

**Submission
No 235**

COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES

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Companion animal breeding practices in New South Wales – Submission

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

Across Australia, so much more needs to be done to achieve satisfactory standards for companion animal breeding practices. NSW is long overdue for a renewed system, which could be leading a national vision for companion animal welfare. Animal welfare has become a subject of increased awareness to Australians (as seen through the recent reports into greyhound racing abuse and live animal exporting <http://www.beefcentral.com/news/donation-turf-wars-citizens-arrests-animal-rights-debated-in-senate-inquiry/>), and breeding practices represent an important strand of this debate, particularly because it involves the very animals which many Australians consider family (<https://www.psychologytoday.com/blog/canine-corner/201105/do-we-treat-dogs-the-same-way-children-in-our-modern-families>). If NSW is to achieve this vision to hold Australia to, there must be a comprehensive review and legislation reform that prioritises welfare practices above the profit-driven market in which dogs and cats, amongst others, find themselves victim to.

Other jurisdictions appear aware of the increasing concern for this issue. Queensland has trialled breeder licencing, for example, whilst also seeking public input for developing proper breeding practices, seeking a change under legislation

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Companion%20Animals%20Taskforce%20Discussion%20Paper%20May%202012.pdf>).

The above report also outlines Victoria as an acting jurisdiction on this matter, which requires breeding enterprises “to register under the *Domestic Animals Act 1994* as a domestic animal business with local government councils. They must also abide by the management standards of the mandatory Code of Practice for Breeding and Rearing Establishments (the Code).”

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Companion%20Animals%20Taskforce%20Discussion%20Paper%20May%202012.pdf>).

Increased penalties for those operating puppy farms has also taken effect in 2012, along with additional powers granted to council inspectors to ensure breeders comply. Along with this, the report states that Victoria has seen:

“(The) requirement to include microchip or business registration numbers in advertisements, breeder registrations, seizure of profits and assets, and the capacity to implement pet ownership bans on certain offenders.”

NSW must not only seek to mirror these legislative changes, we must do more, to build a comprehensive system of animal welfare that can stand as a revered system for other jurisdictions to enact. This submission is not an exhausted list, but represents some points for change needed in the current system of NSW.

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

This is essential for the proper care of animals and to limit the surplus of dogs and cats in particular that is currently plaguing NSW. Animals should not be kept in high numbers, which could minimise the care and attention that they need and instead encourage a profit-driven environment, as found to be the case in puppy farms where high numbers of dogs are kept in squalid conditions (<http://www.closepuppyfactories.org/#>)

Further, breeders should not just be restricted as to how many animals they can keep, they should be limited to how often they breed their animals and further, to what type of breeds they attempt to sell. For example, shelters are overrun with working dogs in Sydney and outer Sydney, as these breeds require large amounts of stimulation and have energy requirements that are not suited to many city dwellers' lifestyles (see RSPCA recommendations). For example, the Staffordshire bull terrier is overrepresented in shelters, followed by kelpies, and then cattle dogs (<http://www.news.com.au/national/nsw-act/paws-for-thought-on-dumped-dogs/story-fndo4bst-1226584064455>). These are high energy and working breed dogs, which indicates that the potential reasons for their abandonment by their owners was due to their physically and mentally demanding natures, particularly in inner city living quarters. Staffordshire dogs, for example, are extremely people-oriented dogs, which means that they suffer when left behind whilst their owners go to work. It is well known that pets that do not get their needs met tend to become destructive and develop behavioural problems, through no fault of their own

(<http://www.animalhumanesociety.org/training/destructive-behavior-dogs>).

However with increasing prices of Sydney living, people are being forced into the workforce, which has huge implications on the pets that require high levels of human interaction, which may then become destructive out of boredom and lack of company. Where the RSPCA indicates in the 2013-2014 financial year that 2304 dogs were euthanized due to behavioural issues

(http://www.rspca.org.au/sites/default/files/website/The-facts/Statistics/RSPCA_Australia-Annual_Statistics_2013-2014.pdf), by far the biggest reason for euthanasia, we must trace this back to an oversupply of breeds that are frequently found to be inappropriate for the confinements of city life. This issue of oversupply of particular breeds is recognised and

acknowledged by Animals Australia

(http://www.animalsaustralia.org/issues/companion_animals.php).

