

**Submission
No 16**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

Organisation: RightPaw
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The Director
Inquiry into Puppy Farming in New South Wales
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RightPaw thanks the Select Committee on Puppy Farming in NSW for the opportunity to provide a submission to its inquiry.

RightPaw Background & Context

[RightPaw](#) is an Australian start-up that verifies responsible dog breeders against a vet-approved Code of Ethics, inclusive of all State and Territory legislation including all standards and guidelines outlined in the NSW '*Animal Welfare Code of Practice - Breeding of Dogs and Cats*'. We provide a platform to help members of the public find responsible breeders from whom to purchase their next puppy, ensuring they are supporting an industry of ethical breeders who champion animal welfare, and driving consumers away from irresponsible 'puppy farms'.

We have breeders across every State and Territory, but a large proportion of our members are in NSW.

Our submission to the committee will be addressing the following terms of reference:

1 (a)

1 (d)

1 (j)

In reference to term 1 (a):

RightPaw **supports** the following provisions of the *Companion Animals Amendment (Puppy Farms) Bill 2021*:

1. Yearly registration of breeders and their premises, with compulsory annual inspections by their council.
2. Registration details of breeders and source numbers of animals appearing on a public register.
3. Only rescue animals being sold in pet shops.
4. Enforcement officers being better empowered to enforce current legislation.
5. Requiring fit-to-breed certification from a vet within 4 weeks of breeding a bitch or queen.

6. A legal framework being placed around 'breeding arrangements' (colloquially known as 'Guardian Homes').

RightPaw does not however, support the provisions of this bill in their entirety. We feel that many of the provisions, whilst well-intentioned, are unlikely to help identify irresponsible puppy farmers who are already flying under the radar and are difficult to locate and identify. The proposed definition of a Companion Animal Breeding Business and the restrictions suggested to be imposed on them, will serve only to disempower responsible, registered breeders who are easily identified, whilst having minimal impact on identifying and inspecting true puppy farms.

These changes will inordinately impact small scale RightPaw, Dogs Australia, AAPDB and MDBA member breeders who are operating responsibly and not contributing to animal welfare concerns. Most of these breeders breed for pre-existing waiting lists and have a lifetime rehoming guarantee with their puppy buyers. The changes in this bill will not help to identify true puppy farmers who are unscrupulous regarding animal welfare, who are currently operating outside of any membership system.

RightPaw are gravely concerned that by penalising all breeders with the proposed provisions, the changes will serve to drive breeding in NSW largely underground and outside of established membership organisations. This will exacerbate the current problem of finding puppy farms and lack of enforcement of the current legislation.

RightPaw **does not** support the following provisions of the *Companion Animals Amendment (Puppy Farms) Bill 2021*:

- Schedule 1 [1] Part 6A, 61E (1) (b):
 - **Defining a Companion Animal Breeding Business as any breeder possessing 3 or more fertile bitches or queens, including dogs who are part of a breeding arrangement.**
 - RightPaw feels this is highly restrictive.
 - We suggest excluding dogs who are part of a breeding arrangement from the total number of fertile bitches, as this encourages larger breeding programs to utilise a set-up that maximises welfare for the breeding dog, by placing them in a guardian home. Guardian homes often offer better housing and socialisation opportunities for these breeding dogs, as compared to kennelling on a single premises.
 - We suggest a provision for a 'recreational breeder' status for members of established breeding organisations who operate under an independent Code of Ethics with stringent animal welfare standards (such as the system outlined in Victoria's [Code of Practice for the Operation of Breeding and Rearing Businesses](#)).
 - We suggest a microbreeder or recreational breeder should have fewer restrictions on their breeding practices than those who are not members of applicable organisations, thereby incentivising breeders to join a visible and educational community of peers.
- Schedule 1 [1] Part 6A, 61K (e):
 - **A council may refuse or suspend an application for a CABB, if the applicant does not have sufficient qualifications or experience in caring for companion animals.**
 - RightPaw feels that this provision is too vague to be useful in its current format, as 'sufficient qualifications or experience' has not been defined.
 - We would suggest removing this clause entirely.

