

**Submission
No 319**

COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES

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The Chair
Joint Select Committee on Companion Animal Breeding Practices
Parliament House
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By Email: CABPinquiry@parliament.nsw.gov.au

Dear Mr Marshall

SUBMISSION IN RELATION TO THE COMPANION ANIMAL BREEDING PRACTICES INQUIRY

As you may be aware, Animals Australia is a peak animal protection organisation in Australia. On behalf of our member societies and individual members and supporters we are pleased to be able to provide you with the following input to the current inquiry into companion animal breeding practices.

A) THE CURRENT SITUATION IN NEW SOUTH WALES IN COMPARISON WITH OTHER JURISDICTIONS

Animals Australia acknowledges that New South Wales has a code called “Animal Welfare Code of Practice – Breeding Dogs and Cats”. Whilst this Code attempts to set a minimum standard for animal welfare in companion animal breeding facilities, when compared to standards set in laws, regulations and codes in other states, it is evident that New South Wales is in need of a number of amendments to its current framework to ensure the welfare of companion animals in breeding facilities is safeguarded. For example, when compared with Victoria’s framework, it is evident that New South Wales is lacking a mandatory breeding licensing system, caps on breeding animals in each facility and caps on the number of litters permitted to be had by each animal.

Animals Australia has a number of serious concerns for the welfare of animals in the companion animal breeding industry in New South Wales and believes that the current breeding and pet shop system worsens the already high rates of overbreeding and subsequent euthanasia of companion animals. Australians love their dogs and cats and most, if not all, Australians are horrified when they discover how a large percentage of kittens and puppies are bred for the animal trade. That is, bred in intensive breeding conditions that fail to meet the animals’ behavioural, social and physiological needs. Further, Australians are equally horrified when they

discover that tens of thousands of unwanted pets are euthanized in pounds and shelters across Australia each year. In New South Wales alone, each year an average of 46,800 cats and 68,800 dogs are impounded,¹ with approximately 30,300 cats and 21,600 dogs being euthanized.²

Animals Australia therefore recommends that a number of changes need to be implemented in New South Wales. These will be discussed below.

Animals Australia does not support the breeding and selling of companion animals, particularly when tens of thousands of unwanted healthy companion animals are killed in shelters and pounds each year. Animals Australia instead supports and advocates for life-saving rehoming and desexing strategies.

However, as long as commercial breeding of companion animals continues, no breeder should be permitted to escape the ambit of an enforceable regulatory framework. There must be a clear, enforceable, non-discriminatory framework that applies to all breeders of dogs and cats. Any gaps provide the opportunity for 'backyard' breeding, hoarding, and breeding above permit allowances. All of these issues are real and alive in all major States of Australia.

Further, a law is only as good as it is enforced. Administration and enforcement of the regulatory framework is critical to achieving and maintaining its objectives. Compliance cannot be taken for granted and regular, routine and unannounced inspections should take place by authorised officers to ensure compliance.

B) PROPOSALS TO LIMIT THE NUMBER OF ANIMALS ALLOWED TO BE KEPT BY BREEDERS

We note that at present, there is no limit on the number of animals allowed to be kept by companion animal breeders in New South Wales. Animals Australia strongly recommends that there should be a limit on both the number of animals allowed to be kept and the number of litters each breeding animal is permitted to produce. We believe that it is in the interests of animal welfare for there to be no more than 10 breeding dogs or cats at each facility. An RSPCA report in 2010 found that overcrowding in companion animal breeding facilities creates a number of animal welfare issues, including unhygienic living environments, increased spreading of contagious diseases and illnesses, increased chances of parasites, and psychological issues that can have a later impact on the chances of the animal being rehomed.³

We recognise that in order to transition to this cap successfully, there will need to be a phase out/retirement scheme introduced to allow breeding facilities to reduce the number of breeding animals in a sustainable manner. Animals Australia would propose that a viable phase-out period

¹ NSW Companion Animals Taskforce, 'Discussion Paper' (May 2012) at 4. <<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Companion%20Animals%20Taskforce%20Discussion%20Paper%20May%202012.pdf>>

² Ibid.

³ RSPCA Australia, 'Discussion Paper: Puppy Farms' (January 2010) at 3. <<http://www.rspcavic.org/documents/get-involved/Issues-Take-Action/Puppy%20Factories/RSPCAPuppyFarmDiscussionPaperJan2010.pdf>>

could be measured according to the number of female breeding dogs or cats at each facility. This phase-out cycle could require that no retired and re-homed breeding females can be replaced until such time that the facility is operating with 10 or less female breeding animals.

