

**Submission
No 76**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

Organisation: The Australian Association of Pet Dog Breeders

Date Received: 3 March 2022

Australian Association of Pet Dog Breeder Inc.

SUBMISSION TO THE INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES



Table of Contents

<i>Introduction to the Australian Association of Pet Dog Breeders</i>	2
<i>(a) the provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021,</i>	3
<i>(b) the animal protection issues associated with puppy farming,</i>	6
<i>(c) the consumer protection issues associated with the sale of dogs from puppy farms online and in pet shops,</i>	7
<i>(d) the adequacy of the current legislative and enforcement framework, including the Animal Welfare Code of Practice - Breeding of Dogs and Cats,</i>	10
<i>(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,</i>	12
<i>(f) the impact of the NSW Government Consultation Paper 'Licensing and regulation of cat and dog breeders',</i>	14
<i>(g) the impact and effectiveness of the NSW Government 'Puppy Factory Taskforce' announced on 23 October 2020</i>	14
<i>(h) the impact and effectiveness 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,</i>	16
<i>(h) the challenges faced by local councils in respect to development applications for puppy farms,</i>	18
<i>(i) legislative and other measures that could be implemented to stop or reduce puppy farming in NSW- Summary of AAPDB Recommendations</i>	20

Introduction to the Australian Association of Pet Dog Breeders

The Australian Association of Pet Dog Breeders Inc. (AAPDB) was formed as an Incorporated Association in 2007 and was recognised as a breeder body in New South Wales in 2012. It has national membership and is applying for recognition in other States and Territories.

The AAPDB was formed to introduce standards and ethics in pet dog breeding and to provide a voice for pet dog breeders. In order to provide quality assurance, the AAPDB, in 2010, was the first dog breeding organisation in Australia (and possibly the world) to require all full members to undergo a mandatory, annual, independent, welfare focused quality assurance audit, carried out by a licensed veterinarian.

Breeders joining the AAPDB have a 2 month probationary period before they must undergo the annual audit. It is not possible for breeders to renew a probationary membership. NSW has the most breeder members. They range from home-based breeders with 1-4 dogs to large professional kennels.

The AAPDB is the only recognised breeding organisation in Australia which embraces both purebred and crossbred dog breeders. The AAPDB does not regulate what members breed, but rather how they breed their dogs, how they sell their dogs, their after sales obligations and whether the dogs they breed are suitable for the families who purchase them.

AAPDB auditing veterinarians are requested to audit on the AAPDB code of ethics, rather than the Code of Practice for Dog Breeders in their jurisdiction, because we are an Australia wide organization and Codes of Practice vary across Australia. We ensure that all members are aware of the Codes of Practice in their State or Territory and relevant legislation affecting dog breeders, and agree to comply with these, before they are able to join the Association as probationary members. This information is also available in the members area of our web site.

The AAPDB will address all the terms of reference in the Inquiry
The AAPDB is prepared to have a representative appear at the Inquiry

<https://www.aapdb.com.au/>

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

The AAPDB opposes the Animal Justice Party bill in its entirety. The AAPDB strongly supports the proposed Animal Welfare Bill to be brought before Parliament in 2022 and proposes changes to the Companion Animals Act, the NSW Code of Practice for Breeding Cats and Dogs as outlined in this submission

The pet dog industry, which includes pet food manufacturers, veterinary services, pet products, boarding and minding services, dog trainers, dog walkers, pet transport, competitions and clubs and alternative health practitioners, contributed 20.5 billion dollars to the Australian economy in 2021. 40% of pet dogs are acquired from “a breeder” and so, in 2021, these small business people and hobbyists underpinned a \$8.025 billion contribution to our economy⁽¹⁾

The Bill the Animal Justice Party have introduced is deliberately designed to ensure that no-one can make a living from breeding dogs. They want to stop people “breeding for profit” and deliberately refuse to define “puppy farming” in order to avoid discussion of welfare and focus only on numbers.

If this Bill was successful, only breeders of highly fecund, popular breed dogs, selling puppies for prices which are well beyond the reach of the average Australian household, could earn a reasonable living by breeding dogs. The Bill is not based on welfare and would have no impact on illegal breeding other than (like most policies of prohibition) making illegal activities much more financially rewarding and attractive.

The Bill has many weaknesses that other submissions will no doubt address but there are three particular points: the ten dog limit, the limit to the number of litters a bitch can produce and the inclusion of Guardian dogs in the ten dog limit, which show that the intent of the Animal Justice Party Bill is to eliminate professional breeding, rather than to address animal welfare.