I therefore propose that the legislation uses statistics from the RSPCA and other authorised sources to limit the breeding of dogs that are found to be in oversupply in shelters.

The restriction on numbers will promote welfare above profit, and limit opportunities for factory-like conditions. Further, this will ensure a more selective approach to ensure that breeders are acting on requests for particular breeds, and not adding to the surplus of dog and cat numbers that already far overwhelm demand.

c) Calls to implement a breeders' licencing system

A licencing system is essential to control the breeding industry, and to provide a high standard and independently regulated care for breeders to follow. As evidenced from the recent reports of abuse in the greyhound racing industry, licencing is not always enough to prevent animal mistreatment where money is involved, however licencing serves nonetheless as a requirement to begin monitoring animal welfare management. Further, licencing, as a monitoring system, must always be independent, and must be governed by a system whose sole concern is animal welfare. There must be no ability for the authorising body to profit from approving licences.

Further, a breeders' licencing system should serve to give purchasers the confidence that they are not supporting a breeder who operates in violation of animal welfare laws. Without a standardised licencing system, purchases can unwittingly support the cruel practices found in puppy mills that operate around the state (and nationally). Whilst pet shops have an increased awareness of public concern on this issue, puppy farm operators can target people through a multitude of avenues, including newspaper advertising and of course, online advertising of puppies. These avenues enable purposeful deception to buyers who are not made aware of the conditions that the animals are living under, and so pay vast amounts of money to support such abusive systems

(<http://www.wa2s.org/the-visionaire/what-are-puppy-mills-and-how-do-people-support-them-without-knowing>). A licencing system is an easy and necessary method to minimise this deception of animal welfare. As Dogs NSW mentions, breeding licencing system could prevent the turnover of dogs to shelters by "Provid(ing) essential and accurate information to the public about future size, temperament parameters and exercise requirements of the puppy they are buying" (<http://www.dogsnew.org.au/resources/media/849-inquiry-into-companion-animal-breeding-practices.html>).

Breeders should also ally with rescue shelters, and guide people to rescue shelters wherever possible, to minimise unnecessary breeding. This cooperation between pet stores and rescue shelters could be consolidated through pet stores referring customer requests for particular breeds to NSW shelters. The Government could facilitate this by providing a comprehensive list of all shelters in NSW, including those that specialise in particular breeds (such as Arctic Breed Rescue, Shepherd Rescue, Staffy Rescue) and ensuring that all pet stores have this list as a reference point. Pet stores should also have access to a comprehensive database of animals available for adoption in NSW rescue shelters, which should be implemented by the Government. Updates to lists should be a simple procedure, whereby the shelters enter any new animals with pictures and a description of the animal if possible. If shelters do not have enough resources for this, they should receive enough government funding to be able to feature on the database. The idea would be that if there is a request for a particular breed, a pet store should function as a referral/information centre for all rescue shelters across NSW. This requires an open channel of communication between all rescue shelters and pet stores across NSW.

Whilst acknowledging that there are people who are invested in a particular breed and temperament of dog that cannot be found in shelters or ethical shops, breeders will be called on to supply this demand. The buyer has a right to demand that the animal they seek has not been produced in violation of welfare laws, and the breeders' licencing system is the most effective way to govern this.

Moreover, according to Animals Australia (http://www.animalsaustralia.org/issues/companion_animals.php), the notion of a 'registered breeder' is unclear, and does not denote a particular standard of animal welfare. This is due to there being many different types of registration, and unfortunately, not enough resources to ensure that all 'registered breeders' comply with a particular code of ethics or welfare. This is a confusing and misleading concept and should therefore be replaced with a uniform licence which ensures consistent and high standards.

