



Inquiry into puppy farming in NSW

Submission of the
Australian Veterinary Association Ltd
March 2022

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The Australian Veterinary Association (AVA)

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. The AVA consists of over 8500 members who come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as cattle and sheep, and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.

The AVA welcomes and values the opportunity to provide feedback to the Select Committee's [inquiry into puppy farming in NSW](#) and the [Companion Animals Amendment \(Puppy Farms\) Bill 2021](#) that aims to:

- a. regulate the conduct of businesses breeding companion animals and other companion animal businesses, and
- b. provide enforcement powers for the purpose of regulating the conduct of companion animal businesses.

The AVA would welcome the opportunity to participate in the inquiry's public hearings to further discuss the AVA views and policy positions outlined in this submission; and discuss how NSW might genuinely deliver animal welfare improvements without creating unintended negative consequences.

Introduction

The AVA is opposed to puppy farming and shares the community's concern about inhumane practices in some companion animal breeding establishments. Where companion animals such as dogs and cats are bred, the conditions must meet the physical, behavioural, and social needs of the breeding animals and their offspring.

This inquiry into puppy farming in NSW is important because breeding dogs suffer unnecessarily when not properly cared for and their puppies have much lower chance of having a happy and healthy life as a family pet. They are likely to have both health and behavioural problems that are costly and often time consuming to fix or lead to the dog being surrendered or euthanised. At the same time, research has shown the benefit of pets to the health of people and communities. It is in the public interest to regulate breeding, while also allowing people to enjoy the benefits of having a pet, as long as those animals enjoy good health and welfare. Puppy farming is both an animal welfare and consumer protection issue.

The [AVA's policy on puppy farming](#) provides best-practice policy in relation to the regulation of dog and cat breeding with four main policy instruments proposed:

1. Development of compulsory dog breeder standards to be adopted under state animal welfare legislation.
2. Establishment of a single, centralised breeder identification system in each jurisdiction, linked to puppy identification.
3. Inspections and enforcement; breeder premises to be inspected by Councils or the registering authority at regular intervals to ensure compliance with the dog breeding standards. The standards to be used as the basis of investigation and prosecution by state animal welfare regulators (usually RSPCA) when puppy farm activity is identified.
4. Development of a public education strategy so that consumers only buy from identified breeders.

The model of the AVA policy is designed to:

- Identify and shut down bad operators, using puppy microchip details to trace to source
- Discourage underground breeding
- Eliminate loopholes
- Allow people to access a suitable, healthy pet at a reasonable price.



As part of any measures taken to eliminate puppy farming it is critical that consumers acquire a basic understanding of the health and welfare needs of puppies, the impact of early socialisation and recognition of identified breeders. They should also be provided with information about the consequences of poor puppy breeding and raising practices, including chronic health issues and attendant costs, early euthanasia of animals with health and behaviour problems, and the suffering associated with these.

AVA Statement of Principles¹

Animals are sentient beings that are conscious, feel pain, and experience emotions². Animals and people have established relationships for mutual benefit for thousands of years.

Humans have a duty of care to protect animals. Where a person does not meet his or her obligations to animals in his or her care, animals may suffer. When this happens, the law must be able to adequately intervene to enforce compliance and prevent suffering.

Animals have intrinsic value and should be treated humanely by the people who benefit from them. Owned animals should be safe from physical and psychological harm. They need access to water and species-appropriate food and shelter and should be able to fulfil their important behavioural and social needs. They must receive prompt veterinary care when required and have as painless and stress-free a death as possible.

Animals can be used to benefit humans if they are humanely treated, but the benefit to people should be balanced against the cost to the animal. They should not be used in direct combat or for purposes where suffering, injury or distress is likely to be caused.

Humans should strive to provide positive experiences to promote a life worth living for the animals in their care. We should strive for continuous and incremental improvement in the treatment and welfare of animals.

Humans have a responsibility to care for the natural environment of free-living native animals. People should take steps to preserve endangered species and protect native animals from disease where possible.