Ten dog limit

The Joint Select Committee on Companion Animal Breeding Practices in NSW (2019) received numerous submissions regarding the case for and against limiting breeding dog numbers and found that “*There is no evidence that the number of animals kept by companion animals breeders is in itself a factor which determines welfare outcomes of breeding animals*”. The limit of ten dogs is arbitrary and would prevent breeders from:

- Maintaining genetic diversity in their breeding stock
- Selecting only the best dogs for the next generation.
- Generating enough income to invest in excellent infrastructure
- Employing good staff and paying them well.

Limits to the number of breeding dogs and staffing levels should be based on science and recognised best practice and should be addressed through changes to the NSW Code of Practice for Breeding Cats and Dogs (the Breeding Code)

The AAPDB opposes any arbitrary limit on the number of breeding dogs a breeder may own and proposes that staffing levels and the number of dogs kept should be addressed by revision of the NSW Code of Practice - Breeding Cats and Dogs

Two litters per bitch

The limit of two litters per breeding bitch is even more arbitrary and has no justification in terms of animal health. Research has shown the investment in reproduction in Zoo animals ⁽²⁾ and dogs has no adverse effect on longevity and that a moderate investment in reproduction of three to six litters³⁾ may (as it does in humans⁴⁾) actually increase life expectancy in some dogs. Breeding is not a burden and it can be argued, on the contrary, that routine desexing of otherwise healthy pet dogs is ethically questionable.

The AAPDB supports the limit of no more than five litters per bitch as is legislated in Victoria and other Jurisdictions

Including guardian homed dogs in the ten dog limit

This provision, more than any other, clearly shows that the aim of the AJP bill is intended to stamp out professional dog breeding and is not in any way related to animal welfare or the ethical treatment of animals.

Routine desexing of pet animals, for the convenience of owners and for population control, raises ethical questions and is illegal in some countries⁽⁵⁾. A rights-based welfare advocate might argue, for example, that dogs have a “right to breed” or a “right not to be subjected to painful surgery for the convenience of an owner” (the concept of an “owner” being, in itself, anathema to many rights based approaches to animals). The RSPCA support the “Five Domain” approach to animal welfare which argues that animals should lead a “good life” rather than the previous the ‘five freedoms’ model which simply protects animals from harm⁽⁶⁾. It has been argued that a “good life”, is “what constitutes the *most excellent life* for a being of that kind”⁽⁷⁾ and, while the RSPCA and the AAPDB support routine desexing, from this position it has been argued that “expression of sexual behaviour and/or producing offspring is part of flourishing for a cat or a dog”⁽⁸⁾. In other words, there are strong philosophical arguments which question whether living life as a desexed pet is the best life a dog can lead.

Clearly dogs living in guardian homes are able to live rewarding lives with their human companions (as we have co-evolved to do over the last 10-20,000 years), but they are perhaps also more likely to be able to live truly “flourishing” lives. We now know that dogs experience the emotions we recognise in ourselves and they experience the same flood of oxytocin during lactation⁽⁹⁾ as human mothers⁽¹⁰⁾. A mother dog with her puppies in that first three intense, emotional, weeks postpartum, experiences emotions that no desexed pet would ever feel. It could be argued then that guardian dogs are having the opportunity to live their “*most excellent life*”?

Leaving aside these ethical arguments, a well-planned guardian program has the potential to improve the behaviour and genetic health of the pet dog population. Dawson et al (2019) in their discussion paper “*Throwing the Baby Out With the Bath Water: Could Widespread Neutering of Companion Dogs Cause Problems at a Population Level?*”⁽¹¹⁾ “point out the potentially adverse consequences of widespread desexing on dog populations, including loss of genetic diversity, inappropriate selection criteria for companion dog breeding and reduced ability to select dogs on their suitability as pets. They recommended “a collaborative approach should be promoted between breeders and companion dog owners, whereby owners are invited to play a critical role in the breeding process”. They also suggest that “owners could whelp their bitch under close guidance of an experienced breeder”.

Guardian programs allow breeders to assess their breeding dogs behaviourally, as adults, in a real-world situation, for their suitability as pets. The AAPDB proposes that rather than limiting guardian dog ownership this approach should be recognised and encouraged, but also regulated under the NSW Code of Practice for Breeding Cats and Dogs, to ensure that the interests of breeders, breeding dogs and guardians are protected in these breeding agreements.

