

**Submission  
No 200**

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

**Organisation:** Sentient, The Veterinary Institute of Animal Ethics

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The veterinary voice in animal welfare

## Inquiry into puppy farming in New South Wales

### Submission from Sentient

#### Introduction

Sentient, The Veterinary Institute for Animal Ethics, welcomes the opportunity to submit to the Inquiry into puppy farming in NSW. This inquiry is urgently needed to address the ongoing failures in the regulation of dog and cat breeding in the state, which fosters animal cruelty through puppy farming and other poor breeding practices on a scale that cannot be audited by our existing inspectorate.

#### Background

In 2015, Sentient submitted to the NSW Joint Select Committee on Companion Animal Breeding Practices in New South Wales. We advocated that nationally consistent limits on the commercial pet breeding industry are essential to address the growing problem of companion animal overpopulation and to identify and eliminate puppy farms, smaller scale breeding with poor welfare standards and animal hoarding. This approach must include the following:

- Legislation to support a mandatory breeders' licensing/registration system, applicable to all breeders without exemption
  - Legislation to enforce compulsory microchipping of all dogs and cats by the age of 12 weeks and before sale and to require that microchip records be updated for any change of ownership or address
  - Legislation to ban the sale of dogs and cats in pet stores, except where they are being sold for rehoming on behalf of registered animal shelters and other rescue organisations
  - Legislation to ban the sale of dogs and cats via online trading sites unless the seller is a registered breeder
  - Limitations on the number of animals allowed to be kept by breeders and the number of litters per animal
- Revision of the Animal Welfare Code of Practice – Breeding of Cats and Dogs (2009) to include mandatory Standards (not Guidelines) for all breeders, and to be extended to all species kept as companion animals in Australia
  - Independent monitoring and enforcement of companion animal breeding practices by accredited inspectors from animal welfare organisations (e.g. RSPCA), in collaboration with local government animal management officers
  - Increased Inspectorate powers to allow unannounced entry to breeding premises without permission

The [NSW Government's response](#) to the recommendations of the 2015 Joint Select Committee on Companion Animal Breeding Practices in NSW fell far short of achieving any significant protection

for dogs and cats from those who seek to exploit them by breeding for profit. NSW lags behind other states, where more progressive legislation includes a bill to ban puppy farming (WA), [breeder registration](#) (ACT; VIC; SA; QLD dogs only; WA cats only), a ban on the sale of puppies in pet shops unless they are from a registered shelter, pound or rescue group (Victoria, WA) and a cap on the number of breeding dogs and litters bred from each dog (Victoria). This has left NSW as a potential [haven for puppy farmers](#), with concerns that some have moved to NSW from interstate due to the more lenient regulations. Of crucial significance, the NSW Government failed to support the [Joint Select Committee's key recommendation](#) of a breeders' licensing/registration scheme with the following elements:

- a) A comprehensive database of breeders
- b) A system of periodic audits and spot inspections
- c) Sets the number of animals that each breeding establishment may keep
- d) A breeders' licensing identification must be included in any advertisement in any medium where animals are advertised for sale
- e) Licenses every breeder and provides an auditable licence trail for every sale
- f) Records a breeder's licence number when an animal is microchipped

Instead, the focus of the Government's response was to redesign the Register of Companion Animals and registration system to "ensure that breeder details are captured and linked to animals they breed at point of microchipping, while minimising regulatory burden on breeders and improving the ability to better target problem breeders". We have found no evidence that this has been implemented to reduce the risk to animals from puppy farming or other poor breeding practices.

## Terms of reference

(a) the provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021  
Sentient accepts the definition of a [puppy farm](#) as: 'an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs'. Whilst most puppy farms are large-scale commercial operations, poor standards of care are also found in small-scale breeding establishments, or even in situations where an owner has a single female dog. For the purposes of this submission, all references to puppy farming are intended to be applied to kitten farming; although this may be less lucrative, the same protection must be afforded to cats and kittens.

We therefore support the object of the Companion Animals Amendment (Puppy Farms) Bill 2021 "to amend the Companion Animals Act 1998 to regulate the conduct of businesses breeding companion animals; and for related purposes". In particular, we applaud the following provisions, which would fill existing gaps in the current NSW companion animal breeding regulations to enforce the welfare of dogs and cats both throughout their period of breeding and upon retirement from breeding:

- 61ZC Proprietors of companion animal breeding businesses must not have more than 10 fertile female dogs or cats
- 61ZD Proprietors of companion animal breeding businesses must ensure dogs and cats undergo routine veterinary checks (at least annually, within 4 weeks before and within 8 weeks after breeding)
- 61ZE Proprietors of companion animal breeding businesses must obtain veterinary certification before breeding (this includes a dog or cat being at least 12 months of age and sufficiently physically mature)
- 61ZF Proprietors of companion animal breeding businesses must not breed dogs or cats in certain circumstances (including being bred more than twice, or if a heritable defect is identified in a previous litter)
- 61ZG Proprietors of companion animal breeding businesses must ensure ratio of staff to companion animals kept on registered premises (at least 1 staff member for every 5 animals)
- 61ZI Proprietors of companion animal breeding businesses must prepare health management plans (in consultation with a veterinary practitioner)
- 61ZK Proprietors of companion animal breeding businesses must comply with certain requirements to cease breeding and retire and rehome dogs and cats (such as when they are no longer suitable for breeding, when a female has delivered 2 litters or a male is 6 years of age; these animals must be desexed, microchipped, and kept as companion animals or rehomed)
- 61ZL Pet shops—persons must not sell certain companion animals (apart from companion animals from a rehoming organisation)
- 61ZM Pet shops—proprietors must not receive or sell certain companion animals (i.e., animals not from a rehoming organisation)

## (b) the animal protection issues associated with puppy farming

The [animal welfare problems](#) associated with puppy farming are well documented, and include: extreme confinement that prevents exercise, play, socialisation and other enrichment; lack of appropriate veterinary care; lack of preventative treatments, such as parasite control; unhygienic and overcrowded living conditions; long-term health conditions; and behavioural problems, including the impact of lack of socialisation on puppies during the critical socialisation period. Furthermore, after females are considered of no further use for breeding, they are often found abandoned and in poor condition due to malnourishment, infection or other health issues. Puppy farming also perpetuates the breeding of dogs and cats with exaggerated features associated with inherited defects that cause severe health issues, such as difficulty breathing in brachycephalic animals.

## (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 dogs and cats (2009) is an outdated document that outlines very basic mandatory standards of care, with most of the document consisting of voluntary guidelines. As a sample, the following are only ‘guidelines’, but should be mandatory standards:

- 4.2.1 Where staff are employed to care for animals; they should have formal qualifications and experience in animal care and management, which should be recorded in a register of staff training.
- 9.1.2.3 All advertisements for dogs and cats for sale should include the microchip number, and the vaccination status of the animal
- 6.2.2.1 Environmental temperature should be controlled to minimise distress to dogs and cats including the provisions of heating or cooling particularly for old, young and pregnant animals if necessary. Particular attention should be given to protections for brachycephalic breeds, especially against heat
- 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
- 8.1.2.2 Bitches or queens in the last week of pregnancy should be inspected by animal care staff at regular intervals.
- 10.1.2.2 Where a heritable disease is recognised in a breed and where there is screening procedures or a test for that disease the person in charge in the case of a stud cat or dog or bitch or queen should:
  - have a current official evaluation or test result for the dog or cat for such hereditary disease;
  - provide the official evaluation or test result to the owners where the dog or cat is to be mated to an animal not owned by the breeding facility;
  - provide the official evaluation or test result of both the sire and the dam to the new owners of any puppy or kitten;
  - endeavour to ensure that the genetic make-up of both sire and dam will not result in an increase in the frequency or severity of known inherited disorders.
- 10.1.2.6 Before any dog or pup, cat or kitten is sold the prospective owner should be advised that the breeder has taken all reasonable steps to ensure that the animal is physically and behaviourally healthy

This sample of how the Code classifies what should be essential standards as voluntary 'guidelines' explains how countless dogs and cats used for breeding can legally be exposed to extremely poor welfare conditions. The Code allows puppy farming to prosper as it imposes no limit on the number of animals who may be kept, no lifetime limit on the number of litters produced, no requirement for routine inspections and no mandate for routine veterinary care for breeding animals or their offspring. The lack of focus on breeding healthy and behaviourally sound animals is another animal welfare issue and has implications for consumer protection – there are too many stories of owners who have bought puppies or kittens who suffer from serious health issues requiring expensive veterinary treatment.

This Code does nothing to prevent puppy farming and allows the breeding of companion dogs and cats to remain essentially self-regulated. Sentient concurs with RSPCA Australia that the [key legislative elements](#) required to stamp out puppy farming are:

- Registration of dog (and cat) breeders
- Compulsory microchipping of all dogs (and cats) before 12 weeks of age and prior to sale or transfer



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- Microchip information recorded must include microchip ID number of mother and breeder registration number
- Breeder registration number must be displayed at the point of sale and in advertisements
- Mandatory standards for the conduct of dog (and cat) breeding
- Power for courts to make interim ownership costs and prohibition orders while legal proceedings are on foot

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Contact: Dr Rosemary Elliott, President