State government should not only adopt a breeders' licencing system, they should also advocate to Federal government the need to enforce legislation to make this a nationally consistent approach, since animals are allowed to be bought and sold across State borders.

A breeders' licencing system must not only be independently reviewed, it must also be continually reviewed with, as suggested by Animals Australia, applications to expire and reviewed every 1-3 years. With the exception of cases involving health issues, all licenced breeders must provide desexed animals before sold. Any breeder found to be in violation of animal welfare laws must

be banned from a licence (and in so, from operating as a breeder) for life, along with receiving the penalties for such mistreatment under law.

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

Whilst pet stores should phase out the selling of dogs and cats which they receive from breeders (or factories), there are other methods which would allow dogs and cats to continue to be sold from stores.

Pet stores across Sydney are increasingly aware of animal welfare concerns from members of the public, as seen through the recent remodelling of [REDACTED], which has drastically increased the size of puppy and kitten stalls. Other pet stores, such as that in [REDACTED], display signs saying that they do not support puppy farms, and also sell “rescue cats” that are fully grown. This is a positive beginning to the phasing out of all animals in pet stores, which is the necessary action to take.

Signs of support from pet stores, whilst welcomed, must not be trusted as welfare certainty given the pet store industry’s heavy involvement with puppy farms. Breeders should be phased out as the secondary option for pet ownership, whilst rescue pups, kittens, cats and dogs should be the easiest option to buy.

I commend pet stores which sell shelter animals currently, as this is a positive step in the shift towards strengthening the relationship between shelters and pet stores. This should make the transition away from direct selling of animals and towards a reference role easier, in having healthy relationships between pet stores and rescue centres. This is a good opportunity to bring shelter animals and rescue groups into the retail market that often presents the ‘convenient’ option for people. Whilst I understand that due to space restrictions, adult-sized shelter dogs may be a challenging option, rescue cats seem a very reasonable approach. Whenever possible, I encourage the sale of shelter and rescue group puppies and kittens, or if possible, adult rescue cats and dogs in all pet stores, until such time as all animal sales from pet stores are phased out.

I advocate for laws that target impulse purchases of animals, including the legislation of a cooling-off and trial homing experience, where the pet store is responsible by law for ensuring that within the cooling off period, the animal is still wanted and cared for. Further, education is essential for purchasers, who must be provided, by law, with extensive information on the care of the animal that they purchase, including information on the particular breed’s tendencies and energy levels, as well as ensuring that the purchaser understands their legal responsibilities in caring for the animal.

Important organisations like Monika's Doggie Rescue and Community Cat Carers demonstrate an exceptional standard of animal welfare, by checking in with the people who adopt their animals for 6 months after the date of adoption. This includes house visits and ensuring that the animal is well-placed and adjusting to the particular individual or family. Not only does this heighten the chances of permanent success in adoption, it ensures that the animal's interests are prioritised. This works as an accountability measure for responsible pet ownership, and demonstrates significant care for the animal. Governments must appreciate that many of these organisations are only able to cope through the work of volunteers, and increased funding is absolutely essential to enable such efforts to continue, and further, to be funded for all rescue groups and shelters across NSW.

I propose also, that in order to lessen the numbers of impulse pet purchasing, Government should consider the option of pet licences being required for owners. Not only would this serve to dissuade people who do not consider the responsibility to come, it would also ensure that anybody who has a history of animal abuse, neglect or mistreatment, is not able to walk into a pet store and buy a new pet (as they would be ineligible for a pet licence). Currently, there are no measures to prevent this; a serious, and for pets, potentially life-threatening glitch in our laws. It would be unthinkable to place a child in a foster home or an adoption home without checking to see that the family does not have a record of child abuse; the same principle needs to be applied to companion animals.

Licensing for owners should not be an arduous or expensive procedure; however, it should include a day course, similar to an RSA or First Aid Course, which gives owners a basic understanding of how to look after pets, and especially, what the challenges are with different pets, to minimise the chances of people inviting a pet into their lives whose needs they are unable to meet (and thus, more animals ending up in shelters). This could also help to create a community for people with pets, and ensure that people have access to information/education on proper pet ownership.

