

**Submission
No 234**

COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES

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Joint Select Committee on Companion Animal Breeding Practices in New South Wales 15/06/2015
Parliament House
Macquarie St
Sydney NSW 2000

Dear Joint Select Committee,

Re: Companion Animal Breeding Practices in New South Wales (Inquiry)

Thank you for the opportunity to make a submission the Parliamentary Committee conducting the inquiry and report on companion animal breeding practices in New South Wales. I am writing in my capacity as the Greens NSW spokesperson for Animal Welfare. This submission has been developed in consultation with the Greens Animal Welfare and Protection Working Group and has drawn upon the work of many organisations committed to improving animal welfare outcomes, such as Oscar's Law and Lawyers for Companion Animals.

There is significant and long held concern in the community about the conditions of intensive breeding of companion animals in New South Wales. Investigations by animal welfare activists continue reveal animal abuse and cruelty in intensive breeding facilities, including a lack of veterinary care, unhygienic conditions and overcrowding. Many people continue to purchase dogs and cats from intensive breeders with little or no knowledge of the terrible conditions in which they can be raised.

Action has been taken in the ACT and Victoria in Australia, as well as in many jurisdictions and cities around the world, including in United States, Canada and the Republic of Ireland. New South Wales should be amongst them, not lagging behind. Voluntary schemes have not and will not work in reducing animal cruelty and thus the Committee's response needs to result in concrete legislation.

The Greens NSW policy¹ on animal welfare calls for:

- The abolition of puppy farms, backyard breeding and other intensive companion animal breeding practices.
- Effective laws to prevent the impulse purchase of companion animals, including cooling-off periods and trial homing, and the provision of comprehensive pre-purchase information;

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- Legislation to regulate the sale of pets, including transparent tracking from birth;
- The phasing out of the sale of live animals in pet shops;

There are a number of obvious problems with the way companion animal breeding is regulated in New South Wales:

There is currently no clear legislation in NSW that allows the seizure of dogs from illegal, non-compliant puppy factories, which means that puppy factory dogs can remain in these conditions indefinitely. The legislation designed to protect the welfare of companion animals has dismally failed them.

Local councils in New South Wales are currently under no obligation to inspect registered breeders premises. Given the very clear and constant breaches of the NSW Animal Welfare Code of Practice by many puppy farm operators as exposed by animal welfare investigators, it is obvious that this system is not working and that specific standards need to be legislated, including with more significant penalties. Strong standards and guidelines also need to be accompanied by effective regulation.

Currently, breeders are under no obligation to release the location of their property to consumers, so consumers are unaware of the conditions in which the animals are forced to live and breed. There is no transparency concerning breeding history, and companion animals with genetic and behavioral disorders are sold through unregulated platforms such as Gumtree and the Trading Post. In turn, consumers are surrendering companion animals with problems stemming from the breeding practices to animal shelters, adding to the extremely high euthanasia rate in New South Wales.

The following recommendations need to be implemented urgently to address the issues highlighted above and protect animals currently being abused or at risk of abuse, as well as ensure transparency for consumers, many of whom are not aware they may be buying into a cruel system when purchasing a companion animal.

1. Legislated Mandatory Breeder Licensing Scheme

A new system of breeder licensing must be developed and implemented in New South Wales. The starting position of this scheme should be similar to the Australian Capital Territory 'Domestic Animals (Breeding) Legislation Amendment Bill 2015' which makes it an offence to breach the 'breeding standard' which is determined by the Minister by regulation. In NSW, we propose that it should be an offence to breed a dog without a license issued by the department responsible for animal welfare, currently the Department of Primary Industries. This license would specify a whole range of minimum standards to ensure animal welfare and well-being requirements are being met by the breeder. This

license should only be issued following an initial inspection and accredited annually through further inspections by the Department of Primary Industries to ensure standards are being maintained.

The standards themselves should, as much as practicable, be enshrined in law and not left to the discretion of the Minister of the day through regulations, who may be vulnerable to pressure from the industry to water them down. These standards must include:

- Minimum enclosure specifications appropriate to the size and breed of the animal and that specify that an animal is to be kept in a hygienic and sanitary state with separate areas for sleeping (including comfortable bedding), eating, and urinating/defecating. These enclosures must be secure, be equipped with enrichment items and also allow the animal to move around freely and exhibit natural behaviours.
- A strict limit on the number of animals a breeder can keep at any one time. The Victorian Government, for example, has called for a limit of ten dogs. NSW should have a strict limit, developed in consultation with veterinarians and animal welfare organisations.
- A strict limit on the number of times an animal can be bred, and protections for animals that reach the end of their breeding cycle. The Gold Coast Breeding Code of Practice, for example, recommends a dog not be bred more than four times during their lifetime. An animal at the end of its breeding cycle must be desexed and given a permanent home.
- Access to fresh water and a diet appropriate to the individual needs of the animal as well as access to veterinary care as required.
- Access to exercise that allows the animal to run freely and to choose and control its own environment. This must include where possible interaction and games with humans and other species appropriate animals.
- A register that records every companion animal born on premises, detailing particulars and description of the animal, the dam and sire, siblings in the breed, medical history, microchip and whether that animal has been sold and to whom.

