

**INQUIRY INTO PUPPY FARMING IN NEW SOUTH  
WALES**

**Name:** Name suppressed

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Partially  
Confidential

To whom it may concern,

I am a veterinarian and lecturer in anatomy, embryology, and reproduction for 1st and 2nd year veterinary students. In my spare time I show and trial dogs and am a registered breeder with the ANKC/ dogs NSW. I feel that some areas in the draft bill indicate a lack of knowledge regarding breeding, especially as a hobby, the cost of health testing and informed hobby breeding practices, the sizes of litters. It also lacks an understanding of veterinary science, reproductive science and animal management. I am opposing the Animal Justice Party (Puppy Farming Bill) as it does not address the actual "Puppy Farms", indeed it will support puppy farms, in this state or others (that keep dogs in a breeding facility not in a home) or backyard breeders that are untraceable. None of these breeders and facilities do health and temperament testing. I am opposing this bill because it excludes reputable responsible breeders. In a puppy farm, dogs have limited exercise, are held in kennels or sheds, with little interactions with humans, they are not trained, not house trained, breed every season, not health tested and rehomed once they have finished breeding. Backyard breeders are named micro breeders in this bill, they are randomly breeding, randomly acquired dogs without health testing. Neither puppy farms, nor backyard breeders take their dogs back, indeed a study of the University of Queensland found that most dogs in the pound came from backyard breeders (byb). Breeders registered with a breed club like the ANKC will health test (tests will depend on breed), breed generations of the same line and learn about the best combination of those lines of dogs. They temperament test, either in specific tests, or through showing or trialing their dogs. These breeders usually take their dogs back and have contracts with the owners to indicate, the dog has to be rehomed to them, so they assess the dog they bred (temperament and training status), retrain it and rehome it. There is a code of ethics which indicate how often a dog/cat can be bred, rest periods between breeding, oldest and youngest timepoint of breeding, minimum health test requirements for your breed, every dog/cat produced needs to be microchipped, and vaccinated and genetic diseases need to be avoided. These breeders usually raise the litter in the house, as there are real benefits to this. Some dog breeds might smother puppies, by laying on them, some puppies need supplemental feeding every 2 hours and you only will know if this is happening if you are in the same room and supervise 24/7 for the first three weeks. The noises of TV and radio, vacuum cleaners socialise the puppies to these noises, children and visitors in the house will help with socialisation too. Most registered breeders will start potty training, which makes transition to a new home easier. With this bill I don't think this will be possible, most people aren't able to run a business out of a house. The word business is misused in this application, as it would mean a business, even if no profit is made. It is like pretending someone that that does an oil change, has to legally have a business, or a hobby farm is a business. Running a business out of a house might conflict with insurance and council legislation. Businesses have to have an ABN, however ABNs aren't handed out, when you don't make a profit and there is a provision to have hobby that make a small profit. I had 2 litters of together 3 puppies. I sold one puppy for 500 dollars (I will return 400 dollars once the dog is desexed). I spent \$ 5000 on matings, \$2500 on prog tests and artificial inseminations and \$6000 on prog tests, x rays and caesareans. (As small litters might cause breeding difficulties, caesareans were indicated). This does not include health testing of the mother dog. Does this mean I can cover my losses by claiming it on tax? Of course, it doesn't, it means it is a hobby, not a business and I don't mind how much money I spend, as my dogs are more important than a profit. That puts us breeders at a stark contrast to puppy farms and byb, that might prefer putting dogs down or dumping it, rather giving them medical treatment. I don't think you can call something a business if it legally does not qualify as a business and this bill therefore might not pass a legal challenge.

I am very concerned that there is no micro chipping requirement in this bill and no mention of health testing (i.e. genetic screening, or x rays that are scored externally) or vaccination (only certificate to check of bitch/queen prior to mating), while on the other hand breaching laws on what is legally possible in inspections and therefore breeders having less rights than drug dealers.

There is also significant overlap of Animal Welfare, record keeping, and husbandry matters under POCTAA 1979 into CAA 1998.