1. https://animalmedicinesaustralia.org.au/wp-content/uploads/2021/08/AMAU005-PATP-Report21_v1.4_WEB.pdf .
2. <https://pubmed.ncbi.nlm.nih.gov/17845285/>
3. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3825016/>
4. <https://academic.oup.com/biomedgerontology/article/61/2/190/542517>
5. <https://sciencenorway.no/animal-welfare-forskningno-norway/should-dogs-be-neutered/1419580>
6. <https://kb.rspca.org.au/knowledge-base/what-is-good-animal-welfare/>
7. https://www.researchgate.net/publication/233643951_Philosophical_Debate_on_the_Nature_of_Well-Being_Implications_for_Animal_Welfare
8. https://www.researchgate.net/publication/270150892_Inconvenient_Desires_Should_We_Routinely_Neuter_Companion_Animals
9. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6776987/pdf/TVSM_7_1641899.pdf
10. https://www.infantjournal.co.uk/pdf/inf_054_ers.pdf
11. <https://www.frontiersin.org/articles/10.3389/fvets.2019.00241/full>

(b)the animal protection issues associated with puppy farming,

The RSPCA defines “Puppy Farming” as *'an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs'* and by this definition, any puppy farm is associated with serious animal protection issues and is, and should continue to be, illegal.

The Animal Welfare Code of Practice - Breeding of Dogs and Cats has deficiencies, particularly regarding the mental state of breeding dogs, and there are minor changes required to the current legislative framework. The enforcement of the Breeding Code should be strengthened and better resourced. These deficiencies and suggested improvements will be discussed in later sections of this submission.

The AAPDB supports ethical professional breeders, strongly opposes Puppy Farming as defined by the RSPCA and supports the RSPCA's “Five Domains” approach to animal welfare

(c) the consumer protection issues associated with the sale of dogs from puppy farms online and in pet shops,

Consumer protection issues relate to the suitability of the dogs bred for and sold in pet stores or online and the protection available for consumers if dogs prove to be unsuitable or unhealthy.

With regard to suitability of puppies it has been claimed that during the pandemic there has been a ‘flood’ of dogs from “puppy farms” sold online or through pet stores, which are unsuitable pets because they are poorly socialised⁽¹⁾. However in 2021, 51% of newly acquired dogs came from a breeder or a pet store and only 4% of pet owners reported any negative response to pet ownership during this period⁽²⁾.

If unsocialised dogs from puppy farms, sold online or through pet stores, were proving to be unsatisfactory pets then these animals should disproportionately contribute to the population of dogs surrendered to pounds and shelters. A 2103 Queensland university study into the “Characteristics and Outcomes of Dogs Admitted into Queensland RSPCA Shelters”⁽³⁾ showed that 47% of dogs entering the shelter were Staffordshire Bull Terriers, hunting breeds and their crosses or working sheep dogs and their crosses. These are not dogs which puppy farmers (or ethical professional breeders) would deliberately breed. Of the 20 most common breeds processed only 10% (Maltese, Fox Terrier and Chihuahua and their crosses) were dogs which might have been sourced from a puppy farm or pet shop. When owners gave up their dogs “the majority of adult dog surrenders were due to a change in circumstances (29%), the most frequent of which was the owners moving or travelling (60%)” and only 14% were surrendered for dog related problems which might relate to poor early socialisation.

There is ample evidence that poor socialisation of puppies prior to 8 weeks of age can cause lifelong behavioural issues, usually related to anxiety and aggression⁽⁴⁾. Pet store puppies and puppies from large commercial kennels have been identified as having greater problems in this area⁽⁵⁾. There is however considerable research available which identifies early handling procedures which can overcome the disadvantages experienced in large kennels and these procedures have also been shown to be effective in improving outcomes for puppies bred in a family home⁽⁶⁾

While there is no evidence that “puppy farmed” dogs sold online or in pet stores are more likely to be surrendered because they are unsuitable as pets, the “Animal Welfare Code of Practice - Breeding dogs and cats” should be modified to include compulsory, scientifically validated, early handling and socialisation procedures for all puppies, to maximise their resilience at 8 weeks of age.

In order to protect consumers when buying a puppy online or in a pet store the traceability of breeders and the legal responsibilities of breeders in the case of ill health or behavioural problems must be addressed.

The AAPDB supports a universal breeder identification system which required all dogs advertised for sale, on all platforms, to be accompanied by a Breeder Identification Number *AND (rather than or)* the microchip details of the puppy.

Compulsory identification and regulation at point of sale is critical and any exceptions would be used by irresponsible, or deliberately criminal breeders to get around the law. All platforms advertising puppies for sale should be required to display a link to the data base of breeders and an explanation of what the BIN means. Anyone registering an entire dog should be advised of their responsibilities by being provided with a copy of, or link to, “Animal Welfare Code of Practice - Breeding dogs and cats”.

