

**Submission
No 161**

INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

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Date Received: 2 March 2022

Parliament of New South Wales

Standing Committee of Animal Welfare Policy in New South Wales

M Veitch; E Hurst; L Amato; M Banasiak; A Boyd; C Cusack; W Fang; A Searle

Subject Matter*NSW Companion Animals Amendment (Puppy Farms) Bill 2021*

Dear Committee Chair of Animal Welfare Policy in NSW, Hon. M Veitch;

I write with respect to the NSW Companion Animals Amendment (Puppy Farms) Bill¹ [**Bill Draft**] introduced by Hon. E Hurst.

I would like to brief you on my background to provide context for my submission. I'm a molecular biologist (Ph.D) and the Chief Scientific Officer in an Australian biotech company that I co-founded. In short, we discovered biomarkers for colorectal cancer (CRC) and developed a blood-based PCR test for monitoring CRC-treated patients for disease relapse. The test is commercialized in the United States. I'm a principal co-investigator of several clinical trials at Flinders Medical Center and an appointed Adjunct Academic Senior Lecturer at the College of Medicine & Public Health, Flinders University. I have +40 peer-reviewed publications and written 100s of Standard Operation Procedures, clinical trial protocols, grants, invention disclosures, etc.

My family and I are devoted to the German Shepherd. I believe responsible ownership of a working dog breed must include offering such dogs an opportunity to utilize their inherited traits for their contentment and joy. My dogs and I participate in an internationally recognised Utility Dog Scheme governed by the World Canine Organisation [FCI].² I have trained and trialed German Shepherds under this Scheme for 30 years and represented Australia at 3 World Championships hosted by the World Union for German Shepherds [WUSV] - rank 54 in 2019. I co-founded Sydney Dogsport Club (est. 2004), a member of the non-for-profit organisation, Working German Shepherd and Dogsport Clubs of Australasia [WGSDCA], est. 1990. WGSDCA recently became a cooperation partner with the WUSV.³ I've held the WGSDCA President position since 2015 and a licensed performance judge under WGSDCA. I have been a registered and licensed breeder under the DogsNSW, hence Australian National Kennel Club [ANKC] - now Dogs Australia - since 2013. I have imported German Shepherds and semen to preserve/improve health, gene diversity and temperament to ensure I breed top-quality dogs. I have only made 3 litters, as I only breed when wanting my next dog.

I condemn the unscrupulous people engaging in puppy farming to exploit the fact that cute puppies sell, hence welcoming the NSW Government's objective to end puppy farming.

It is my opinion that the statement made by Hon. E Hurst - '*puppy farming is currently legal in NSW*' - is misleading if not directly untrue.⁴ I fail to see how a person compliant with the current laws⁵ also meets RSPCA's definition of a puppy farm.⁶ The point being that Hon. E Hurst's Bill Draft goes well beyond the scope of the subject matter and the definition of the subject matter at hand. Ultimately puppy farms remain in business not because governments have so far failed to strike them down, but because the consumers (the puppy buyers) are failing to recognise that they are part of the problem. The only way to end puppy farming is to heavily campaign that the puppy buyer must insist to visit the breeder.

Red tape and bureaucracy are the most frequently reasons for people to work underground. I am utterly concerned that the draconian law proposal by Hon. E Hurst will discourage the reputable and responsible dog breeder. This

¹ [https://www.parliament.nsw.gov.au/bill/files/3885/first print.pdf](https://www.parliament.nsw.gov.au/bill/files/3885/first%20print.pdf)

² FCI Utility Dogsport Scheme: www.fci.be/en/utility-dogs-58.html

³ <https://www.wgsdca.org.au/post/cooperation-partnership-with-the-wusv>

⁴ https://www.emmahurstpm.com/petition_end_puppy_farming

⁵ NSW Prevention of Cruelty to Animals Act 1979; NSW Animal Welfare Code of Practice – breeding dogs and cats; NSW Companion Animal Act 1998.