Further, Animals Australia recommends that there should also be a limit on the number of litters that each female breeding animal is allowed to produce. There are serious animal welfare issues related to overbreeding, which can lead to infection or death in female breeding animals. This includes issues such as increased chances of eclampsia, worm and parasite infestations and hair and weight loss. We would therefore recommend that there is a cap of three litters per breeding female introduced in New South Wales. After this litter limit is reached, the breeding female should then be required to be de-sexed and re-homed to a suitable environment (that is, a domestic environment or rescue group depending on any rehabilitation requirements).⁴

In addition, we recommend that there is a cap on the working life of male breeding animals to four years, after which time they must be de-sexed and re-homed to a suitable environment (that is, a domestic environment or rescue group depending on any rehabilitation requirements).

C) CALLS TO IMPLEMENT A BREEDERS' LICENSING SYSTEM

Animals Australia strongly recommends that there must be a breeders' licensing system in order to ensure compliance with animal welfare laws, regulations and codes. Without such a system, it is incredibly difficult to keep abreast of the breeding facilities in New South Wales and conduct regular audits to ensure animal welfare requirements are being met.

The lack of a breeder permit system and the ability to sell the animals with easy anonymity, makes tracing the source of these animals virtually impossible. Animals are sold through pet shops, on the internet, to export markets, from the boots of cars, through newspapers, at markets and through private appointments at, for example, petrol stations or supermarket car parks. This lack of ability to determine the source of the animals contributes considerably to the uncontrolled breeding currently taking place, and the breeding of dogs and cats in inadequate conditions.

This breeders' licensing system would include a registration process whereby all breeding facilities have to apply for a breeding license prior to operating. Before being granted a license, all facilities should be assessed by an independent auditor to ensure the facility complies with all relevant animal welfare laws, regulations and codes.

Additionally, Animals Australia recommends that desexing of cats and dogs is mandatory. Those who do not wish to desex their dogs or cats should be required to obtain a similar breeding license. We also recommend that desexing take place at an early age, as cats can breed from

⁴ RSPCA Australia, 'Discussion Paper: Puppy Farms' (January 2010) at 5. <<http://www.rspcavic.org/documents/get-involved/Issues-Take-Action/Puppy%20Factories/RSPCAPuppyFarmDiscussionPaperJan2010.pdf>>

four months of age.⁵ Recent scientific views, and the experience of animal shelters that have practiced early age desexing for over a decade, are that there are no associated welfare risks, but that there are substantial health and behavioural benefits instead.

Specifically, we recommend that the following requirements be made mandatory under the breeders' license system:

- A breeder permit for any and all types of breeding and in any number, and must state the maximum number allowable for breeding by this particular breeder.
- A state-based breeder register should be developed and maintained by the administering authority. This register should be accessible to members of the public so that they can find registered breeders and verify the accuracy of the breeder registration number provided by a breeder. This will make it easier for potential buyers to identify bona fide breeders and avoid purchasing from illegal or unscrupulous breeders such as puppy farms.
- The breeder permits annual registration fee should be sufficiently high to ensure it generates sufficient funds to cover the costs of the proper management and audit of breeders.
- Mandatory micro-chipping of all dogs and cats that come from breeders.
- The breeder permit number, with full details of the breeder, must be available via the microchip database. This includes the microchip details of the breeding animal, the breeder permit number, breeder name, address and contact details. The onus should be on the breeder/seller to ensure that the microchip database is updated with the details of the new owners when a transfer/sale is effected.
- Breeder permit numbers must be also made available at the point of sale.

Further, as part of the breeders' licensing system, a special taskforce should be created to ensure compliance by breeding facilities. All registered facilities should undergo inspections at least twice per year to ensure compliance. In order to ensure the special taskforce is able to carry out their inspections, it is strongly recommended that they have access to the general details of all registered breeders, such as name, address and contact details. Without such information, it would be almost impossible for the taskforce to carry out inspections. Further, the microchip database should have the ability to flag unusually high numbers of offspring compared to the number of breeding animals that a breeder has a permit for. The responsible authorities can then investigate the reason for this high number of offspring.

⁵ G2Z, 'Australian Cat Action Plan 2014-2016' (draft 3, undated).

<<http://www.g2z.org.au/assets/pdf/G2Z%20Australian%20Cat%20Action%20Plan%202014-2016%20130914.pdf>>

Animals Australia believes that this breeders' registration and auditing system should be based on a user pays system. This payment should be scaled upwards against the number of animals at the breeding facility.

Finally, we also note that there has been support for such a system from a wide variety of stakeholders, including the NSW Companion Animals Taskforce,⁶ the NSW Government,⁷ the RSPCA and the Pet Industry Association of Australia.⁸ Further, a breeder licensing system has also been adopted in other jurisdictions, including Victoria and the ACT.

D) THE IMPLICATIONS OF BANNING THE SALE OF DOGS AND CATS IN PET STORES

Animals Australia believes that there will be a number of positive implications to come from banning the sale of dogs and cats in pet stores and online.

