

**Submission
No 17**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

Organisation: PETA Australia

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PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

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**SUBMISSION TO THE SELECT COMMITTEE ON PUPPY
FARMING IN NEW SOUTH WALES**

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Responses to the Terms of Reference

1. That a select committee be established to inquire into and report on puppy farming in New South Wales and in particular:

(a) The provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021

Regulations around puppy farming are desperately needed in New South Wales to protect animals, community health, and consumers.

Under the current rules in the Prevention of Cruelty to Animals Act 1979, the Prevention of Cruelty to Animals Regulation 2012, and the Animal Welfare Code of Practice – Breeding Dogs and Cats, there are no limits on the number of animals who may be bred at puppy farms or the number of litters an individual animal may be forced to bear.

The industry is so unregulated that nobody monitors how many animals are being bred or how many are surrendered or euthanised in the state each year.

PETA recommends that this bill be passed and made into law as urgently as possible.

(b) The animal protection issues associated with puppy farming

Puppy farms use mother dogs as breeding machines until their bodies break down. They confine them without socialisation or veterinary care and churn out hundreds of thousands of dogs every year into a world already bursting at the seams with homeless animals.

Environments that prioritise breeding large numbers of animals can often lead to severe crowding and unhygienic living conditions, not to mention the psychological damage of confining dogs to kennels or cages for long periods of time or the agony they endure when their babies are repeatedly taken away at 8 weeks old to be sold.

Breeders of “purebred” dogs breed animals to aesthetic standards that are often detrimental to dogs’ health. For example, dachshunds have been bred to have long backs and short legs, which lead to a higher risk of lifelong problems with the back, knees, and other joints; German shepherds commonly have hip dysplasia and chronic pelvic pain; and brachycephalic (flat-faced) breeds such as pugs, French bulldogs, and British bulldogs all suffer from breathing problems and often must have expensive corrective surgeries later in life. The Australian Veterinary Association recently called for a ban on breeding several purebred dogs who are currently manipulated for “cuteness”, which often causes breathing issues, deformities, and allergies.¹

Other “designer” dogs who have been bred for certain physical characteristics, such as being “hypoallergenic”, are no different. For example, Wally Conron, who bred the first

¹Peter Vincent, Would you “die poor” for adorable Phoebe? How paralysed French bulldog owner has paid \$200,000 to keep her dog alive, *Daily Mail*, 10 February 2022, <https://www.dailymail.co.uk/news/article-10491243/Why-owner-spent-200-000-French-bulldog-amid-calls-Australia-BAN-deformed-breeds.html>.

labradoodle, has since reflected that he created a “Frankenstein” and that most poodle mixed breeds are either “crazy or have a hereditary problem”.²

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

Because dogs and cats are bred for certain aesthetics at the detriment of their health, the industry is fraught with consumer complaints. In 2016, NSW Fair Trading noted a rise in complaints from people who had found themselves with sick and genetically compromised puppies suffering serious diseases.³ Last year, the Animal Law Institute set up an Anti-Puppy Farm Legal Clinic in Victoria following an increase in the number of people unknowingly buying sick animals online during the pandemic.⁴ Unlike other purchases, unhealthy puppies and kittens cannot simply be returned to breeders without, at the very least, psychological consequences for the animals who quickly form strong bonds with their human companions. Most consumers also recognise that sending an unhealthy puppy back to a breeder may result in the animal’s being denied the necessary veterinary care – or even cruelly killed – by profiteers to avoid medical costs. Establishing regulations is critical to protecting consumers as well as animals.

There are many examples in the media of people who have purchased puppies who died or cost them thousands in vet bills. Just recently, an article in the *Daily Mail Australia* told the story of Maureen Elvy, who spent \$200,000 on surgeries and treatments to address the health issues of her French bulldog Phoebe, which were brought about by breeding practices. They reportedly included “spinal, airway and genital surgery and regular immunotherapy costing \$2,000 a treatment since she got the dog in 2017”.⁵ In another case documented by the ABC, a beagle-cross named Nala nearly died shortly after arriving at her new home because she was so infested with worms.⁶

Dogs such as poodles, bichons frises, and labradoodles are marketed as “hypoallergenic” because they shed less. Their long hair takes longer to grow to its full length and fall out. However, these breeds still shed, shake, scratch, and engage in all sorts of other dog activities that release dander. According to the Mayo Clinic, “There’s no such thing as a hypoallergenic dog breed.”⁷ This is misleading marketing, and a better legal framework is required to help protect consumers.