Also, health checks in dogs and kittens should be at first vaccination to minimise infection possibility at the vet. However, vaccination should ideally be at 8-9 weeks, if there is an immunity issues, which sometimes happens in underdeveloped puppies/kittens, vaccination might be later, therefore puppies/kittens should not have to go to the vet for a health check prior to 8 weeks, i.e. prior to vaccination and microchipping, but this should happen at the same time.

The rule that you must not breed from a female if a previous litter has identified a heritable defect, just indicates that the writer has no knowledge of genetic defects or had input of a veterinarian or geneticist. Just because a litter has a genetic defect does not mean the bitch was passing on the defect. You can have dominant defect that might be passed on by the father. On the other hand, breeders are not allowed to have enough animals to have other animals of the same lines to fall back on. The whole bill has been written by someone that thinks that animals are easily replaced, with little consideration for the individual animal.

To only allow outcrosses also means that the person that has written the bill had little input from breeders or scientists. I assume that it means no inbreeding which I not the same as line breeding, my club the ANKC does not allow inbreeding, this is what maybe the backyard breeder (micro breeder) would do. Outcrossing does not avoid health issues. Even cross breeding does not avoid health issues and plenty of scientific literature exists on the topic. It is not about out breeding or line breeding, it is about finding the best mate, that will make the healthiest puppies. Inbreeding is breeding dogs with 3 degrees of separation or less, versus line breeding refers typically to arranging matings so that one or more relatives occur more than once in a pedigree. This might be one great grandfather. Outbreeding might just mean lines you don't know at all, which might increase the appearance of genetic issues, as you don't know those lines and a lot of breeds and cross breeds can carry the same defects. You can also have genetic defects that present the same as diseases caused by teratogens or even acquired later in life. On the other hand bred specific genetic testing is not mentioned.

1.) Schedule 1 Amendment of Companion Animals Act 1998 No 87, indicates anyone breeding as a business. Most registered ANKC breeders, are otherwise employed and breed as a hobby not a business. Three intact dogs do not indicate a business either. This is dependent on the amount of money gained from breeding and in tax law, usually that is three litters a year or more. If you have less litters and the litters are under a certain dollar amount, you can't register for an ABN. How can the rules for a business be in contrast to tax laws, <https://business.gov.au/planning/new-businesses/difference-between-a-business-and-a-hobby> . In the sport of dog showing, dogs are usually shown un-desexed and being undesexed does not mean constant litters. I have had five litters in 15 years, still I have had up to 5 undesexed dogs in my household at any one time, males and females. This should be changed to indicate, not everyone with un-desexed dogs is a business or even breeds. Science is pretty clear about the negative impacts of desexing on health and temperament of canines.

2.) Schedule 1 Amendment of Companion Animals Act 1998 No 87 The amount of three un-desexed female dogs is insufficient. Today in veterinary science we know that desexing is linked to multiple cancers, hip dysplasia and other bone and joint disorders. The number of females is not linked to how many litters are raised. Also, if the goal is to support ethical breeders that do health testing, why would you remove the possibility of raising generations of the same lines for those breeders? If you are invested in a line, you know the if there are hidden diseases that don't have genetic testing yet, for example heart disease. You know what lines to avoid breeding with, and therefore you can breed healthy dogs. If you can only have three intact females, you can't keep any offspring. For example, you have one retired undesexed female, you have two intact females. One of breeding age and one under 2 years old, then you can't keep another. Health testing usually happens at 1-2 years old. Some breeds like Salukis are bred as late as 4 years old

for the first time, because they mature so slowly. So, you can't continue those lines and breed healthy offspring, as you have to pet home any future litters or rehome your other dogs. In essence this bill actually promotes breeders abandoning their dogs. Because sometimes you keep one female for 2 years and then you decide you won't breed her and rehome her. In the example above you have nothing to fall back on, or have to breed a suboptimal female. Not that she does not make a good pet, she is just not of the quality you would prefer for breeding. The only context in which this works, is if you are a backyard breeder (byb), buy a dog, breed it at 6 months old, keep some offspring and dump the mother, as soon as a breeding limit has been fulfilled, this is actually exactly what happened in other countries that introduced similar laws, overseas. Also, byb move underground by not registering their dogs, or litters; registered breeders that are ethical and do health testing and provide pedigrees can't move underground, so you have an increase of byb and a decrease of breeders that are ethical. This has happened in other states, for example SA, as soon as similar laws were introduced, byb numbers skyrocketed. Despite SA having strict laws, there are many unregistered, non-microchipped litters, so far no action has been taken by the state against byb. Also, byb don't have to advertise publicly, running a rescue group for the shiba inu breed on facebook, I know byb will try to get access and advertise through private messaging to anyone wanting to find a shiba. As this happens through private messaging it is hard to intervene.