⁶ <https://rspca.org.au/node/2385>

will lead to a scarcity in top-quality puppies in NSW and as such at risk of encouraging puppy farming. In other words, it is my opinion that the Bill Draft has totally missed the objective of the NSW Government.

1. The Bill Draft in a nutshell

In lay man terms, the Bill Draft states the following for dogs:

1. A person must register for a fee their premise with the local council (and for a fee renew annually) if running a pet shop; trains or board dogs for a profit; rears or keeps dogs for sale/profit/fee/exchange of services; or breeds companion dogs.^{61F, 61G, 61D}
2. A companion dog breeding business has at least 3 fertile females but no more than 10,^{61E, 61ZC} and;
 - The female must be at least 12mo of age, a male dog must be younger than 6 years.^{61ZE, 61ZK}
 - A female must only have two litters and breeding on a female who produced a heritable defect in the previously litter or on dogs related by blood is prohibited.^{61ZF}
 - Must desex dogs if not - no longer - suitable for breeding.^{61ZK}
 - Must not advertise dogs for sale without a source number issued by the Government.^{61ZP}
 - Must keep records of breeding arrangements and health management records.^{61ZH, 61ZI}
 - A veterinarian must endorse a female dog to be suitable for breeding no more than 4 weeks prior to mating and must see the female again within 8 weeks of litter delivery.^{61ZC, 61ZE}

2. The Bill Draft will not end Puppy Farms – Quite the Opposite

The thought that a council-based Breeder Licensing Scheme would *ensure that the NSW Government is aware of who is performing an activity and where*⁷ is fundamentally wrong if the objective is to identify the location of puppy farms. It is wrong as it fails to recognise that the first step is for puppy farmers to register their premise with the local council. It seems reasonable to state that is very unlikely to happen: puppy farms are operations where low overheads and maximum profit come before animal welfare as defined in current laws,^{8,9,10} hence necessitating a need to operate in secret and out of public view. A point also made by RSPCA¹¹ and acknowledged by Hon. E Hurst.¹² In other words, establishment of a council-based Breeder Licensing Scheme with the objective to end puppy farming will be futile.

3. The Bill Draft fails supporting the breeders licensed under main canine bodies in NSW

Reputable and responsible breeders – especially the purebred breeders - are highly likely registered and licensed under mainstream canine bodies. Such organisations uphold ethical and welfare-centred code of practice for their breeders. Breeders of pure breed dogs are typically registered and licensed with the Australian National Kennel Club (ANKC) and their National Code of Practice¹³ states:

(Paraphrased for brevity)

- Females must be at least 12mo but no older than 8yrs (further restrictions may apply to certain breeds)¹⁴
- Must not breed on dogs related by 1st generation (further restriction may apply to certain breeds).
- Must only breed to preserve, preferably improve quality. Must no sell/dispose dogs to retail pet shops;
- Must only sell/transfer a puppy ≥ 8 weeks of age.
- Must not advertise dogs/puppies for sale without disclosing Membership and Breeder License Numbers.
- A transaction must include vaccination certificate signed by a veterinarian; proof of microchipping and registration of such with the local council; council forms for ownership transfer; ensure purchaser understand the requirements of the care & welfare.
- Must keep records of sales and conditions of sales and/or agreements (if any) and maintain reasonable contact with the purchaser.