The sale of dogs online has proliferated in recent years, and unscrupulous breeders have taken advantage of travel and visitation restrictions caused by the pandemic to sell to customers without in-person viewings of the premises or dogs. Likewise, pet shops lure

²BBC, Labradoodle creator says it’s his “life’s regret”, 25 September 2019, <https://www.bbc.com/news/newsbeat-49826945>.

³The Senior, Unscrupulous dog breeders leave behind broken-heart puppy buyers, 2 June 2016, <https://www.thesenior.com.au/story/5412805/unscrupulous-dog-breeders-leave-behind-broken-hearted-puppy-buyers>.

⁴Jackson Peck, Victorian animal legal clinic seeks compensation from dodgy breeders, ABC, 10 May 2021, <https://www.abc.net.au/news/2021-05-10/victorian-animal-clinic-dog-legal-breeders-compensation/100126684>.

⁵Peter Vincent, Would you “die poor” for adorable Phoebe? How paralysed French bulldog owner has paid \$200,000 to keep her dog alive, *Daily Mail*, 10 February 2022, <https://www.dailymail.co.uk/news/article-10491243/Why-owner-spent-200-000-French-bulldog-amid-calls-Australia-BAN-deformed-breeds.html>.

⁶Jackson Peck, Victorian animal legal clinic seeks compensation from dodgy breeders, ABC, 10 May 2021, <https://www.abc.net.au/news/2021-05-10/victorian-animal-clinic-dog-legal-breeders-compensation/100126684>.

⁷Laurel Kelly, Consumer Health: Dealing with dog allergies, 29 September 2017, <https://newsnetwork.mayoclinic.org/discussion/consumer-health-dealing-with-dog-allergies>.

customers in with cute puppies but don't give any explanations as to where the animals came from.

Worse still, dogs purchased either online or at pet shops are more likely to be impulse buys. Research⁸ conducted in the United Kingdom in 2020 found that 25% of new dog owners bought a puppy during the pandemic with little research and admitted they could have inadvertently bought from a puppy farm. One in five wasn't sure if their dog would even suit their lifestyle after lockdown.

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

The Animal Welfare Code of Practice – Breeding of Dogs and Cats is clearly not enough to protect animals or the community. Under the current rules, there are no limits on the number of animals who may be bred at puppy farms or the number of litters an individual animal may be forced to bear. Breeders can simply apply for permission from their local council, which then approves or denies the application on planning and environmental grounds, without any consideration for animal welfare. Regulations are needed to address animal welfare and community health issues created by factory-style breeding farms.

There have been numerous raids at puppy farms across the state in recent years. The RSPCA seized 79 dogs from a farm in the Central West region of New South Wales last year, admitting all the animals to veterinary hospitals.⁹ Eyewitness accounts from a puppy farm in Inverell, where a 10-month-old boxer named Strawberry had allegedly rotted from the inside out after becoming sick during a pregnancy, surfaced in 2020. Once again, the RSPCA raided this facility and another at Wagga Wagga.¹⁰ Each of these raids puts huge stress on the resources of vets, foster carers, the legal system, and the RSPCA.

(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 recommendations of the 2015 Joint Select Committee on Companion Animal Breeding Practices in NSW were a disappointing response to a huge public outcry – including 344 submissions, a petition containing 3,000 signatures, and more than 2,200 e-mails – about puppy farming in the state.¹¹

The inquiry recommended that the government set up a stand-alone licensing scheme that would require all breeders to register and include a licence number with the sale of each animal.

⁸The Kennel Club, The Covid-19 puppy boom – one in four admit impulse buying a pandemic puppy, 17 August 2020, <https://www.thekennelclub.org.uk/media-centre/2020/august/the-covid-19-puppy-boom-one-in-four-admit-impulse-buying-a-pandemic-puppy>.

⁹RSPCA New South Wales, RSPCA NSW inspectors seize 79 dogs from Central West NSW breeding establishment, 25 February 2021, <https://www.rspcansw.org.au/blog/media-releases/inspectors-seize-79-dogs-from-central-west-nsw-breeding-establishment>.

¹⁰Jack Gramenz, Pregnant boxer dies after she “rotted from the inside out”, News.com.au, 24 September 2020, <https://www.news.com.au/technology/science/animals/pregnant-boxer-dog-dies-after-she-rotted-from-the-inside-out/news-story/8029eaecad2a302be1987f86f5a0232c>.

¹¹Department of Primary Industries, Companion Animal Breeding Practices Inquiry, Accessed 3 March 2022 <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-care-and-welfare/other/dogs-and-cats/inquiry>.

