

**Submission
No 75**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

Organisation: Humane Society International (HSI)

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4 March 2022

The Hon. Mick Veitch – Chair
Inquiry into Puppy Farming in New South Wales
Parliament House
Macquarie Street
SYDNEY NSW 2000

Via Inquiry website

Dear Mr Veitch

Submission in relation to the Inquiry into Puppy Farming in New South Wales

Humane Society International (HSI) welcomes the opportunity to provide this submission in relation to puppy farming in New South Wales (NSW) and the [Companion Animals Amendment \(Puppy Farms\) Bill 2021](#). HSI is the world's largest conservation and animal welfare organisation with over 10 million supporters globally. We have more than 25 years' experience in Australia working to achieve an ecologically sustainable and humane world for animals.

HSI submits that in NSW regulations should be strengthened so they effectively prevent the intensive breeding of dogs and cats in puppy farms for commercial sale. We are concerned that these intensive breeding establishments remain legal and continue to operate across the state, along with the sale of companion animals supplied from puppy farms in pet shops and online.

The increased demand for animal companionship during the pandemic exacerbates the urgency of this legislation, and there is also a need to curb irresponsible backyard breeders. HSI offers the following comments which we trust will be considered and contribute towards improved animal welfare outcomes for both cats and dogs across the state.

a) The provisions of the [Companion Animals Amendment \(Puppy Farms\) Bill 2021](#)

HSI would welcome the introduction of laws to end the intensive farming of dogs and cats across the state of NSW. Breeding companion animals needs to be highly restricted and strictly regulated to prevent animal cruelty and poor welfare outcomes for both breeding animals and offspring, and given the oversupply of companion animals leading to high rates of pet abandonment, euthanasia, and the

need for rehoming¹. In 2020/2021 according to the *Pound Data Report* by the Office of Local Government (OLG), more than 2,000 dogs and almost 7,000 cats were euthanised in pounds across the state over a 12-month period for various reasons including poor health.

HSI encourages the NSW Government to follow Victoria's framework for regulating breeding of companion animals and we welcome the significant progress being made in Western Australia (WA). Victoria introduced the [Domestic Animals Amendment \(Puppy Farms and Pet Shops\) Act](#) in 2017, effectively bringing an end to puppy farms. We are hearing reports that some breeders are shifting their businesses across from neighbouring Victoria into NSW to avoid the stricter legislation, which is a clear indication that NSW legislation needs to be urgently strengthened.

In December 2021, the McGowan Government's [Stop Puppy Farming](#) legislation passed to regulate the breeding and sale of dogs in WA, as well as help to prevent neglect and reduce the number of animals surrendered to pounds and euthanised. Overwhelming community support was received during the consultation with more than 5,000 submissions received.

HSI welcomes and offers our full support for the [Companion Animals Amendment \(Puppy Farms\) Bill 2021](#) (the Bill) put forward by the Animal Justice Party (AJP), and modelled on the 2017 Victorian legislation. It applies to both puppy and kitten breeders. This model will help to ensure consistency between states. Following the lead of Victoria and Western Australia it would regulate to prevent intensive breeding and 'puppy farms'.

This Bill continues to allow consumers to buy companion animals, and allows breeders to continue supplying them, but would help to stamp out irresponsible and unethical practices and the serious welfare risks associated with large-scale intensive breeding facilities. These intensive operations would have the opportunity to modify their business models in line with the new laws, particularly as we note the Bill will take 12 months to come into effect after passing the parliament.

b) The animal protection issues associated with puppy and/or kitten farming

In NSW, a single puppy farm can legally keep hundreds of dogs and numerous cats in an intensive system for their entire lives producing litter after litter for the pet trade. Due to the poor husbandry often associated with these intensive breeding establishments, the animals they sell to consumers are often sick and may suffer from painful or life-limiting congenital disorders. They may also show signs of mental suffering as a result of several factors such as poor living conditions, inbreeding, lack of socialisation, and insufficient care. A [2017 research paper](#) that reviewed 7 published studies and 1 anecdotal report involving populations of dogs in the United Kingdom, Australia, Italy, and the United States that had been born in high-volume commercial breeding establishments and sold to the consumer directly via the Internet or indirectly through retail pet stores revealed an increased incidence of behavioural and emotional problems, particularly aggression. This just contributes to further potential problems when attempting to place them in a suitable forever home.

