

**Submission
No 18**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

Organisation: FOUR PAWS Australia

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FOUR PAWS is the global animal welfare organisation for animals under direct human influence, which reveals suffering, rescues animals in need and protects them. With offices worldwide, including Australia, our vision is a world where animals are treated with respect, empathy and understanding.

Thank you for the opportunity to contribute to this important inquiry into puppy farming in New South Wales.

Our submission responses below.

Do you have any comments on the current framework regulating dog and cat breeders in NSW, including but not limited to:

- **Prevention of Cruelty to Animals Act 1979 (NSW),**
- **Prevention of Cruelty to Animals Regulations 2012 (NSW),**
- **NSW Animal Welfare Code of Practice: Breeding Dogs and Cats?**
(max 300 words)

With some exceptions, the current animal welfare legislative framework in New South Wales offers good provisions and comprehensive requirements for the keeping condition of dogs and cats used for breeding. However, there are also aspects that can be improved to achieve better animal welfare, traceability and consumer protection:

- NSW Animal Welfare Code of Practice: Breeding Dogs and Cats | Section 10.1.1.14 says, "Kittens and puppies must not be separated from their litter or their lactating mother until they are more than seven weeks of age to facilitate socialization, except in the best interests of the puppy or kitten, or their mother." – Seven weeks of age is insufficient. This minimum age should be 8 -10 weeks of age which would allow the puppy or kitten to develop better socialisation skills.
- According to the Prevention of Cruelty to Animals Act 1979, advertisements must include either a breeder identification number, rehoming organisation number or the animal's microchip number. We do not believe this is adequate for ensuring full traceability of the pet trade. For advertising puppies under the age of six months, a breeding identification number must be mandatory and verifiable by the advertising platform. In the case of unborn litters or very young non-microchipped puppies, the microchip number of the

puppy should be provided to the prospective purchaser in addition to the breeder identification number before acquiring the puppy.

- The requirements of the “Animal Welfare Code of Practice—Animals in Pet Shops” need to be reviewed in view of the new proposals (e.g. the recent ACT requirements for walking time of dogs). As of now, these do not ensure sufficient animal welfare standards.
- The conditions of transport vehicles used for dogs or cats also need to be reassessed and made in line with international standards.

Would you like to see laws to stop puppy farming?

Yes

If yes, what should laws to ban puppy farming look like? (max 300 words)

Laws banning puppy farming need to ensure increased traceability of all breeders, sellers, and each individual dog. Dogs must be registered to their first owner (the breeder) and then to each subsequent owner. Third party sellers (dealers) must be banned.

A track record of all information related to the dog must be included in their “dossiers” in the pet registration database. To ensure customer safety, not only the breeding establishments must be monitored and inspected, but also the online classified ad platforms hosting advertisements for dogs and cats. There, the microchip number of the animal and the breeder registration number must be mandatory fields for sellers to complete. These also must be verified before an ad can be published online.

The Companion Animals Amendment Bill offers a lot of improvements of the previous legislation and is a good step forward, however it needs to also include liability and responsibilities for the online platforms to check the information against the microchip registration data for the animal and include information and a link to the public register with breeders, making it easier for prospective purchasers to conduct additional research on the breeder before proceeding with purchase. Platforms and other places where dogs are sold (e.g. pet shops which are meant to offer dogs from rehoming centres according to the new Bill), need to provide information on the legal rights and responsibilities of the seller and the customer before they conduct the purchase.

The Companion Animals Amendment (Puppy Farms) Bill 2021 states that its objects are to amend the Companion Animals Act 1998 to:

(a) Regulate the conduct of businesses breeding companion animals and other companion animal businesses, and

(b) Provide enforcement powers for the purposes of regulating the conduct of companion animal businesses.

Based on your own understanding and the information above, do you have any comments on the Companion Animals Amendment (Puppy Farms) Bill 2021? (max 300 words)

The Companion Animals Amendment (Puppy Farms) Bill 2021 includes a lot of important provisions, which we agree with.