Pet stores are an excellent point of contact which can ensure that these conditions are met and where owners can be appropriately educated in the management of their new pet, they are already regulated and are easily identified and inspected for compliance.

The Companion Animals Act would need to be changed to bring dogs into line with cats, which already require an annual registration fee for entire animal in NSW. Minimal changes would be required to make the current Breeder Identification Number compulsory for anyone owning an entire breeding dog. An annual fee for each registered entire dog would provide adequate funding for enforcement of compliance and would ensure that dog breeders fees are proportionate to their size and scale

The “Animal Welfare Code of Practice - Breeding dogs and cats” should be revised to extend breeder responsibilities post sale beyond a 3-day cooling off period. Breeders should be responsible for preventable congenital or genetic or health problems which may not be evident immediately but may occur in the 1st year of the animal’s life. Extended liability, would provide an appropriate incentive for breeders to focus on the genetic health and suitability of their dogs.

The AAPDB proposes changes to the Companion Animal Act to require compulsory identification of all breeders or potential breeders by making the Breeder Identification Number compulsory for all owners of entire dogs registered in NSW, with an annual fee for each dog owned. The AAPDB also recommends changes to Animal Welfare Code of Practice - Breeding dogs and cats to further protect consumers by extending the responsibility of breeders post sale

1. <https://www.smh.com.au/politics/nsw/families-surrender-pandemic-puppies-as-nsw-parliament-debates-convenience-killing-20211118-p59a2t.html>

2. https://animalmedicinesaustralia.org.au/wp-content/uploads/2021/08/AMAU005-PATP-Report21_v1.4_WEB.pdf .
3. <https://www.mdpi.com/2076-2615/7/9/67>
4. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6067676/>
5. <https://www.sciencedirect.com/science/article/pii/S1558787817300102>
6. https://www.researchgate.net/publication/248336221_Effects_of_early_gentling_and_early_environment_on_emotional_development_of_puppies

(d) the adequacy of the current legislative and enforcement framework, including the Animal Welfare Code of Practice - Breeding of Dogs and Cats,

The current Companion Animals Act needs to be modified (as outlined above) to make identification of all breeders or potential breeders compulsory and should address point of sale to ensure that this identification is readily available to consumers.

The current enforcement framework, under the Auspices of the DPI, employs officers who are qualified in animal welfare and fully conversant with the Animal Welfare Code of Practice - Breeding of Dogs and Cats (the Breeding Code). This framework is effective, within the limits imposed by the Breeding Code but should be expanded and adequately funded through fees generated by an annual breeder identification/licencing fee for each registered entire dog. Council rangers are not qualified in this area, allocation of funding would become complicated if multiple agencies were involved in the role and it would be an added burden on regional councils to expect them to train and pay for council employees to enforce animal welfare codes.

The AAPDB supports the current enforcement framework and supports increased funding for the DPI/RSPCA taskforce through a compulsory annual licence/registration fee for every registered entire dog in NSW

The current Breeding Code is based on the “five freedoms” model of welfare which ensures that animals are protected from “distress, injury, illness and disease, and provided with appropriate food and water”. This does not recognise the advances that have been made in recognising animal emotions and does not focus on “mental well-being and positive experiences”. The RSPCA advocates the “Five Domains” model which ensures “animals can express their natural behaviour in an enriching environment, feel safe, have healthy positive experiences and a good quality of life”⁽¹⁾

The Breeding Code also fails to address the many ways in which breeding dogs may be kept. All breeding dogs should be protected by a strong Breeding Code, but the Code should be applicable home breeders as well as to breeders with dedicated kennels who employ staff. Housing and management procedures and breeding practices which ensure the best possible outcomes for breeding dogs in all situations need to be written into the Breeding Code

It is outside the scope of this enquiry to revise the Breeding Code. The AAPDB suggest that the

RSPCA under the Auspices of the DPI should convene an Industry conference, where all interested parties are represented. Scientist in the field should be invited to present the most recent research in the area of dog breeding and behavioural needs. Working groups could discuss particular issues and their recommendations could be taken to a committee elected by delegates to proceed with the development of a revised Breeding Code.

Breeding “man’s best friend” is an enterprise fraught with emotion and there will never be universal agreement on a perfect Breeding Code. The huge pet dog industry is underpinned by a mix of small business people, hobbyist, irresponsible dog owners, mums and dads in their back yard and some frankly criminal puppy farmers. Breeders are divided among themselves and are frequently criticised and condemned. Many good breeders are being lost to the industry because of uncertainty and unending enquiries. Welfare issues must finally be satisfactorily addressed in a modern ethical framework based on current science so that future changes only reflect changes to our scientific understanding of the behavioural needs of our dogs.