Pets are frequently bought without appropriate consideration of the time, care and financial responsibility that comes with owning a companion animal. This lack of consideration can lead to inadequate housing or care, the abandonment, dumping or surrender of the animal. The latter is evident through the hundreds of thousands of unwanted animals that are euthanized in pounds and shelter each year, the number of strays and 'cat colonies' in local communities and abandonment complaints made to the RSPCA of local councils by concerned neighbours. The glamour of the glass cabinet in pet stores and shopping malls creates and fuels the 'impulse buying' issue.

Online sales present similar issues of impulse buying. It is very easy to order a puppy or kitten online and have it delivered to your door. The internet provides an effective buffer for breeders to mislead the public about the conditions in which their animals are bred in. Further, internet sales contribute to the issues of buyers purchasing the animals with inadequate experience or consideration into what is required to care for that animal, and does not allow the breeder or buyer to ensure that the animal is a good match to the home and family of the buyer.

Further, pet shops are a highly inappropriate environment for vulnerable puppies and kittens recently separated from their mothers and siblings. Responsible breeders do not (usually) sell puppies and kittens via pet shops which then makes the shops a channel for unscrupulous breeders.

Animals Australia strongly believes that the current pet shop system in New South Wales facilitates overbreeding of animals, irresponsible pet purchases and fuels the current

⁶ NSW Companion Animals Taskforce, 'Report to the Minister for Local Government and the Minister for Primary Industries' (October 2012) at 6. <<http://www.olg.nsw.gov.au/sites/default/files/Companion-Animals-Taskforce-report-to-Ministers.pdf>> (accessed 29 May 2015).

⁷ NSW Government, 'Government Response to Companion Animals Taskforce Recommendations' (undated). <<https://www.olg.nsw.gov.au/public/dogs-and-cats/companion-animal-taskforce>>

⁸ The Pet Industry Association, 'Pet Industry Association supports stricter regulations for all dog breeders and pet shops' (20 February 2015). <<https://piaa.net.au/pet-industry-association-supports-stricter-regulations-for-all-dog-breeders-and-pet-shops/>>

inappropriate breeding facilities which do not ensure animal welfare is safeguarded. As such, pet shop and internet sales of companion animals should be banned. [The only exception may be where a pet shop partners with a registered not-for-profit animal welfare shelter to assist with re-homing, with all the safeguards required by the recognised shelter].

E) ANY LEGISLATIVE CHANGES THAT MAY BE REQUIRED

The following legislative changes are recommended in New South Wales:

Prevention of Cruelty to Animals Act 1979

- Amendment of Part 2A Division 2 to ensure that powers are given to the inspectors of the special taskforce to routinely inspect breeding facilities, including unannounced inspections, in addition to powers to seize animals where breaches are detected.
- Section 34A allows for the adoption of codes of practice under the regulations. It would therefore be required for the current code of practice to be amended and adopted to include the proposed amendments contained in this submission. We believe that all requirements prescribed in the Code be made mandatory with the use of terms such as “must” instead of “should”. Alternatively, it is desirable for the Code to be enacted into the Regulations to ensure all standards are enforceable.
- The Act will also need to be amended to declare the special taskforce as an industry body which is authorised to receive the payments in relation to the user pays auditing system. See for example, Part 3, Divisions 2 and 3 of the *Australian Meat and Livestock Industry Act 1997*. The Regulation could also be amended to include a payment scale model under this system. See for example, the *Primary Industries (Excise) Levies Regulations 1999*.
- The Act will also need to be amended to include a section making it unlawful for companion animals to be sold via pet shops or online, unless in partnership with a registered not-for-profit animal welfare shelter to assist with re-homing

Other legislation

It is recommended that a bill similar to the *Animals (Regulation of Sale) Bill*, which was introduced by the Lord Mayor of Sydney and Independent MP, Ms Clover Moore in 2008, be reintroduced in New South Wales to ban the sale of pets in pet shops.

F) ANY OTHER RELATED MATTER

Animals Australia believes that the current Code requires a number of other amendments to ensure that the welfare of all animals involved in the companion animal breeding industry is safeguarded. We strongly recommend that the following amendments need to be implemented:

- Mandatory behavioural and psychological assessments on all breeding animals in each facility.
- Mandatory annual veterinary checks on all breeding animals.
- Mandatory veterinary checks on breeding females both before and after pregnancy.
- We believe that the enclosure sizes and enrichment requirements presently prescribed in the Code are inappropriate. We would recommend that enclosure sizes and enrichment requirements meet, at minimum, the standards prescribed in Victoria. It is crucial that companion animals in breeding facilities are provided with sufficient space and enrichment materials to carry out natural behaviours. Reports by the RSPCA have shown that when animals are denied this, it can lead to the development of repetitive behaviours and psychological issues (stereotypies), such as circling, excessive licking and howling. This not only has significant impacts on the animal's welfare, it also reduces the chances of the animal being re-homed successfully.⁹
- Staffing ratios that require a minimum of one full-time staff member to be onsite for every 15 animals housed in a facility, which must be maintained seven days per week.
- Mandatory exercise and socialisation for all animals. We recommend that, unless prescribed otherwise by a vet, the minimum exercise and socialisation times should be 60 minutes each day.