The reputable breeders of pure breeds invest an enormous amount of time screening potential purchasers to ensure the puppy will stay with the original purchaser – most demand to meet with the potential purchaser before agreeing to a transaction. Their success rate is supported by reports that indicate that less than 5% of admitted dogs to shelters are purebreds.¹⁵ Similar low percentage has been reported in the United States.¹⁶ Said differently, the vast

⁷ NSW DPI Consultation Paper “Licensing and regulation of cat and dog breeders”, November 2021

⁸ Prevention of Cruelty to Animals Act 1979

⁹ NSW Animal Welfare Code of Practice: Breeding Dogs and Cats [Breeding Code]

¹⁰ Companion Animals Act 1998

¹¹ RSPCA Puppy Farm Discussion Paper 2010; <https://kb.rspca.org.au/knowledge-base/what-is-a-puppy-farm/>

¹² Emma Hurst | Puppy Farming Facts; https://www.emmahurstmp.com/puppy_farming_the_facts

¹³ ANKC National Code of Practice of Responsible Dog Ownership: <https://ankc.org.au/AboutUs/?id=1078>

¹⁴ For example, 18 months is the minimum breeding age for German Shepherds

¹⁵ Henry et al. Characteristics and outcomes of dogs admitted into QLD RSPCA Shelters. *Animals* 201;7(9):67.

¹⁶ NAIA. Survey of Shelter Dog Composition: Mutts vs Purebreds. <http://shelterproject.naiaonline.org/purebred/>

majority of dogs admitted to shelters are mixed breeds and a proportion of these may be from puppy farms, or even worse the shelters are a fake front of a puppy farm.¹⁷

Breeders licensed and registered under mainstream canine bodies are not the problem but part of the solution to end puppy farming. These breeders love and care for their dogs and the puppies they produce. They screen the potential buyers to make sure the desire for adding a puppy to their family is not a spur of the moment.

In sum, recognising that the ANKC National Code of Practice hits most - if not all - of the central parts in the Bill Draft, the combined effect of a council-based registration/Breeder License Scheme and the breeding restrictions are likely to discourage these breeders and therefore reduce the supply of top-quality puppies available in NSW – consequently, the Bill Draft is at risk of further encouraging underground puppy farming in the NSW.

As a final note, the Bill Draft is clearly modelled along with the Victorian Domestic Animal Amendment (Puppy Farms and Pet Shops) Act 2017¹⁸ which includes provisions for breeders registered and licensed under *applicable and recognised organisations* aimed at reducing the regulatory burden on such breeders. Why are similar provisions not specified in the Bill Draft? In the event the Bill Draft is enacted in its current format, this will - besides the consequences mentioned above - also create an unfair regulatory burden between breeders registered with respective DogsNSW and DogsVIC.

4. The Proposed Breeding Restrictions Are Draconian

Anybody with a moral compass would support measures aimed at puppy farming, but not if such measures intrude on those breeders who produces top-quality puppies and where the physical and mental well-being of their dogs is of foremost interest.

The breeding measures proposed in the Bill Draft lack insight, common-sense and/or justification:

- [1] Section 61ZC states no more than 10 fertile female dogs, yet the NSW Joint Select Committee on Companion Animal Breeding Practices in NSW has concluded there is no independent correlation between the number of female dogs and poorer welfare.¹⁹
- [2] Section 61ZE states minimum breeding age of female being 12months. Many overseas breed-specific organisations, such as the World Union for German Shepherds²⁰ have increased the minimum age to 20 months for females and 24 months for males. Lack of world-wide harmonisation of breed-specific minimum breeding age potentially creates an incentive for Australian puppy farmers to breed specifically for an overseas market. A problem already seen in the United States.²¹
- [3] Section 61ZK states a male older than 5 years of age must not be used for breeding. Where is the evidence supporting that such measure would have any effect when the subject matter is puppy farming? FYI: ANKC has a max age of 7 years, irrespective of gender.
- [4] Section 61ZF(a) states a female must only have two litters. Where is the evidence of more than two litters being a welfare concern for a dog otherwise fit and well looked after? The NSW Breeding Code⁹ which has been in place for a decade, states a maximum of two litters per year per female dog. Where is the evidence of that current law correlates with a poorer welfare? FYI: the World Union for German Shepherds stipulate only 3 litters within 24 months.²⁰
- [5] Section 61ZF(b) states a female must not be used for breeding if a heritable defect is identified in a previous litter. The Bill Draft fails to recognise the Mendelian principle pertaining to recessive disorders, and as such easily managed. If enacted, it will severely reduce the effective gene pool size eligible for breeding. With that said, I follow the intention and recommend the Committee to review the approach taken by the Victorian Government,²² and/or mainstream canine bodies.²³
- [6] Section 61ZF(c) states one must not breed from dogs related by blood. That is simply too broad unless the intention is to wipe out the *Canis lupus familiaris* as all dogs are related by blood if going back far enough. As detailed above, the ANKC prohibits breeding on dogs related by first generation. Several