The AAPDB supports a revision of the Breeding Code, in the light of the “Five Domains” approach to animal welfare espoused by the RSPCA, to specify levels of management and oversight for different sizes of enterprise and suggests an all-industry conference be held to kick start this revision process.

1. <https://kb.rspca.org.au/knowledge-base/what-is-good-animal-welfare/>

(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,

The 2015 Joint Select Committee on Companion Animal Breeding Practices in NSW made 34 recommendations, several of which referred to the need for implementation of the 2103 Companion Animal Taskforce Report, which made 22 recommendations. The AAPDB will not attempt to address all of these. Many of the recommendations have been implemented and the NSW Government is to be commended on the progress being made in the regulation of dog breeding.

The most significant action has been the Office of Local Government's development of digital access for Authorised Identifiers, veterinarians and pet owners to the Companion Animal Register and the creation of the Breeder Identification Number (BIN).

There is still a problem with paper registrations and these should be phased out as much as possible. Authorised Identifiers should be required to record all registration online, directly into the Register and breeders should be trained and encouraged (and in some cases required) to use the online transfer system. This would eliminate a major administrative burden which many Council submissions identified in the Joint Select Committee Hearing.

Both the Companion Animal Task Force and the Joint Select Committee recommended the introduction of a Breeder licensing program. The current system with the use of a BIN has gone a long way towards meeting the Joint Select Committee Recommendation 11:

The Committee recommends that the breeders' licensing scheme should meet the following objectives:

- a) A comprehensive database of breeders*
- b) A system of periodic audits and spot inspections*
- c) Sets the number of animals that each breeding establishment may keep*
- d) A breeders' licensing identification must be included in any advertisement in any medium where animals are advertised for sale*
- e) Licenses every breeder and provides an auditable licence trail for every sale*
- f) Records a breeder's licence number when an animal is microchipped.*

The Current BIN system addresses (a), (d), (e) and (f). Point (b) is being addressed by DPI RSPCA Task force but the Task Force will need to be better resourced. The AAPDB suggests that (c) should be addressed through modification of the Breeding Code to introduce different standards and levels of oversight for different sized enterprises.

If the BIN was renamed a Breeder License Number and made compulsory for all owners of entire dog this would bring NSW into line with South Australia and the ACT's "Mandatory Desexing" policy (which were introduced this way to get around vocal breeder objections to compulsory licensing). In these jurisdictions breeders (and anyone with an un-desexed dog) must obtain a breeders license. Entire cats in NSW already require an annual registration fee so it would be a simple matter to extend this to all entire dogs .

There are two major shortcomings in the present system – firstly a BIN is not compulsory for “one off litters” and secondly advertisements must include a BIN or the animal’s microchip number.

“One off litters” can be registered in the names of friends and family and there is also no way an authorised identifier can verify that this was in fact an “accidental litter”. If there is no BIN it’s not possible for buyers of to check the bona fides of the breeder or check that they do in fact exist.

The AAPDB is aware of many unscrupulous breeders and outright scammers (with no puppies to sell) who use other breeder’s BINs or microchip numbers in advertising. The best protection for consumers is to make BINs compulsory at point of sale for every puppy.

If Breeder Identification Numbers are compulsory and if a contact data base is available to consumers and if consumers are advised, on every selling platform, how to look up the registry to find the contact detail for the owner of the BIN, so that they can actually ring and speak to the owner of the BIN, then life would become very difficult for scammers and non-compliant Breeders.

The 2015 Joint Select Committee on Companion Animal Breeding Practices made several suggestions regarding changes to the Breeding Code:

RECOMMENDATION 6

The Committee recommends that the NSW Government, through the Animal Welfare Advisory Council, reviews The Animal Welfare Code of Practice – Breeding dogs and cats to determine whether current lifetime and periodic litter restrictions, regulating animal numbers per enclosure, and introducing mandatory desexing of animals which have reached the end of their breeding lives, achieve acceptable animal welfare outcomes.

RECOMMENDATION 7

The Committee recommends that the NSW Government, through the Animal Welfare Advisory Council, reviews The Animal Welfare Code of Practice – Breeding dogs and cats to determine whether introducing a staff to animal ratio for breeding facilities would improve animal welfare outcomes.

RECOMMENDATION 8

The Committee recommends that the NSW Government amends The Animal Welfare Code of Practice – Breeding dogs and cats to mandate an on-site residency requirement for staff at breeding establishments equivalent to the Victorian code of practice as a minimum standard.