- Schedule 1 [1] Part 6A, 61L (a):
 - **A council must refuse an application for a CABB, if the applicant is also an applicant or proprietor in relation to another Companion Animal Breeding Business.**
 - RightPaw would like to highlight that only allowing a person to hold one Companion Animal Breeding Business licence effectively bans the breeding of multiple dog breeds by one household. A large proportion of well-regarded, highly ethical Dogs Australia breeders are breeders of more than 3 fertile bitches from two or more breeds. If they are not permitted to have more than 10 fertile bitches but also not permitted to be a proprietor of multiple breeding businesses, then they are not being catered for in these provisions.
 - We would suggest allowing breeders to be a member of multiple CABBs, microbreeding or recreational breeding categorisations.
- Schedule 1 [1] Part 6A, 61U (3) (a):
 - **The Departmental Chief Executive may refuse an application for source numbers because the applicant does not have sufficient qualifications or experience in caring for companion animals.**
 - The provisions fail to adequately define 'sufficient qualifications or experience in caring for companion animals' and therefore RightPaw suggests that this clause is removed.
- Schedule 1 [1] Part 6A, 61ZC:
 - **Proprietors of companion animal breeding businesses must not have more than 10 fertile female dogs and cats.**
 - **Maximum penalty for infringing (corporation: 5,000 penalty units) (individual: 1000 penalty units or imprisonment for 2 years or both).**
 - RightPaw strongly opposes this provision as we disagree that it is impossible to breed more than 10 dogs in a responsible manner. This change amounts to a ban on medium-large sized breeding programs, even those utilising 'breeding arrangements' to ensure breeding dogs are able to be housed in a family environment. It will impact hundreds of legitimate, responsible breeders who should not be characterised as puppy farms. There are many NSW breeders breeding more than 10 different dogs who are doing so with exceptional standards of animal welfare and have never infringed any legislative guidelines.
 - We also argue that the maximum penalties for infringing this rule are disproportionately high and should be re-evaluated.
- Schedule 1 [1] Part 6A, 61ZF:
 - 61ZF (a): **A CABB must not breed a female dog or cat more than twice.**
 - RightPaw strongly disagrees that this is a necessary provision. Current research in the field of veterinary theriogenology does not find breeding more than twice in a dog or cat's lifetime to be detrimental or contrary to their welfare. This provision therefore unfairly penalises the practice of dog breeding with no basis in science or veterinary medicine.
 - 61ZF (b): **A CABB must not breed a female dog or cat if a heritable defect is identified in a previous litter or the dog or cat.**
 - RightPaw highlights that this provision is insufficiently specific to be of scientific value. The term 'heritable defect' could arguably include any characteristic that is transmissible from parent to offspring. The type of

- ‘defect’ could vary from a phenotypic characteristic that has no impact on animal welfare, right through to serious life-threatening disease.
- A heritable defect being noted in a previous litter also does not preclude the safe breeding of another litter if the defect in question is inherited in a simple recessive pattern and the carrier parent animal is bred to a clear parent animal in the next mating.
 - RightPaw would suggest an extensive, separate Code of Practice be considered, defining, and outlining in more detail, the above terms, as demonstrated by Victoria’s [*Code of Practice for the Breeding of Animals with Heritable Defects that Cause Disease*](#).
- 61ZF (c): **A CABB must not breed a female dog or cat with a dog or cat that is related to the dog or cat by blood.**
 - RightPaw highlights that the term ‘by blood’ is insufficiently specific to be useful in relation to animal breeding. The concept of pedigrees and closed stud books mean that there is an inbreeding coefficient that is accepted in dog breeding particularly. This term requires a more specific definition, explaining whether the proposed restriction is limited to parent-offspring and sibling matings, or whether it includes grandparent-offspring matings or otherwise stipulates a specific inbreeding coefficient cut-off.
 - One example of more specific language that could be used, is ‘first degree relatedness’ and ‘second degree relatedness’ as used in the Victorian State legislation pertaining to animal breeding.
 - Schedule 1 [1] Part 6A, 61ZG:
 - **Proprietors of a CABB must ensure that, at all times, there is at least one staff member at the registered premises for every 5 animals kept.**
 - **Maximum penalty for infringing (corporation: 2,000 penalty units) (individual: 400 penalty units or imprisonment for 1 year or both).**
 - RightPaw feels that this ratio of staff to dogs is unnecessarily high. The provision also does not clarify whether puppies are defined as individual dogs in relation to this clause, in which case the ratio would be unrealistic to adhere to.
 - We also argue that the maximum penalties for infringing this rule are disproportionately high and should be re-evaluated.