2. A ban or restrictions on the sale of companion animals in pet shops

With an estimated 250,000 animals euthanized annually in Australia and hundreds of animals in animal shelters, there is clearly an oversupply of companion animals. Approximately 60,000 animals are

ethanized in New South Wales alone, forcing rescue groups to expand their resources, volunteer hours and efforts, with no Government subsidiesⁱⁱ.

The constant demand for companion animals from pet shops is inevitably met by puppy farms. Having pet dogs and cats on display in pet stores promotes impulse buying of companion animals, many of whom end up at animal shelters. Given the massive oversupply of companion animals currently in shelters, there is no need to be continually inducing demand for more animals to be bred. Anecdotal evidence from the United States suggests that a ban on companion animals in pet shops leads to a drop in puppy farm activity and a spike in adoptionsⁱⁱⁱ.

Another alternative model is restricting the sale of companion animals in pet shops to just shelter animals to provide another avenue for permanent rehoming of these animals.

3. Regulation of online sales of companion animals.

There is also significant online trading and sale of dogs from puppy farms. If there is not parallel action to regulate this, a puppy farm breeding ban and pet shop sale ban would be undermined. It is therefore recommended that there be a complete ban on selling dogs online unless the owner can provide the registration and original breeder's license.

The online sales forums, [REDACTED] should be monitored by the Department of Primary Industries or, preferably, a new Independent Office of Animal Welfare.

4. An Independent Office of Animal Welfare

Relying on the Department of Primary Industries to police animal cruelty and animal welfare standards in New South Wales has manifestly failed, demonstrated by the constant evidence of animal abuse uncovered by animal welfare investigators and the very low rate of prosecution for animal cruelty. The Greens NSW, and many animal welfare organisations, has proposed establishing an Independent Office of Animal Welfare under the Department of Premier and Cabinet to monitor, enforce and drive change in animal welfare law and practice in NSW.

The office would be the primary body responsible for administering the Prevention of Cruelty to Animals Act 1979 (PoCTAA) and regulating animal welfare in NSW, including the breeder licensing scheme and would strip the Department of Primary industries of its role as the key animal welfare regulator in NSW. It should be staffed to be able to implement and monitor the breeder licensing scheme, including

inspections of premises and the seizure of animals from non-compliant breeders as well as the prosecution of individuals and companies that breed animals outside the breeder licensing scheme.

The office would be empowered to:

- Monitor compliance with the PoCTAA including the Prevention of Cruelty to Animals Regulation 2012 and incorporated Codes of Practice.
- Oversee the appointment of inspectors and officers under the PoCTAA and manage their performance and any other related animal welfare legislation, including any companion animal legislation.
- Licence certain activities relating to animal welfare for example dog and cat breeding, slaughterhouse regulations, farm animals, horse racing and greyhound racing and kangaroo management plans and make recommendations to improve animal welfare outcomes and end cruel practices.
- Review existing animal welfare policy and laws in NSW and advocate for reforms necessary to improve animal welfare outcomes.
- Investigate breaches of existing animal welfare laws and policies and prosecute organisations and individuals who break NSW animal welfare laws.
- Liaise with the police and the Department of Public Prosecutions (DPP) to detect, enforce and prosecute animal cruelty cases.
- Develop formalised relationships with animal welfare organisations to detect and report possible animal welfare abuse.
- Commission research and prepare reports on animal welfare issues relevant to the state of NSW
- Manage the animal welfare grant program

Conclusion

The current system is manifestly broken. There must be a total and urgent overhaul of the way companion animal breeding occurs in New South Wales. There needs to be a legislated breeder licensing system that is actively monitored by Government inspectors as well as a ban (or at least major restrictions) on the sale of animals in pet shops and online. Stripping the Department of Primary Industries of its powers as the current regulator and transferring responsibility for monitoring and

enforcement of animal welfare regulations to a well-resourced Independent Office of Animal Welfare is crucial ensuring effective monitoring and enforcement of animal welfare in NSW.

Please do not hesitate to contact me or my office for any further information.

Kind Regards

Dr Mehreen Faruqi



Greens NSW MP

Spokesperson for Animal Welfare

ⁱ <http://nsw.greens.org.au/policies/nsw/animals>

ⁱⁱ <http://www.deathrowpets.net/background.html>

ⁱⁱⁱ http://www.animalsaustralia.org/media/in_the_news.php?article=1142