With current legislation providing for inadequate oversight, it is unsurprisingly there have been recent examples of serious animal cruelty and neglect occurring at NSW puppy farms:

¹ Pound and Dog Attack Statistics from the NSW Government Office of Local Government (OLG): <https://www.olg.nsw.gov.au/public/dogs-cats/responsible-pet-ownership/pound-and-dog-attack-statistics/>

In September 2020, [two puppy farms were raided](#) by the RSPCA in Inverell and Wagga NSW after allegations that a pregnant dog died after being denied veterinary care for four days.

In February 2021, [RSPCA NSW seized 79 dogs and puppies](#) requiring varying degrees of veterinary treatment from a breeding establishment in Central West NSW following reports of alleged breaches to the *Prevention of Cruelty to Animals Act 1979*.

Another case this time in Queensland in July 2021 saw [almost 70 young dogs seized from two puppy farms](#) in Toowoomba and Bundaberg, reportedly filthy, malnourished, and locked in cages. An RSPCA spokesperson said one puppy was so weak and lethargic it died on the night it was seized by officers.

Similar issues resulting from the puppy trade are also prevalent in the United States which is home to an estimated 10,000 puppy mills that keep around 500,000 dogs for breeding. A recent [undercover investigation by the Humane Society of the United States](#) at American Kennels pet store in Manhattan, New York City, revealed sick and dying puppies stored in the designated sick rooms and a basement, hidden from the public. Some of the ailing dogs were sold to customers who were not made aware the puppies were sick and sourced from puppy mills. The neglect, filth and lack of appropriate veterinary treatment that these animals were forced to endure is unacceptable and completely unnecessary.

Animals kept in breeding establishments must be provided with adequate food of sufficient nutrient quality, as well as clean water and shelter. HSI does not support the feeding of raw offal to dogs in an effort to reduce costs, even if provided in conjunction with a complete worming program. Puppies must not be left without food for long periods and cats must be provided with at least two feeds per day to meet their welfare needs.

HSI opposes the selective breeding of companion animals to produce physical changes such as exaggerated features or behavioural changes as they can be harmful to the animals' health and welfare.

HSI objects to the inbreeding of companion animals (both first degree (father to daughter) and second degree (grandfather to granddaughter) mating) because it leads to more inherited disorders, and can negatively impact their health or welfare.

Minimum recommendations for socialisation and handling for companion animals should be set, including regular socialisation with humans and other animals of the same species, crucial for stress reduction and social development particularly for puppies and kittens.

The Bill put forward by the AJP offers a good solution to this issue, helping to resolve many of the numerous welfare problems associated with the puppy farm trade.

c) Consumer protection issues associated with the sale of pets from puppy and/or kitten farms online and in pet shops

The victims of this trade are not only the animals, but also the many consumers who unwittingly purchase sick puppies after being falsely assured by breeders or pet shop staff that the animals were ethically produced and raised. Many will often spend thousands of dollars in veterinary bills attempting to treat conditions caused by poor husbandry, and some may be faced with the death of their puppy shortly after purchase. There are examples of incidents such as these in this recent news report from Channel Ten's [The Project](#). As they point out in the news report, it should not be up to unsuspecting

consumers searching for their life-long companion to do all the research just to ensure the animal comes from an ethical and responsible breeder rather than a puppy farm. Lack of transparency and weak regulations mean many consumers inadvertently fuel a trade they morally oppose.

HSI recommends that legislation in NSW should prohibit commercial pet shops from selling puppies and kittens from breeders, and instead to only source dogs and cats from registered animal pounds, animal shelters or community foster care organisations. This would remove a major market for puppy farms, help reduce impulse purchases and reduce the burden on rehoming services, and also allow pet shops to play an important role in educating the public about the industry and responsible pet ownership.

Consumers searching for a specific breed can either contact a registered breeder, or alternatively a breed specific rescue group, many of which have puppies available. It is further important that only de-sexed animals are sold in pet shops. HSI also encourages improvements in the matching of pets with suitable owners to reduce the risk of them being surrendered soon after purchase.