In reference to term 1 (d):

- Right believes that the NSW ‘*Animal Welfare Code of Practice - Breeding of Dogs and Cats*’ is **adequate** as a framework to protect animal welfare against puppy farming. However, there is a problem with enforcement of this legislation in NSW. There appears to be a lack of government resources dedicated to inspection of breeding premises and investigation of complaints or suspicious activity.
- It is our experience that vets across NSW do not readily report suspicious breeders because they don’t know of any robust process in place for lodging their concerns and have no faith that a useful outcome will result from their complaint.

- In our opinion, the following Guidelines in the Code of Practice, should be amended to become compulsory Standards:
 - Guideline 7.1.2.4: *Animals which are excessively nervous, aggressive, or which cannot live in harmony with other animals, should not be bred.*
 - Guideline 7.2.2.2: *Food should be given to puppies and kittens under four months of age with a maximum interval of 12 hours between feeds. For example, a puppy that receives its third feed, and final feed, for the day at 5pm should receive its first feed for the next day no later than 5am the following morning.*
 - Guideline 7.2.2.3: *Food and water containers should be readily accessible to dogs and cats, and be positioned to avoid spillage or contamination by urine or faeces.*
 - Guideline 7.2.2.4: *Food and water containers should be stable, non-toxic and easily cleaned/disinfected.*
 - Guideline 7.2.2.6: *For dogs and weaned puppies, one feeding bowl should be provided per individual animal. For cats, there should be one feeding bowl per adult and one feeding bowl per three kittens.*
 - Guideline: 7.3.2.1: *All dead animals or waste products such as faeces, bedding, and food wastes should be disposed of promptly and hygienically, and in accordance with the requirements of the local government authority, the relevant government department or other authorities.*
 - Guideline 7.4.2.3: *Any vehicle especially designed or regularly used for transporting dogs and cats should:*
 - *protect animals from injury through being free from protrusions or sharp edges in the carrying area;*
 - *have non slip floors;*
 - *provide easy access and safe access for handlers;*
 - *be air conditioned to protect against extremes of temperature even when stationary;*
 - *protect against unauthorised release or escape of the animals;*
 - *be easy to clean and disinfect; and*
 - *be fitted with an operational air conditioning system to the section of the vehicle where the animals are held.*
 - Guideline 7.4.2.4: *On road trips of more than two hours duration, adequate stops should be made to allow dogs and cats the opportunity to exercise, eat, drink, urinate and defecate where appropriate; and for the enclosures to be cleaned where necessary.*
 - Guideline 8.3.2.1: *All efforts should be made to home physically healthy and behaviourally sound dogs and cats.*
 - Guideline 9.1.2.6: *Policies, procedures and training should be implemented which ensure that prospective buyers are matched to suitable dogs and cats. Such matching should consider the characteristics and lifestyle of the buyer, the type and behavioural attributes of the animal including exercise requirements, and the environment of the new home, including yard size and presence of children.*
 - Guideline 10.1.2.1: *Breeding practices should ensure that both breeding animals and the offspring they produce are as physically and behaviourally sound and healthy as possible. Dog and cat breeders have a responsibility to ensure that their breeding animals maintain the best quality of life possible, and litters should only be produced with a reasonable expectation of finding homes where they are both wanted and appreciated, and are offered a similarly good quality of life.*
 - Guideline 10.1.2.7: *Breeders should consider the welfare of their breeding sires and dams when deciding on the best time to re-breed or to cease breeding their animals.*

In reference to term 1 (j):

- In our opinion, the measures that would best to stop or reduce puppy farming in NSW would be the regular inspection of breeders' properties and enforcement of the current legislation.
- A more established and well-resourced process for investigating concerns raised by vets and members of the public regarding suspicious breeding activity, would also radically improve the targeting of inspections towards potential puppy farms, rather than targeting the responsible, well known breeding community who have far more visibility but who are not the problem.
- There appear to be minimal resources dedicated to enforcing the NSW '*Animal Welfare Code of Practice - Breeding of Dogs and Cats*'.

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2nd March 2022