.<sup>5</sup>

Both NSW Codes state that they ‘will be revised from time to time to take into account ... developments in standards of animal welfare and changing community attitudes and expectations about the humane treatment of animals’.<sup>6</sup>

### *Australian Capital Territory (ACT)*

In April 2015 the ACT introduced a new licensing scheme for breeders of dogs or cats.<sup>7</sup> Under the new law it is an offence if a person breeds a dog or cat for profit and does not have a breeding licence. It is also an offence if a person advertises dogs or cats for sale and does not include the person’s breeding licence number.<sup>8</sup>

The *Code of Practice for the Sale of Animals in the ACT* came into force in the ACT in October 2013.<sup>9</sup> The Code includes mandatory rules about the care and management of animals for sale in the ACT. It applies to anyone who sells an animal, regardless of whether they are an individual or a business. It also applies to any animal except for farm animals such as sheep, cattle and pigs, and poultry in commercial-scale operations.

### *Other jurisdictions—pet breeding requirements*

In Victoria a business that breeds dogs or cats can only be carried out on premises that are registered for that purpose.<sup>10</sup>

---

<sup>4</sup> *Animal Welfare Code of Practice: Animals in Pet Shops*, NSW Department of Primary Industries; available at: [http://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0019/244018/Animal-welfare-code-of-practice-animals-in-pet-shops.pdf](http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0019/244018/Animal-welfare-code-of-practice-animals-in-pet-shops.pdf).

<sup>5</sup> See especially paragraph 26(3)(i) of the *Prevention of Cruelty to Animals Regulation 2012*.

<sup>6</sup> NSW Breeding Code, *op.cit.*, p1; NSW Pet Shop Code, *op.cit.*, p2.

<sup>7</sup> The scheme was contained in the *Domestic Animals (Breeding) Legislation Amendment Act 2015*, which amends the *Animal Welfare Act 1992* (ACT) and the *Domestic Animals Act 2000* (ACT). At the time of writing the scheme had not commenced. The latest it may start is 7 October 2015.

<sup>8</sup> These offences will be in Division 3.1 of the *Domestic Animals Act 2000*.

<sup>9</sup> *Code of Practice for the Sale of Animals in the ACT (Other than Stock and Commercial Scale Poultry)*, 21 October 2013; available at: <http://www.legislation.act.gov.au/di/2013-223/current/pdf/2013-223.pdf>.

<sup>10</sup> *Domestic Animals Act 1994* (VIC) s45; *Code of Practice for the Operation of Breeding and Rearing Businesses* (Revision 1) (VIC). This requirement applies to businesses that have 3 or more fertile female dogs and breed the dogs to sell (whether or not for a profit). If the breeder is a member of an ‘applicable breeding organisation’ such as Dogs Victoria, then the premises must be registered if there are 10+ fertile dogs: *Domestic Animals Act 1994* (VIC) s3.

In Queensland various local governments have introduced a 'breeder permit scheme'<sup>11</sup> which requires any person or business that owns an undesexed cat or dog and/or that intends to breed the animal, to obtain a breeder's permit and to comply with standards. In its last days in opposition the Queensland Labor Party committed to introducing legislation to mandate a plan for breeders who own more than 20 dogs.<sup>12</sup> Under the proposed legislation breeders would be charged a registration fee and their facilities would be monitored to ensure standards were being kept.

In South Australia the Liberal opposition has introduced a private members bill requiring the registration and licensing of breeders.<sup>13</sup>

### **b) Proposals to limit the number of animals allowed to be kept by breeders**

The number of animals a breeder has is important. If a breeder has too many animals it is difficult to provide for the animals' mental, veterinary and physical needs. With too many animals on a single property, especially with females on heat and undesexed males, it may also be difficult to track all relations and, if relevant, breeds.

The most important considerations regarding numbers of animals are the conditions in which the animals are kept, the amount of space they have, and their access to basic requirements such as food, water, daylight and exercise. Of all of these factors, the amount of space may perhaps be the most important limiting factor, as determined on a case-by-case basis. For example, one breeding pair may be too many if the breeder is in a small apartment.

### **c) Calls to implement a breeders' licensing system**

The ADO supports the implementation of a breeders' licensing system as a measure that may help eradicate puppy farms, and also curb back-yard breeders.

A licensing system for breeders may help mitigate many of the animal welfare issues involved in breeding companion animals. Requiring breeders to be licensed should also facilitate the monitoring of breeders.

Breeders would need to specify the individual animals covered by the licence, and to provide details such as each animal's age and breeding history. Breeders would need to provide details of the premises where the animals are kept, and the amount of space each animal has.

Breeders should be required to renew their licences annually. A yearly licensing

---

<sup>11</sup> Gold Coast City Council, Moreton Bay Regional Council, Logan City Council and Townsville City Council. See 'Regulation of Dog Breeders', Draft Regulatory Assessment Statement, Queensland Government, 2012.

<sup>12</sup> <http://www.abc.net.au/news/2014-12-14/illegal-puppy-farms-to-be-stamped-out-by-labor/5966288> (Dec 2014).

<sup>13</sup> Animal Welfare (Companion Animals) Amendment Bill 2014.

system would help keep track of breeders and breeding facilities in NSW.

In order to be eligible for a licence renewal, breeders would have to provide evidence to demonstrate that:

- they have undertaken annual veterinary checks on all breeding animals and litters; and
- the breeding animals comply with minimum and maximum breeding ages; and
- they do not exceed the maximum number of breeding animals allowed under their licence; and
- they do not exceed the maximum number of litters a female can have in a year and over their lifetime.

Breeders would need to advise the licensing body of any change in the number of breeding animals kept at the premises covered by the licence.