3.) Part 6A Regulation of companion animal businesses. The term micro breeder indicates a backyard breeder. A study from the University of Queensland indicated that most dogs that end up in pounds, are from backyard breeders. Usually, they don't have contracts with the puppy buyers, have no interest or facilities to take dogs back, if abandoned by the owner. They also hardly do health testing. It is not logical, that a document against puppy farms should benefit backyard breeders. Health testing indicates that you remove dogs that don't pass health testing, if you only can keep 2 female animals you can't health test and remove every female that does not pass health testing, because it might leave you with no female to go on with.

4.) 6.1B (4) The paragraph is nonsensical and should be removed. While Veterinarians can exclude females from breeding if there is something physically wrong with them on inspection, they don't oversee health testing of female dogs. Codes of ethics with offcuts are overseen by pet breeding organisations, like the ANKC. While a veterinarian takes x rays for hip and elbow scoring, the scores are actually determined by a veterinarian specialist radiologist. Heart testing is done by a cardiologist, eye testing by an ophthalmologist. Genetic testing might be done by laboratory in Europe or the US. These results will be collected by the pet breeding or breed organisation, not the vet. A vet has no legal right to disallow breeding of an animal, the only thing they can do is to not provide a certificate to allow breeding. Payment or non-payment of a dog should be determined by a contract not by a diagnosis. As mentioned there would be little one vet could diagnose on breed health testing as they don't collate the results and aren't breed wardens for that specific breed.

5.) 6.1.C does not indicate what laws we are agreeing to. So far regulations are for an industry standard, despite the people that have to follow the standard are not a business or industry, don't have employees, a lot of comments are WHS related, like height of enclosures, and don't take into account the size of dogs, the height they can jump, or regulations in certain cities might contradict the height regulation of fencing. It makes no sense in an amendment that is supposed to discourage puppy farms, to ask that every breeder, should have the standard of a puppy farm, where the dogs and cats live away from the house, on concrete, with minimum time to run outside, specially if there is dirt in the yard.

6.) 6.1.U puts byb on the same level as rescues, that is outrageous.

7.) 6.1.Z Unfortunately it is impossible to track byb. It is only possible to track registered breeders. This same rule has been completely useless in South Australia. Indeed, backyard breeders that registered with the council (not all) now are deceiving buyers, by claiming they are registered breeders. Most people thinking of registered breeders think they are registered for

example with the ANKC and do health testing. A lot of puppy buyers in SA have been deceived though the help of this misuse of terms.. Why is this concept, that clearly has not worked, now considered here? Why not investigating what has actually worked? Victoria has put the costumer and animal health at the forefront, while allowing quality breeder to continue.

8.) 61ZC Registered breeders usually take dogs back that otherwise would be abandoned and also rescue dogs or cats -they did not breed- to rehome. Is that really a reason to penalise them, as would happen with this rule? Is this a rule to benefit the RSPCA/AWL over the private rehoming. That seems like a conflict of interest, given they are the inspectors.

9.) 61ZE what happens if a private citizen has an accidental litter? How do you discourage those private owners from offloading those puppies without health checks, vaccination, microchipping? Or in the worst case putting the litter down in a reckless manner, when they can't afford the fine? What are the possibilities for someone that has an accidental litter, without registration or health testing of the bitch/ queen prior to breeding? Especially if this is not a breeder? Why would private person loose their animals to the organisations that are doing inspections. Conflict of interest.

10.) 61ZG As mentioned there is a gross misunderstanding on what a business is, under 3 litters a year it is a hobby and costs usually exceed profits if breeding is done properly, no need legally for an ABN. If it is not a business, why do you need staff? Staff is paid through a business. However, if you don't make any money and don't breed every year or own undesexed animals why do you need staff then, when you need no staff if your animals are desexed, even if you have a lot more animals. This rule makes no sense. It should be stricken. Again, if you are against animal factories, why do you apply industry standards? This rule might cause more breeding because hobbyists suddenly have to pay staff.