It should also be noted that the Companion Animals Taskforce already recommended this in 2012, so the 2015 recommendation was essentially, in the words of RSPCA NSW Chief Executive Steve Coleman, “just to implement the previous recommendations”.¹²

But this was once again ignored,¹³ and instead, the government announced that it would conduct another review of the way the industry was regulated and ensure that breeders were identified on the New South Wales companion animals microchipping register.

(f) The impact of the NSW Government Consultation Paper “Licensing and regulation of cat and dog breeders”

It is confounding that a licensing scheme was first recommended – by a parliamentary committee no less – in 2012 and yet the government is still shuffling around consultation papers on the issue in 2022.

The paper has had no impact.

(g) The impact and effectiveness of the NSW Government “Puppy Factory Taskforce” announced on 23 October 2020

The Puppy Factory Taskforce was a good initiative in theory, although its impact is hard to measure since there has been no public reporting on its effectiveness.

In addition, the taskforce is hamstrung by the inadequate laws which currently exist around puppy farming in the state.

(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 in Victoria was a win for animal welfare, but it needs to be replicated in New South Wales for maximum impact because puppy farmers can simply re-establish their businesses across the border.

Just before Victoria brought in the 2017 Act, one of the state’s biggest breeders, Banksia Park Puppies, purchased land just 30 kilometres over the Victorian border at Finley, New South Wales. An application to build a dog breeding facility for up to 100 dogs was then approved at the site.¹⁴

Former Victorian breeder Ashley Fenn applied for a 300-dog puppy farm in Moama, New South Wales, in 2021. Again, a facility that is illegal in Victoria was approved in New South Wales. The local governing body, Murray River Council, was split on the

¹²Eryk Bagshaw, Animal rights groups lash puppy farm inquiry, 28 August 2015,

<https://www.smh.com.au/national/nsw/animal-rights-groups-lash-puppy-farm-inquiry-20150828-gjacfc.html>.

¹³Sarah Gerathy, NSW Government baulks at puppy farm licensing scheme, against advice, 26 February 2016, <https://www.abc.net.au/news/2016-02-26/nsw-government-puppy-farms-new-regulations-after-abuse-inquiry/7201710>.

¹⁴Beau Donnelly, Victorian dog breeders nose out NSW base ahead of puppy farm clampdown, *The Age*, 1 September 2016, <https://www.theage.com.au/national/victoria/victorian-dog-breeders-nose-out-nsw-base-ahead-of-puppy-farm-clampdown-20160901-gr6c6y.html>.

decision but ultimately felt it did not have the power to deny the application,¹⁵ the reasons for which we will delve into further below.

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

In the case of the aforementioned 300-dog puppy farm at Moama, Murray River Councillor Geoff Wise had hoped to overturn the decision to approve the facility, but he told the ABC that because the proposal was consistent with existing laws, the council's hands were tied:

“The laws aren't good enough here. We've got to do something to help get animals protected more,” he said. “We are only the enforcers of the law and we couldn't do anything else other than pass it legally because the law states that we have to do that.”¹⁶

Council development application processes focus on community amenity and environmental impacts, without any consideration for animal welfare.

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

We support the following restrictions and rules:

- All breeders (with three or more breeding animals) must **register with their local council**, with mandatory pre-registration and annual inspections.
- **A cap of 10 breeding dogs** to prevent large-scale intensive factory farming-style operations
- **A limit of two litters per female**
- **Mandatory vet checks** (annually and before and after breeding) and a **minimum ratio of one staff member to five animals** to ensure proper care of each individual animal
- **Pet shops can only sell dogs or cats sourced from pounds and shelters** to ensure they can't act as “smokescreens” for puppy farming. Many pet shops already work from this model and have proved it is still a profitable business model.
- **All animals must be advertised with a “source number”**, which links back to the registration system and provides transparency and oversight for the public and enforcement agencies.

(k) Any other related matter

A significant proportion of the work of rescuing, fostering, caring for, and finding homes for the thousands of homeless dogs in Australia is performed by not-for-profit shelters, adoption groups, and networks of foster homes. These entities are primarily funded by community donations, state government grants, and bequests and are often heavily reliant on volunteers to sustain their work. Many are permanently overwhelmed and often refuse to accept animals because they are full. Stopping puppy farming in New South Wales would help reduce burdens on volunteers and the community as a whole.

¹⁵Mikaela Ortolan, Controversial Moama puppy farm gets council approval despite uproar, ABC, 5 May 2021, <https://www.abc.net.au/news/2021-05-05/controversial-puppy-farm-to-go-ahead/100116614>.

¹⁶Mikaela Ortolan, Controversial Moama puppy farm gets council approval despite uproar, ABC, 5 May 2021, <https://www.abc.net.au/news/2021-05-05/controversial-puppy-farm-to-go-ahead/100116614>.