In the light of these recommendations a Draft Code, which addressed these issues and proposed stringent building requirements, was presented by the DPI. This created an uproar in the dog world and the debate was taken up by popularist radio commentators. As a result of this political pressure most of the recommendations of this draft proposal were not seen in the final revised Code which is, if anything, less stringent than the previous Code.

The Breeders Code has deficiencies but they will not be fixed by more stringent requirements for sealed floors, fixed fence heights, qualified staff or air conditioning. The AAPDB’s particular concerns regarding the current Breeding Code are:

- Under the present Breeding Code it is permissible to keep dogs in small pens for 23 hours and 40 minutes every day. It is not surprising that the Code is being widely proclaimed to be a recipe for legal puppy farming.

- The Code does not take into account the research which has shown that kennelled puppies, in particular, benefit behaviourally from “Early Neural Stimulation” or “Puppy Gentling”. Puppies from large kennels and pet stores are more prone to anxiety and aggression but these procedures can overcome this.
- The Code addresses how often a breeder can breed but not how many litters or, perhaps more importantly, how many caesarean sections, a female dog can be put through.
- The code does not address the scale or the regulatory and oversight requirements for different sized enterprises.

The Joint Select Committee was correct in recommending changes to the code, but dogs have no aesthetic sense and they are comfortable in a range of environmental conditions. Only inexperienced, incompetent or immoral breeders fail to address animal health, hygiene and housing. The revised code needs to address these, but needs to be reframed within the “Five Domains” model of animal welfare which considers not only the health and safety of breeding dogs but also their ability to have a good life.

Only a thorough reframing of the code to address management requirements for different scales of enterprise and, most importantly, to address the mental as well as physical welfare of breeding dogs will ever be acceptable to the community. This needs to be done in a way that is open and public, and avoids noisy political partisanship, which is why the AAPDB is calling for an industry wide conference where all views can be canvassed.

The AAPDB recommends that all Authorised Identifiers and veterinarians, be required to enter registrations directly on to the Companion Animal Registry at the time of microchipping

(f) the impact of the NSW Government Consultation Paper 'Licensing and regulation of cat and dog breeders',

The feedback for the NSW Government Consultation Paper 'Licensing and regulation of cat and dog breeders' is apparently still being analysed. The report is not publicly available so it is not possible to comment on the impact of this report.

(g) the impact and effectiveness of the NSW Government 'Puppy Factory Taskforce' announced on 23 October 2020,

According to Government reports the Puppy Factory Task force was very effective in identifying and closing down some serious puppy farms in it's first year of operation⁽¹⁾

Most professional breeders are now fully aware of the existence of the Task Force and have worked hard to ensure that they are “code compliant”. More recently matters involving record keeping, infrastructure and reporting appear to have been more likely to attract fines, than serious welfare breaches of the Breeding Code.

The limitations for the task force are limitations of the Breeding Code. Dogs may be getting their 20 minutes of exercise each day but, other than on the day of inspection, the task force has no way of ensuring that this happens on a daily basis. A backyard may provide the exercise needed for some dogs however this area needs to be considered in determining the number of dogs which can be kept by home breeders. Only revisions to the Breeding Code, addressing management practices and appropriate areas available for exercise, would be able to ensure that all dogs have access to free running exercise, where they can express normal social behaviour, for most of their day.

There are many thousands of dog breeders in NSW and no task force will ever be able to inspect every breeder. The Breeding Code needs to address this by imposing different levels of oversight for different scales of enterprise. Once this is in place all BIN holders should be advised of their obligations under the Breeding Code.

The Task force needs to be fully resourced to ensure it can identify and regularly inspect all regular breeders of significant numbers of puppies using the BIN registry. It also needs to be renamed. Being inspected by a “Puppy Factory” Task Force is insulting and confronting for professional breeders who’s standards meet or exceed the Breeding Code. “Dog Breeder’s Integrity Task Force” would be a less pejorative and more appropriate name

<https://www.dpi.nsw.gov.au/about-us/media-centre/releases/2020/ministerial/crackdown-begins-puppy-factory-taskforce-launches-first-raids>

(h) the impact and effectiveness 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,

The Domestic Animals Amendment (Puppy Farm and Pet Shops) Act 2017 (Vic) has had a significant effect on breeding practices in Victoria and only best practice breeders have been able to gain a licence for more than 10 dogs. Substandard breeders have been forced out of the industry (or across the border) and there has been a huge improvement in welfare for dog in large professional kennels which now set standards of excellence for dog breeding in Australia.