Authorities responsible for monitoring compliance with the licences would need to be resourced to undertake unannounced spot checks of the breeding premises.

A register of licensed breeders should be available to the public. This would enable people to consult the list to make sure that a breeder from whom they are considering obtaining an animal is licensed. If potential keepers can easily access the register they may reconsider before buying from one that is not listed. This may help reduce the incidence of back-yard breeders.

If a ban on the sale of pets in pet stores is not implemented, then they could be required to display breeders' details on all cages for potential keepers to see.

#### **d) The implications of banning the sale of dogs and cats in pet stores**

There are numerous animal welfare issues associated with selling dogs and cats in pet stores.

The younger the animals are, the greater their appeal to potential customers. This can lead to puppies and kittens being removed from their mother and litters too early, preventing the animal from learning behaviours from their mother and siblings. The young animals may be placed in small cages which are artificially lit. The animals may be unable to find respite from the attention and noise of customers and passers-by.

Another significant problem with selling animals in pet stores is the potential for 'impulse' purchases of the puppy or kitten in the window. The problem with impulse purchases is that the new keepers are unlikely to have properly researched the requirements of having a dog or cat, the effort and money involved and the time commitment that they require. If the puppy or kitten does survive infancy, they may join the many thousands of dogs and cats bought on an impulse but later

surrendered to pounds and shelters once they lose their initial appeal. Many of these animals will be euthanased because a new home cannot be found for them.

Another problem with selling dogs and cats in pet stores is that the animals may be sourced from puppy and kitten farms.<sup>14</sup> If pet stores no longer sell animals from such places, the reduced demand may help end the intensive pet supply industry.

A ban on selling animals in pet stores could support other measures such as educating children in schools about responsible pet ownership, introducing preventative measures to reduce the numbers of unwanted pets surrendered to shelters, or keeping a register of people who surrender companion animals to identify 'serial surrenderers'.<sup>15</sup>

However, a ban on selling animals in pet stores need not prevent pet stores from holding 'adoption days' during which they exhibit local rescue animals needing to be rehomed. These events would provide animals in store (to attract people) but also raise awareness about pet abandonment and other animal welfare issues.

#### **e) Any legislative changes that may be required**

The ADO recommends a number of changes be made to the regulatory framework governing the breeding and sale of companion animals in NSW. Changes are required to curtail the overbreeding of companion animals.

##### **1. A breeding licence scheme should be introduced into NSW, for any person or business that breeds from as few as one companion animal.**

- (a) The scheme could be based on the recently introduced ACT scheme, but broadened so as to cover other common companion animal species such as rabbits, guinea pigs, rats, mice and fish.
- (b) The scheme could be introduced into the *Companion Animals Act 1998* (NSW). However, as this statute only deals with dogs and cats, the ADO recommends that a new Act be introduced to focus exclusively on companion animal breeding practices. The *Exhibited Animals Protection Act 1986* (NSW) is a precedent for a 'stand-alone' statutory licensing regime. This statute is the only example in Australia of a regulatory regime for exhibited animals that exists outside of the relevant jurisdiction's animal welfare legislation. The new statute could cover common companion animal species such as dogs, cats, rabbits, guinea pigs, rats, mice and fish.
- (c) The legislation would need to allow for a transition period so that current operators with more than the maximum number of animals, or who would otherwise not meet the requirements of the new scheme (eg

---

<sup>14</sup> [http://www.animalsaustralia.org/take\\_action/cut-puppy-factories-out-of-pet-shops/](http://www.animalsaustralia.org/take_action/cut-puppy-factories-out-of-pet-shops/)

<sup>15</sup> <http://petsaustralia.org/the-big-issues/pets-in-pet-shops/>

space allowance per animal), could surrender their animals or otherwise wind up their business.

- (d) The new legislation could establish a public register of licensed breeders, to enable potential pet keepers to verify the credentials of their pet supplier.

**2. Strong penalties for non-compliance with a breeding licence should be introduced.**

- (a) The penalties for breaching the conditions of a licence, or for committing an offence against the new scheme, need to be harsh enough to outweigh the financial benefits of systemic overbreeding. For example, a heavy fine and the possibility of imprisonment combined with a ban on keeping animals in the future could be a sufficient deterrent.

**3. The NSW Breeding Code should be revised to support a legislative licensing scheme for breeders of companion animals.**

- (a) The Code should stipulate minimum space allowances and other criteria that are appropriate to protect the welfare, safety or health of fertile companion animals in relation to breeding.
- (b) The Code should be extended to cover other common companion animal species such as rabbits, guinea pigs, rats, mice, birds, and fish.

**4. A new offence of selling companion animals in pet shops should be introduced into the *Prevention of Cruelty to Animals Act 1979*.**

**5. The NSW Pet Shop Code should be revised so as to assist pet shop proprietors and staff transition to a new regulatory framework in which the sale of companion animals in pet shops is banned, unless the animal is sourced from an animal shelter or pound.**

## Summary

To summarise our position:

- The ADO strongly disapproves of the intensive breeding of animals.
- A licensing system for companion animal breeders in NSW would strengthen the regulation of the pet supply industry.
  - For the licensing system to be effective it must include:
    - Mandatory vet checks
    - A minimum and maximum breeding age for females
    - A maximum amount of litters in a lifetime and over a 12 month period
    - A maximum number of non-desexed animals allowed on one property
    - Yearly facility checks performed by relevant authorities; and
    - A publicly accessible register of breeders so members of the public can make informed decisions when buying a companion animal.



- The ADO does not support the selling of puppies and kittens in pet shops.

Thank you, once again, for the opportunity to provide a submission to the Inquiry.

Sophie Salmon  
Animal Defenders Office

Tara Ward  
Executive Director  
Animal Defenders Office

June 2015