In the United States as of July 2020 more than 360 localities and three states (California, Maryland, Maine) have passed ordinances to ban the sale of puppies in pet stores largely as a result of citizens' concerns².

d) The adequacy of the current legislative and enforcement framework, including the *Animal Welfare Code of Practice – Breeding Dogs and Cats*

With regards to the existing framework, the *Protection of Cruelty to Animals Act 1979 (NSW)* does not address puppy farming so separate legislation is needed. The *Animal Welfare Code of Practice – Breeding dogs and cats* lacks any cap on the number of dogs or limits on the number of litters produced and is rarely enforced.

Further, the introduction of new rules in 2018 meant that dog and cat advertisements required for a microchip number or an approved identification number (Breeder ID) to be included, but it appears that this provision has not significantly improved the situation with the lack of minimum standards, monitoring, or appropriate oversight³. An investigation into the online sale of dogs in NSW in 2020 revealed that at least \$1.5 million worth of puppies were being sold online under fake microchips.

The existing framework is failing the animals it is in place to protect and continues to allow mass overbreeding without sufficient control. For instance, there are no breeder thresholds to cap the number of fertile females a breeder is allowed to keep, and there are no limits on the number of times a fertile female is made to produce litters. Consequently, a puppy farm is legally able to operate whilst housing more than 100 breeding female dogs who are made to produce puppies for their entire lives.

With the absence of state-wide licensing or a registration scheme for all breeders, the exact number of puppy farms currently operating within NSW is unknown. HSI believes it is important that all breeders are licenced and regulated to provide for the welfare of all animals destined for commercial sale, with robust regular monitoring, oversight, and full transparency. Further transparency helps to ensure

² The Humane Society of the United States, "Localities Banning Retail Pet Store Puppy Sales," online at [humanesociety.org/pmlocalities](https://www.humanesociety.org/pmlocalities) (last accessed September 15, 2020).

³ 'NSW puppy scam', Daily Telegraph, 26 October 2020: <https://www.dailytelegraph.com.au/news/nsw/there-are-growing-calls-to-make-puppy-farming-in-nsw-illegal/news-story/29f3592c93491b10b8facbc86b092560>

regulators can adequately identify and track down poor welfare conditions and unethical suppliers, regardless of the number of animals they have in their care.

e) The extent to which the recommendations of the 2015 Joint Select Committee on Companion Animal Breeding Practices in NSW have been implemented by the NSW Government

Although the NSW Government supported many of the recommendations of the 2015 Joint Select Committee, almost none have been implemented. HSI fails to see any positive welfare impacts they have had on companion animals kept in puppy farms.

f) The impact of the NSW Government Consultation Paper ‘Licensing and regulation of cat and dog breeders’

The proposed AJP Bill would answer many of the issues HSI raised in the NSW Government Consultation Paper ‘Licensing and regulation of cat and dog breeders’, including a cap on the number of breeding dogs and a cap on litter numbers.

g) The impact and effectiveness of the NSW Government ‘Puppy Factory Taskforce’ announced on 23 October 2020

HSI notes that this task force is limited by current laws which are inadequate.

h) The impact and effectiveness of the Domestic Animals Amendment (Puppy Farm and Pet Shops Act 2017 (Vic) on puppy farming in Victoria, and the consequences for the puppy farming industry in NSW

It is concerning that some puppy farm operators are shifting their businesses across from neighbouring Victoria into NSW to avoid the stricter legislation, which is a clear indication that NSW legislation urgently needs to be strengthened. For example, dog breeder Ashely Fenn⁴ has said Victorian breeders were moving to NSW because laws were now too restrictive. He said, “*Victoria has recently changed legislation that has meant breeders are burdened with extensive administration and red tape.*”

We are aware opponents of stronger regulation claim it will drive irresponsible breeding underground. HSI thinks this is a bogus argument. As is always the case, governments need to commit sufficient resources to enforcement in the regulation of activities that society chooses to prohibit.