In addition, the following recommendations are made:

- *Obligation to breed out hereditary health problems*: Hereditary health and welfare problems occur in many pure breeds and so called 'designer dogs' through breeding for specific physical traits. This is a significant animal welfare problem and also a disaster for the owners of such dogs as they not only face enormous veterinary bills but also emotional pain. This problem should be tackled by ensuring that dogs that have a known history of physical or genetic defects that will affect the dog or its progeny's quality of life are not used for breeding. Legislation to this effect should be introduced. Victoria already has a system in place that ensures breeders that knowingly breed with such dogs can be prosecuted. It is recommended that New South Wales also adopts this legislation.

⁹ RSPCA Australia, 'Discussion Paper: Puppy Farms' (January 2010) at 3.
<<http://www.rspcavic.org/documents/get-involved/Issues-Take-Action/Puppy%20Factories/RSPCAPuppyFarmDiscussionPaperJan2010.pdf>> (accessed 7 June 2015).

- *Self-regulation of breeder groups*: In Victoria, the relevant Minister has the power to grant an “applicable organisation” status to certain breeder groups, which exempts them from mandatory compliance with the Code of Practice, and instead allows member groups to comply with their own code of ethics. Animals Australia submits that this system of self-regulation should not be followed in New South Wales. All breeders must comply with legislative requirements pertaining to their trade and must not be exempted under any circumstances.

NSW Companion Animals Taskforce Report – October 2012

Animals Australia also encourages the Committee to consider the recommendations made in the NSW Companion Animals Taskforce Report¹⁰. The Taskforce was established in 2011 by the Minister for Local Government and the Minister for Primary Industries to advise on companion animal issues, which included determining strategies to reduce the euthanasia rates in cats and dogs.

In May 2012, the Ministers released a discussion paper prepared by the Taskforce for public consultation, which canvassed a range of priority issues identified by the Taskforce, presented key findings and set out a series of options to address them. Over 1,400 public submissions were received, which were taken into consideration by the Taskforce in the drafting of this report.¹¹

The Taskforce held that it was essential for the NSW Government to commit to drive the recommendations contained in their report if change was to be realised in dog and cat welfare and management.

Some of the recommendations made by the Taskforce included:

1. A breeder licensing system should be established and the Companion Animals Register should be updated to capture breeder licence information for each animal record.
2. *The Animal Welfare Code of Practice – Breeding Dogs and Cats* should be revised to ensure that the existing guidelines it contains become enforceable standards.
3. The Companion Animals Regulation should be amended to remove the existing provision that allows recognised breeders to sell unmicrochipped cats or dogs to pet shops.
4. Relevant animal welfare codes of practice should be updated to require that at least one staff member working in a pet shop, breeding establishment, pound or animal shelter must hold a *Certificate II - Animal Studies* qualification.
5. The Companion Animals Act should be amended to require cats and dogs to be registered on an annual basis.

¹⁰ Available at: <http://www.olg.nsw.gov.au/sites/default/files/Companion-Animals-Taskforce-report-to-Ministers.pdf>.

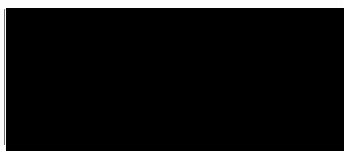
¹¹ Ibid, at 1.

6. Cat and dog registration fees should be reviewed and set at such a level to provide an additional incentive for owners to desex their animals.
7. A new discounted registration category 'Desexed animal – purchased from a pound or shelter' should be established to further encourage the purchase of desexed cats and dogs.
8. A grant funding program should be established for councils and partner organisations to deliver targeted microchipping, registration and desexing programs.
9. Measures should be introduced to improve compliance with companion animal legislation data entry requirements.
10. A community-wide socially responsible pet ownership education campaign should be developed.
11. The socially responsible pet ownership school-based education program should be expanded to include the preschool age group.
12. Better practice guidelines should be issued to councils with a view to standardising impounding practices.
13. The Companion Animals Register should be updated to provide a centralised impounded animal management tool for use by all councils, relevant State agencies and animal welfare organisations.

Animals Australia notes that these recommendations have not been adopted. We strongly recommend that the Committee takes into consideration these recommendations throughout the inquiry and takes steps to implement them in New South Wales.

Please contact me if you require further information or explanation.

Yours sincerely,



Glenys Oogjes
Executive Director