Regulation of breeders with 3-10 dogs is administered by local councils and this has created problems of consistency for these breeders, with different interpretations and levels of oversight and enforcement in different jurisdictions. It has created a major administrative burden for local councils, although it may be that this burden has been funded by increased licencing fees.

The Victorian legislation introduced an additional level of administration by creating a Pet Exchange Register, which requires a Source Number for pets to be advertised for sale, in the hope of identifying breeders. Fortunately in NSW this aspect of breeding is already covered with the Companion animal registry's BIN.

There are also significant loopholes in the regulation of animal welfare and effects on consumers in Victoria and Australia wide.

- **There has been an increase in the price of dogs Australia wide.**
- **There has been an increase in demand for dogs from Victoria in NSW**
- **There has been a move of breeders from Victoria into NSW.**
- **There has been a loss of committed dedicated breeders from the industry**
- **The exemption of three dogs from regulations in Victoria is a loophole which has created predictable problems and a number of creative solutions for unscrupulous breeders.**

There has been an increase in the price of dogs

As was predicted in various submission to the 2015 Joint Select Committee on Companion Animal Breeding Practices, the price of breeding dogs across Australia began to rise rapidly when the Domestic Animals Amendment (Puppy Farm and Pet Shops) Act 2017 (Vic) was introduced and breeders were restricted to owning no more than 10 breeding females. While COVID exacerbated this trend, prices were already rising steadily before the spectacular rises that occurred as a result of the huge demand during the COVID period.

The peak in prices seen during the Covid lockdown has subsided but prices are still high enough to make dog breeding an extremely attractive pursuit, attracting a genuinely criminal element into the industry.

There has been an increase in demand for dogs from Victoria

NSW breeders face an increasing demand for puppies from Victoria. One member of the AAPDB reported a four-fold increase in applications for puppies from Victoria and now sends 20% of her puppies to Melbourne

There has been a move of breeders from interstate.

AAPDB is aware of a member whose large kennel was sold to a Victorian interest. The new owner does not live in NSW and the AAPDB felt that it was not appropriate to allow the membership to continue under those conditions.

There has been a loss of committed dedicated breeders from the industry.

The AAPDB is aware of an excellent and passionate Victorian breeder with a Master's Degree in Agriculture and 20 years' experience working in the horticultural industry, where she was used to being treated with respect and encouragement when working with Government. She was the first breeder to gain a licence for more than 10 dogs in that State and found that, rather than being supported or advised in the process, her dealing with the regulators were very difficult. Once she was approved and it became public she came under vicious, unrelenting online attacks from animal activist and hobby breeders. After 15 years of working to improve her chosen breed and bringing joy to hundreds of families, she desexed all her breeding dogs and left the industry exhausted and in despair.

The exemption of three dogs from regulations is a loophole which has created predictable problems and a number of creative solutions for unscrupulous breeders.

- **It has created a strong incentive for backyard breeders to breed their pets.**

With the dramatic rise in puppy prices it is possible for inexperienced dog breeders to make up to \$50,000 a year breeding the family pet in their backyards. Many submissions from Councils and Shelters and veterinarians to the Joint Select Committee on Companion Animal Breeding Practices emphasised that the majority of pound submissions, health and welfare issues they encounter are from inexperienced people breeding in backyards.

- **Established breeders are using the exemption to place breeding dogs in unregulated guardian homes**

The AAPDB is aware of breeders using unregulated guardian homes to whelp their dogs and sell them directly to the public from these homes. This exempts breeders from any regulatory oversight and makes it impossible for breeders to ensure the welfare and health of their breeding dogs and puppies. It contravenes AAPDB rules and would not be acceptable for an AAPDB member. this reinforces the need for revisions to the Breeding Code to define and regulate Guardian home breeding

<https://www.aapdb.com.au/aapdb-members-code-conduct/>

- **Illegal breeders are using the exemption to keep more than three dogs and sell them from suburban homes in Victoria.**

The AAPDB is aware of illegal breeders selling dogs from their homes. Examples include:

- A pensioner selling poodle puppies for \$6,500 "cash only" from a suburban house where she was keeping 8-9 dogs

- A Golden Retriever breeder selling puppies for \$5,500 “cash only” with 6 golden retrievers in their yard
- Many of these illegal breeders are stealing legitimate Source Numbers in order to advertise their puppies from their suburban homes.

- **Breeders with less than 4 dogs are regarded as practicing a hobby**

These people could be making well over \$100,000 in undeclared income and with no oversight of the welfare of their animals. The tax department regards a hobby as a “pastime or leisure activity you do in your spare time for pleasure” however if “you continually undertake the activity and make repeated sales” then the tax department may have a different view. Professional breeders in Victoria believe that the Source Number is ineffective and recommend that, given the price of puppies and the amounts of money involved, breeders should display an ABN in all advertisements.