Improved animal cruelty laws in other states clearly help towards better protections for companion animals long-term and highlight the importance for NSW follow their lead, rather than using them as an excuse for not passing stronger puppy farm legislation.

i) The challenges faced by local councils in respect to development applications for puppy farms

Some councils have expressed that they feel restricted in their capacity to place regulations around the establishment of animal breeding facilities, and some councillors have conveyed they feel constrained

⁴ <https://www.abc.net.au/news/2021-02-27/thousands-sign-petition-against-proposed-moama-puppy-farm/13171644>

by the state's legislation. Early last year a development application⁵ was lodged for a dog breeding centre with the Murray River Council in NSW, and a council spokesperson said that a few thousand submissions were lodged against the proposal. In addition, a [petition attracted 30,000 signatures in a week](#) opposing the farm after numerous local residents objected to the prospect of living in close proximity to such a facility, concerned about the treatment of the animals there. The farm was proposing to host up to 200 dogs and 120 puppies. Despite this strong opposition, the puppy farm has since been approved because the council did not have the legal grounds to reject it, with a lack of power to refuse these DAs. This causes frustration for councillors and distress for local residents.

Late last year [65 councillors from local governments across NSW signed a letter](#) to Local Government Minister Shelley Hancock, Agriculture Minister Adam Marshall and NSW Premier Dominic Perrottet calling for the government to take urgent action on the issue. It explained how councils have limited power to refuse these development applications under planning laws, but they receive significant opposition from the community concerning the prospect of intensive dog breeding facilities.

Since the puppy farm legislation in Victoria has been strengthened, some local councils in NSW are receiving a growing number of applications for animal breeding facilities given that the laws in NSW are less restrictive. For example, Murray River Council have had to develop a new *Companion Animal Breeding Policy* last October to ensure consistency and transparency at breeding establishments. However, Mayor Chris Bilkey from [Murray River Council](#) said that, *"whilst the Policy will be of use to council, it is not a solution to the ongoing issues surrounding applications for animal breeding facilities. The NSW State Government needs to align their legislation with that of the strict laws now imposed in Victoria to stop establishments simply moving across the border."*

Cr Bilkey continued, *"Whilst we recognise there was a recent update to their Code of Practice, this goes nowhere near far enough and there is still a huge gap in NSW legislation."* The Murray River Council have expressed that they believe *"the NSW Government needs to go harder on the issue"*, and HSI strongly supports this opinion.

j) Legislative and other measures that could be implemented to stop or reduce puppy farming in NSW

To significantly improve the welfare outcomes for dogs and cats across NSW, HSI supports the following key provisions:

- A cap of no more than 10 fertile female dogs or cats at any one time, with no more than 2 litters per fertile female (dog or cat).
- All breeders (with 3 or more breeding animals) must register their premises with their local council in order to conduct a companion animal business, with mandatory pre-registration and annual inspections.
- A mandatory veterinary check must be carried out prior to registration, as well as before and after breeding.
- All breeders must ensure that all animals have a general health check by a veterinarian at each stage of life, particularly at the point before breeding commences to ensure they are in a healthy condition before being bred from.
- To continue to be eligible for a licence renewal, breeders should be required to undertake annual veterinary checks on all breeding animals and litters.

⁵ <https://www.abc.net.au/news/2021-02-27/thousands-sign-petition-against-proposed-moama-puppy-farm/13171644>

- Breeders should be required to renew their licenses annually to help keep track of breeders and breeding facilities in NSW, and for compliance checks of facilities at each renewal to ensure they continue to comply.
- The registration fee would be set by councils, as in Victoria's legislation, thereby contributing to the enforcement costs, particularly if government funding is deficient.
- A staff ratio of at least one staff member for every five animals kept at the registered companion animal premises to ensure proper care is provided.
- A 'source number' should be allocated to the companion animal when any person wishes to advertise a cat or dog for sale. This source number must be clearly displayed on any advertising allowing the animal to be traced back to the breeder. The source number is allocated for life, linking to the animals' microchip.
- A 'fertile female' in relation to a dog or cat must be defined as a female dog or cat that is at least 12 months of age.
- Pet Shops must only be allowed to sell animals sourced from pounds or rescue shelters, not from puppy farms.

The sale of puppies or kittens online through sites such as Gumtree is difficult to regulate and monitor, so we would like to see the NSW government lead and advocate for cooperation between state and federal governments for greater national oversight of online sales, and consideration of assistance through federal legislation.

We hope our comments are of assistance to this inquiry and we look forward to being kept informed of progress. Our contact details for matters relating to this submission are Georgie Dolphin at

Yours sincerely,

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Humane Society International Australia