¹⁷ Fake animal rescue: <https://www.four-paws.org.au/our-stories/publications-guides/fake-animal-rescue-videos>; Is this Rescue Group Real: <https://www.petfinder.com/blog/2012/01/is-this-rescue-group-for-real>

¹⁸ The Domestic Animals Amendment (Puppy Farm and Pet Shops) Act 2017

¹⁹ Inquiry into companion animal breeding practices in NSW, Report 1/56 – August 2015

²⁰ <https://www.wusv.org/en/documents/breeding/zuchtprogramm>

²¹ <https://www.cdc.gov/importation/bringing-an-animal-into-the-united-states/operation-dog-catcher.html>

²² Code of Practice for Breeding of Animals with Heritable Defects that Cause Disease ([here](#))

²³ ANKC National Code of Practices for Hereditary Diseases: <https://ankc.org.au/AboutUs/?subId=1179&id=1078>

breed-specific international organisations, such as the World Union of German Shepherds,²⁰ prohibit breeding on relationships up to 3/2 and 3/2.

- [7] Section 61E(2) exempts a farmer to be included under the definition of what constitutes a ‘companion animal breeding business’. It is postulated that NSW puppy farms tend to be far west. If true, has the Government appropriately assessed whether this creates a loophole for puppy farms to argue they are farmers? With that said, why is the amount of puppies that a farmer may produce not a potentially concern for the NSW Government? Secondly, if farmers are exempt, what about the breeders who have contracts with government agencies to provide a certain number of puppies per year?
- [8] Section 61L states council must refuse a registration application if the applicant has an existing companion animal business. That is an overreach and fails to recognise that for the responsible and reputable breeder such business is highly unlikely to be profitable, hence they may also conduct other companion animal businesses as those defined in the Bill Draft.
- [9] Section 61T(5)(c) states a source number is necessary for *other sellers* which are defined as a person who sell, whether for profit or a fee, a dog. That is an overreach. What about a circumstance that entails a dog for sale due to a divorce? They have to apply to the Departmental Chief Executive for a source number or risk 2 years of prison? That’s non-sensible to the extent of being absurd.
- [10] 61T(5)(a) *Animal rescue* entities. In the current format of the Bill Draft it is unclear whether these are captured under the definition of *companion animal business* or not. If not - what is the logic in that? Especially as it has been reported overseas that some puppy farms are claiming their dogs to be rescue dogs and use animal rescue entities as a front for sale.²⁴

CONCLUDING REMARKS

Legislative change and/or amendment must not be arbitrary or unfair, and any decisions must be based on rational considerations connected with the nature of the subject matter. It should be incumbent on the Parliament to rigorously examine all the facts to identify risks of unintentional ramifications when reforming the NSW Animal Welfare Legislation.

I respectfully submit a request for the NSW Government to scrutinise the Bill Draft as it is my opinion that the Bill Draft has completely missed the proclaimed objective – ending puppy farms. Quite the contrary, the Bill Draft will lead to a shortage of top-quality puppies in NSW and anybody versed in the natural law of supply and demand will recognise that such deficit will further puppy farming - not ending it.

Please do not hesitate to contact me if that has the interest of the Committee.

²⁴ Pet Rescue Fraud: more common than you may think ([here](#))