New South Wales with our Companion Animal Register is in a unique position to regulate the dog breeding industry in an effective way which would overcome most of these shortcomings.. There may be sufficient consumer protection in these measures however if an ABN was also required for *regular* breeders, this would provide further consumer protection and add further discouragement for irresponsible breeding practices. An arbitrary low limit to breeding dog numbers will only shift these welfare issues across another border and in to Queensland

The AAPDB suggests that regular breeders should be required to include their ABN in all advertising platforms

(h) the challenges faced by local councils in respect to development applications for puppy farms,

Local councils should address the Development Application for dog breeding facilities in the same way that they address other development application under their jurisdiction. They should consider usual matters such as access, sanitation, waste disposal, noise and loss of amenity to neighbouring properties.

Council should require that proposed breeding establishment will be compliant with the NSW Breeding Code and if concerned that the application may not be compliant this should be referred to the DPI/RSPCA task force. The Task Force should be given the power to examine the proposal and advise Council on whether the proposed breeding establishment will be compliant. Non-compliant developments should be refused even if other Council concerns are addressed.

The AAPDB recommends that the DPI/RSPCA task force should be empowered to assess and give advice on whether a development application meets the Breeding Code and non-compliant developments should be refused.

(i) legislative and other measures that could be implemented to stop or reduce puppy farming in NSW- Summary of AAPDB Recommendations

The AAPDB supports the current enforcement framework. New South Wales is uniquely placed in Australia because of the Department of Local Government's Companion Animal Registry which identifies all owners of registered dogs and identifies regular breeders with a Breeder Identification Number. Combined with the Puppy Factory Task force (which needs a name change) and the Code of Practice for Breeding Cats and Dogs this framework would be the best dog breeding regulatory policy in Australia and possible the world.

In summary we make the following recommendations regarding improvements to this system:

1. Change the Companion Animals Act to make the Breeder Identification Number compulsory for all breeders or potential breeders, at the time of registration, for all owners of entire dogs registered in NSW.
2. Change the Companion Animals Act to introduce a compulsory annual licence/registration fee for every registered entire dog and direct these funds to support and expand the DPI/RSPCA taskforce
3. Change the Companion Animals Act to require Authorised Identifiers to enter registrations online, directly in to the Companion Animal Register
4. Change the draft Animal Welfare Act to oblige all selling platforms to provide **both** the microchip number **and** the BIN in any advertisement.
5. Change the draft Animal Welfare Act to make an ABN required in advertisements for all regular breeders.
6. Change the draft Animal Welfare Act to oblige all selling platforms to explain how to look up a breeder's BIN and identify recognized breeder bodies in NSW
7. Change the draft Animal Welfare Act to empower enforcement officers to support local Councils by having a power of veto over Development Applications for dog breeding enterprises which are not compliant with the Breeding Code

With regards to Welfare and enforcement the AAPDB believes that *every* breeding dog in NSW deserves to be protected by a strong, enforceable Breeding Code and believes there should be a complete overhaul to the Code of Practice for Breeding Cats and Dogs. This review should urgently consider the following:

1. The level of oversight and regulation required for different scales of enterprise
2. The imposition of limits to the number of breeding dogs a breeder may own based on

- a) Staffing levels
 - b) Available space for regular free running exercise.
 - c) Possible upper limits to total numbers consistent with good welfare outcomes.
3. The mental state as well as the physical well being of breeding dogs
 4. The appropriate regulation of Guardian dogs which addresses the interests of guardians and breeders and ensure the welfare of breeding dogs
 5. The number of litters a breeding dog can have and the number of caesarian sections she can be subjected to in her life
 6. Extension of responsibilities of breeders, for the dogs they breed and sell, beyond a three day “cooling off” period

The imposition of a strong Breeding Code has incurred vocal hostility and scare campaigns from vested interests within the dog breeding industry, as well as from Animal Activists who aim to eliminate professional dog breeding enterprises entirely. In order to overcome this predictable response to change, the AAPDB believes that the best way to address the issues in the Breeding Code is by calling a *conference run by the RSPCA under the auspices of the Department of Primary Industry*. Speakers should include scientists with expertise in the field, representatives from the dog breeding industry, animal welfare activists, regulators and representatives from industries dependent on dog breeding. The conference should address best practice in dog breeding with a select committee taking resolutions forward to revise the final details of the Breeding Code.