

**Submission
No 289**

COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES

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Submission from Sentient, The Veterinary Institute for Animal Ethics to the Joint Select Committee on Companion Animal Breeding Practices in New South Wales

Sentient advocates for a nationally consistent approach to the regulation of companion animal breeding practices and we welcome the opportunity to report to this NSW Joint Select Committee. Limits on the commercial pet breeding industry are essential to address the growing problem of companion animal overpopulation and to identify and eliminate large scale farming of companion animals ('puppy factories'), smaller scale breeding with poor welfare standards and cases of animal hoarding.

We believe this approach must include the following:

- Legislation to support a mandatory breeders' licensing system, applicable to all breeders without exemption
- Legislation to enforce compulsory microchipping of all dogs and cats by the age of 12 weeks and before sale and to require that microchip records must be updated for any change of ownership or address
- Legislation to ban the sale of dogs and cats in pet stores, except where they are being sold for rehoming on behalf of registered animal shelters and other rescue organisations
- Legislation to ban the sale of dogs and cats via online trading sites unless the seller is a registered breeder
- Limitations on the number of animals allowed to be kept by breeders and the number of litters per animal
- Revision of the *Animal Welfare Code of Practice – Breeding of Cats and Dogs (2009)* to include mandatory Standards (not Guidelines) for all breeders, and to be extended to all species kept as companion animals in Australia
- Independent monitoring and enforcement of companion animal breeding practices by accredited inspectors from animal welfare organisations (eg. RSPCA), in collaboration with local government animal management officers
- Increased Inspectorate powers to allow unannounced entry to breeding premises without permission.

Our comments are focused on dogs and cats because these are the most commonly owned pets in Australia. According to a report by Animal Health Alliance, 'Pet Ownership in Australia 2013'¹, 39% of Australian households own a dog and 29% own a cat. In terms of animal numbers, however, fish, followed by birds, are the most numerous pet type, with total populations in Australia of 10.7 million fish, 4.8 million birds, 4.2 million dogs, 3.3 million cats and 2.2 million other pets, including small mammals (such as rabbits and guinea pigs) and reptiles. We therefore recommend the establishment of a taskforce to identify the minimum enforceable welfare standards required for all species commonly kept as pets in Australia.

¹ https://petsinaustralia.com.au/wp-content/themes/_TBST-BusinessAccelerator-v3/library/Downloads/Pet-Ownership-in-Australia-2013.pdf

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

This inquiry is timely due to the ongoing exposure of puppy farms with poor welfare standards in NSW and other states. There is an urgent need for legislation that would effectively ban such institutionalised cruelty. The *Domestic Animals (Breeding) Legislation Amendment Bill*, recently passed in the ACT, criminalises the intensive breeding of female dogs and cats. The Victorian government has announced plans to tackle the issue by only allowing pet stores to sell animals linked to registered shelters, and by limiting the number of breeding females in any facility to ten, with a further lifetime limit per dog of five litters. We propose that similar legislation be introduced in NSW to abolish the suffering caused by puppy farms and other unethical breeders. It is concerning that breeders do not even need to be registered in NSW as they do in Victoria and the ACT (under Section 45 of the *Domestic Animals Act 1994*, and Section 74 of the *Domestic Animals Act 2000* respectively) and likewise, in WA for cat breeders (under the *Cat Act 2011*).

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

This is highly advisable for health, welfare, and safety reasons. Breeders should keep a maximum of ten breeding females. Each animal must have access to enclosures large enough to walk around and containing separate areas for elimination, feeding, and sleeping, and access to free exercise runs or areas out of their cage for at least 10 hours a day.

Additionally, there should be a minimum breeding age of 2 years for female breeding cats and dogs, 2.5 to 3 years for large breed female dogs, and 1 year for male cats and dogs. This is to prevent breeding from females during their first oestrus (as they are not all skeletally mature) and to prevent increased metabolic demands on breeding animals while they are still growing. All animals should also be examined by a veterinarian before breeding, to ensure suitability and fitness to breed, and a veterinarian certificate should be issued to confirm this. Females should be bred a maximum of three times in their lifetime for dogs and six times for cats, with each gestation separated by at least one oestrus in dogs and cats.

c) Calls to implement a breeders' licensing system

This is essential for both consumer protection and to aid in the management of animal health and welfare. All dogs and cats must be microchipped by 12 weeks of age, with that microchip registered to the breeder until transfer of ownership. Transfer of ownership must occur at the point of sale. Breeders must be licensed under a state government licensing body and listed on a publically accessible register of licensed breeders. The annual licensing fee should go towards premise inspections and legislation enforcement. Each microchipped animal must be associated with the breeder license until point of sale. New licenses should only be granted after payment of a new license application fee and after premise inspection. Ongoing premise inspections of licensed premises should occur annually to ensure mandatory standards are maintained.