Whilst there are some rescue groups and shelters (as mentioned above, Monika's Doggie Rescue and Community Cat Carers) that carry out significant screening processes in ensuring that the dogs that they re-home are going to a suitable home, pet stores must also adopt more rigorous questioning and educating to ensure the suitability of the animal to the proposed home. This is a necessary measure to put in place, until such time as pet stores completely phase out the selling of animals on site. Pet Barn currently has an exemplary approach, as they organise to have dogs and cats from Monika's Doggie Rescue and Community Cat Carers to feature at the stores on particular days. This is an

excellent example of positive relationships between pet stores and shelters and rescue groups, which should be considered as an outstanding alternative to pets being sold from pet stores.

e) Any legislative changes that may be required

I have outlined several legislative changes that are required so far, to prioritise the well-being of companion animals. I have included a holistic list of legislation changes that affect companion animals, both directly and indirectly targeting breeding practices:

- a) Breeders are to be held accountable through a licencing system, which standardises animal welfare. This licence should only be granted under conditions that are reviewed which satisfy proper diet for the animal, proper conditions including a stimulating physical, mental, emotional and social environment, proper bedding and living conditions, limited number of animals and only breeding according to consultation with and statistics shown from welfare organisations of common breeds abandoned, and only through both the current lack of, as well as the demand for particular breeds. That meaning, for each litter bred, there must be the appropriate number of prospective buyers to warrant the breeding.
- b) The Breeder's licence should be independently regulated, and reviewed every 1-3 years.
- c) The Government to consider implementing a pet ownership licence system. Any shelter, pet store or breeder would thereby not be permitted to sell an animal to anybody without a pet owner's licence.
- d) Animal welfare standards under law must improve, to ensure that animals receive holistic care under both breeders and owners, to include the proper care of an animal's social, physical, emotional and mental needs. This should be partnered with a community education initiative, with free education seminars that talk about responsible pet ownership. Free and accessible education should be a key part of this legislation.
- e) As desired by the RSPCA, and other animal welfare organisations, tougher laws and penalties should be put in place for animal abuse, mistreatment or neglect. The Government must work with the RSPCA, who deal with abused and neglected animals, to ensure that the law is adequately caring of animal rights.
- f) Currently, the RSPCA indicates that they rely on information from members of the public to find operating puppy farms. RSPCA Officers must be granted additional powers to investigate, similar to NSW Police Officers.

- g) Whilst acknowledging that it is necessary to make the abandonment of a companion animals illegal, the law must provide some flexibility for the Trap, Neuter and Release Programs, which neuter feral cats to ensure that they do not breed (http://www.catallianceaustralia.org/main/page_trap_neuter_and_return.html). This is an effective and humane solution to the threat that they pose to our natural wildlife, in ensuring that further litters are not bred. Furthermore, this system should be funded to ensure widespread success.
- h) To ensure that pet shops do not sell puppies and kittens that come from breeders, as this commoditises pet ownership and increases animals in shelters.
- i) That pet stores or shelters have a cooling off period for the animals they sell, in which period the purchaser is able to return the animal to the place of purchase.
- j) That newspaper advertising and the online industry for pet purchasing is heavily regulated, and only allows the advertising of pets that are from shelters, or sponsored by shelters (for people who are looking to re-home their own pet)
- k) Breeders should not legally be allowed to sell animals over the internet, nor promote their services with pictures of animals. Breeders should only breed when there is a demand. Therefore, anything likely to influence an uneducated purchaser or impulse purchase must be restricted (including promoting litters with photos of puppies/kittens – this right should be reserved for shelters).
- l) In recognising the high cost of living and the need for most individuals of working age to have full time hours, the law should increase opportunities for and promote wherever possible, the option to take pets to work. The law should also consider some possible changes to allowing pets on public transport, for example, perhaps allowing pets on certain buses or certain carriages on trains