11.) 61ZI There are two problems with this rule. A.) veterinary practitioners might not be qualified to be covering all of those areas of expertise B.) Some of these words are out of context. What does the author mean by socialisation? "socialisation" refers to the learning process that a puppy must undergo to learn key life skills which ensure that they are happy and confident in their environment and can communicate effectively within their social group this socialisation period is between 8-18 weeks. Usually by this time dogs have moved to their permanent homes. How would a veterinarian know, what puppies do at the house? If socialisation is used wrongly and means dogs spending time with other dogs What about dogs or cats that might not get along with others? Do they have to be socialised at risk of injury?

12.) 61ZK There are multiple issues with this paragraph and this should be changed to remove breeding age of male dogs and litter numbers. As previously mentioned, this rule does not refer to businesses, but hobby breeders. The number of litters is too low. Some litters might only produce one or two puppies. And therefore, maybe more than 2 litters might need to be bred to get an animal that will pass tight health testing requirements. The goal is not to breed the most mediocre animal you can lay your hands on. It is about the best you can breed. You usually use one sire per breeding, you make educated guesses by looking at health testing results and conformation. However, sometimes those matings are not greatly matched and you only know this once you see the puppies or when the puppies turn one/ two years old and can be health tested. Literally this rule might result in worse and worse bred dogs over time. Also, it kind of means you should not need a veterinarian to approve the female's health. Nearly any female can have two litters and if they couldn't they usually won't fall pregnant. Again, it will benefit those that don't do health testing and will jut breed with anything. Otherwise, you might want to breed again, once you have health-tested the off spring. Usually, females are breed at 1-3 years, twice and then maybe again when they are older if previously bred dogs fail health/ temperament testing. (If they fail these tests, it does not man they are sick or have a bad temperament, it just means you want better results in a breeding animal, that will pass on its genes on future offspring). Also, health testing might cost upward of 1500 dollars depending on breed, caesareans cost \$3000, matings up to \$5000, showing a dog, which tests temperament and

trialing a dog, might cost \$10,000 including travel, training, entries, importing a female might cost \$25,000. Having two litters with a small breed that might only have 2 puppies, breeding will stop from those that put money behind their breeding, and NSW puppy buyers will be stuck with lower quality animals (increase of genetic diseases, no health-testing of parents, no temperament testing) or animals from puppy farms or breeders interstate. Why this legislation would target breeders, doing the right thing is not logical. What scientific data is there, that dogs should not be bred after 6 years? Some large breed dogs should only be collected/ mated after 2 years, depending on code of ethics of some breed clubs. On the other hand, the other hand, the older the dog, the better the longevity of said dog. If the semen is good, what is the harm of breeding a dog over 6 years? There seems no logical scientifically informed reason for these numbers.

13.) 61ZL If certain companion animals just mean dogs and cats, that should be indicated. It would be very hard to find enough birds or fish for rehoming from rescue organisations. Those animals live in houses and are depending on the definition are companion animals also.

14.) 61ZO I am completely against selling dogs or cats at pet shops and the ANKC forbids its breeders to sell to pet shops. I would welcome a rule that makes selling of dogs in pet shops illegal. Selling a dog of 6 months at a pet shop if not used to this environment is beyond cruel. Also, dogs have critical socialisation period of 8 weeks to 18 weeks, it makes no sense to have people rehome dogs after that period unless it is rescue. This rule makes no sense.

15.) 69J, 69K: It is unfathomable that an enforcement officer would have more rights to enter a premises/ house or yard of a breeder, compared, if a crime was committed where a warrant would be necessary to enter the premises. This rule would not sustain a legal challenge and therefore should be changed. Breeders are not criminals and if they are, this is already covered in other laws. Also, laws should not be duplicated in different Bills. Therefore, these rules should be reviewed. This is especially the case with the overreach that has already happened with ill-informed inspectors with varying opinions on rules and little training, being forced to let someone into your house in times of a pandemic can't be seriously considered. 69K surely isn't legal without a court order, these rules are an overreach.

Please consider my objection to this badly written and researched bill.