We would like to emphasise the importance of several of these provisions:

We welcome the restriction for keeping no more than 10 fertile female dogs or cats. Additionally, the number of personnel, responsible for taking care of the dogs and their qualifications, must be specified additionally.

An emphasis needs to be made that breeders must register as sellers, and pay the respective taxes from the first litter onwards. A requirement for microbreeders is already included in the provisions but it needs to be clarified when the starting point for registering as microbreeder for small-scale breeders is.

We welcome the improvement introduced with the new Bill that breeders must not breed from a female dog or cat more than twice. In comparison with the previous restriction for breeding the animals not more than twice every two years, this is a very good step, and the implementation of which needs to also be actively monitored.

Specifying that breeders must not breed dogs or cats which are related by blood, is also a good provision. For making the monitoring of this easier, microchip numbers of the parents of the puppy or kitten should be included in the pet registration database in the entry of the animal.

We greatly welcome the restriction for pet shops offering puppies and kittens changing to only offering dogs or cats above a certain age from rehoming organisations. However, in this case the “Animal Welfare Code of Practice—Animals in Pet Shops” needs to be revised to include requirements for the care for these animals, especially updating the provisions regarding keeping conditions and walks.

Do you have any comments in relation to the animal protection issues associated with puppy and/or kitten farming? (max 300 words)

FOUR PAWS works on the topic of illegal pet trade in several countries. In our vast experience, we have concluded that traceability of pets, and the individuals involved in the breeding, keeping, transporting, and selling of pets, is key for ensuring the welfare of animals, protecting consumers, and prevent disease spread. Identification (microchipping) and registration is key for ensuring the traceability of pets throughout their lives, and ability to trace individuals, should an animal become sick or otherwise need to have their origins traced.

Therefore, provisions on the keeping conditions in the breeding establishments combined with information on the origins of the animals is crucial for the accountability of individuals involved in the pet trade.

Do you have any comments in relation to the consumer protection issues associated with the sale of pets from puppy and/or kitten farms online and in pet shops? (max 300 words)

To ensure better consumer protection, we would like to suggest the following additions to the Bill that can supplement the provisions of the existing draft:

Platforms must be required to verify microchip and breeder registration numbers provided by the sellers before an ad can go online. This will protect prospective purchasers from buying a puppy or a kitten from an unregistered, untraceable, breeder.

The business information register that can be accessed by potential purchasers must be easy to use and promoted to potential purchasers, so that they have the possibility to check the legitimacy of the breeder offering the animal in which they are interested in advance, and conduct additional background research.

The regulations for breeders and the rights for the buyers need to be clearly communicated, so that buyers can easily recognise in case a breeder does not conform with the rules.

The possibility to receive more information or report illegal trade needs to be available with a clear procedure in place. However, checks should not be organised by the inspectors only for the registered establishments or after purchaser reports, but also use the possibility provided by law to “examine an advertisement, or any means of publishing or broadcasting an advertisement, if the inspector suspects, on reasonable grounds, that an offence against section 23A is being, has been or is about to be committed in respect of the advertisement or other thing” on a regular basis.

Do you have any other comments? (max 300 words)

To enable full traceability across the online sale of pets, advertising platforms should verify the registered ownership of anyone selling a puppy or kitten online, such as via the automated verification of microchip registration data. Such a system has been legislated in France, voluntarily implemented in Ireland, and soon to be applied in Switzerland. Other countries across Europe are also indicating moves towards this practice in order to address problems associated with puppy farming and the illegal trade of pets.

FOUR PAWS has collaborated with pet registration databases and advertising platforms across Europe to develop and implement a technical system that enables registration and ownership data to be automatically verified when advertising an animal for sale online. We would welcome



legislation in New South Wales that enables the same or similar system for full traceability to be brought forward, and thereby minimising burden for consumers and advertising businesses to ensure legitimate practices by dog and cat sellers.