All animals must have records, including:

- name (or other identification)
- microchip number
- sex
- breed
- date of birth
- dam and sire names, microchip number and breeder's details
- a complete health care and veterinary history including:
 - vaccination records
 - internal and external parasite control
 - heartworm control (dogs only)
 - number of litters the animal has had
 - diagnosis and treatment of any major injuries or illnesses
 - identification of birth deformities and inherited disorders and their management (if any)

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

Sentient supports a ban on the sale of dogs and cats in pet stores. The only exception to this would be co-operative arrangements whereby pet stores sell animals to rehome on behalf of registered animal shelters and other rescue organisations, as a way of increasing shelter access to the public.

Not allowing the routine sale of dogs and cats in pet stores would reduce support for unethical breeding practices, including puppy farms, by eliminating one of their major sales outlets. Banning the sale of dogs and cats in pet stores may also reduce impulse purchasing, and therefore, pet relinquishment and the resulting financial and logistical burden on shelters and other rescue organisations. It may be speculated that such a ban would also directly increase the number of animals adopted from these organisations. An analysis of pet procurement channels by Galaxy Research 2013¹ found dogs are most commonly obtained through breeders (30%), followed by friends or neighbours (20%), pet stores (16%) and then animal shelters (15%).

One important flow-on effect from banning the sale of dogs and cats in pet stores is the potential for an increase in online sales. Therefore, we recommend legislation to ban this practice unless the seller is a registered breeder.

Banning the sale of dogs and cats in pet stores is unlikely to remove an essential source of information about pet related issues. According to the report by Animal Health Alliance¹, only 6% of respondents rated pet stores as the best source of such information, in contrast with 54% who nominated veterinarians as such.

e) Any legislative changes that may be required

- State and Territory legislation requiring all dog and cat breeders to be licensed. This should be applicable to the owners of even one entire dog or cat, regardless of whether they intend for the animal to breed (as currently applies in the ACT).
- State and Territory legislation to enforce compulsory microchipping of all dogs and cats by the age of 12 weeks and before the point of sale. The legislation must also require that microchip records must be updated for any change of ownership or address.
- Legislation to ban the sale of dogs and cats in pet stores, unless they are linked to a registered animal shelter (or other rescue organization) and are being rehomed on behalf of that organization.
- Legislation to ban the advertising and sale of animals through online trading sites unless the seller is a registered breeder, and requiring all breeders to allow prospective purchasers to visit their breeding premises.
- Revision of the current *Animal Welfare Code of Practice – Breeding of Cats and Dogs (2009)* as a system of enforceable Standards (not Guidelines), to be extended to all animal species kept as companion animals in New South Wales and the rest of Australia. The revision of the current version must include the following as Standards: socialization of puppies and kittens, with examples given; assessment of suitability of potential owners; education of potential owners about animal care; prevention and management of birth and hereditary defects; environmental enrichment; breeder responsibility for lifelong rehoming after breeding and for the rehoming of returned animals; euthanasia only to be performed by a veterinarian; limiting the number of breeding females to ten; limiting the lifetime number of litters per animal to three for dogs and six for cats, with each gestation separated by at least one oestrus; and minimum breeding age of 2 years for female breeding cats and dogs, 2.5 to 3 years for large breed female dogs, and 1 year for male cats and dogs.
- Increase Inspectorate resources to facilitate annual audits of licensed breeders and increase Inspectorate powers to allow unannounced entry without permission to licensed and unlicensed breeding premises to inspect the condition of animals and take action to enforce animal welfare legislation.

f) Any other related matter

This legislation should apply to any person with one or more entire animals, including racing greyhounds and working dogs.

All animals must have a veterinarian assigned to their care, as outlined in the current Code of Practice, and breeders must have access to 24-hour emergency care.

Breeders should have a health management plan, developed with their veterinarian, which includes plans for: infectious disease management and prevention, vaccinations, nutrition, behavior and exercise, animal husbandry, and health inspections of new puppies and kittens before adoption and of breeding animals before breeding and during and after parturition. This must be reviewed annually. It should also include protocols for rehoming or euthanasing animals. Euthanasia must be by barbiturate overdose carried out by a veterinarian, except in emergency situations.

All animals being sold must be up to date with relevant vaccinations and must be accompanied by a vaccination record including due date for next vaccination, parasite control record, medical record, and health declaration, including details of any known physical abnormality at the time of sale.

Where a birth or heritable defect is identified, the parents and any offspring from those parents still held by the breeder must be tested and managed for that heritable defect, including desexing of these animals. Animals must not be sold before 8 weeks of age.

First and second-degree matings are not permitted.

Animals should be retired from breeding when:

- male dogs have reached six years of age and are no longer veterinary certified for breeding
- females dogs have had three litters and/or
- dogs are considered no longer suitable for breeding or no longer required by the business
- female cats have had six litters

If the animal is suitable for rehoming, every effort must be made to rehome that animal to an appropriate home, unless the breeder is able to keep the animal as a domestic pet.

Regards,

Dr Rosemary Elliott, President
Dr Adele Lloyd, Vice President
Dr Katherine van Ekert Onay, Secretary
Mr Matthew Lloyd, Public Officer

14 June 2015