Discussion

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

A multi-pronged approach is crucial to addressing the issue of puppy farming. To this end, it is disappointing the AVA and industry stakeholders were not consulted in the drafting of the Bill. We believe the Bill requires alteration following robust consultation to ensure any new legislation is workable and will make a genuine difference to ending puppy farming in NSW. Stakeholders for consultation should include, state government, local government, Australian Veterinary Association, university veterinary schools, dog breeder associations, RSPCA, Animal Welfare League, and other animal welfare agencies.

The AVA is supportive of the *Companion Animals Amendment (Puppy Farms) Bill 2021* (the Bill) intentions and efforts to improve animal welfare and welcomes some aspects of the proposed amendments. However, the AVA is not supportive of the Bill's proposed amendments in its entirety. Many flaws and unintended consequences in the proposed changes require addressing before any legislative amendments proceed.

The following provides AVA comments on the key themes included in the Bill's proposed amendments.

¹ AVA Statement of Principles <https://www.ava.com.au/policy-advocacy/policies/>

² Mellor DJ, Patterson-Kane E, & Stafford KJ. *The Sciences of Animal Welfare*. UFAW Animal Welfare Series. Chichester UK: Wiley-Blackwell. 2009: 34-52



- [Registration of Companion Animal Business Premises, Source Numbers, and the Business Register](#)

The AVA supports the implementation of a rigorous companion animal registration system coupled with a comprehensive breeder registration system that will provide a high level of traceability of companion animals throughout the supply chain in the community. These tools will give enforcement officials what they need to trace and address puppy farming where it occurs.

It is important that the breeder of origin can be easily identified and the AVA supports the implementation of breeder registration in to ensure breeders can be checked for compliance with any compulsory breeder standards. The AVA believes it should be a mandatory requirement for the breeder's registration number to be displayed in all advertisements and at any point of sale. This requirement should apply to any context including online internet advertisements, pet stores, markets, printed advertisements, fairs, and any other advertisement.

The Bill calls for the establishment of a companion animal business registration system facilitated by local government. An animal source number system administered by the Department Chief Executive, and the Department Chief Executive managing a new business information register that contains the data from the former two new systems. The AVA advises that duplication should be avoided across these new proposed systems and the established pet registry/micro chipping systems.

A centralised registration system for all elements of companion animal registrations has some merit and should be further investigated. Having a coordinated and central approach that is open and accessible by government authorities, animal welfare agencies, veterinarians, and the public would provide an effective identification with trace-back of the animal's owner and point of origin. This would be an invaluable tool for annual monitoring and breeder compliance with standards and codes of practice to facilitate the free flow of companion animal information across state and territory borders.

The Bill defines a companion animal business *meaning a pet shop, a companion animal breeding business, an enterprise that trains or boards certain dogs or cats for profit, or an enterprise that rears or keeps certain dogs or cats for sale.* Under the proposed amendments a companion animal business is required to register with council mandating annual renewal and inspection by council for a fee.

The AVA questions the intention and effectiveness of eliminating puppy farming by including such a broad scope for regulatory oversight. We recognise under this definition a veterinary clinic that provides puppy training classes and/or boarding services would be classified as a companion animal business and would be required to register and be annually inspected for a fee. The veterinary industry is already heavily regulated and inspected by veterinary boards, being captured by this broad scope would unnecessarily increase the legislative burdens on vets. The Bill needs amendment to focus on businesses involved in the breeding or sale of companion animals, and to this end should exempt veterinary practices from the definition of companion animal businesses.

In principle the AVA supports the requirement to annually inspect companion animal businesses involved in the breeding or sale of animals and accepts council inspection fees to cover the cost of compliance activities. However, we urge the inquiry to consider the unintended consequences of the proposed inspection fee structure favouring larger scale businesses.

Council inspectors should include in their assessments, that the facilities meet all the companion animal welfare needs, including:

- physical size of housing and cleanliness
- good physical and mental health
- animal and human socialisation
- exercise requirements.



As part of these inspections, records should be maintained to assess if the animals' needs are being met. These records could be comparable to those required for laboratory animals prescribed in *Section 61Z1 1b (i) the health and welfare of dogs and cats, including in relation to birthing, diet, disease prevention, environmental enrichment, exercise, grooming, hygiene, parasite prevention, socialisation, and vaccinations*. This provides quantifiable metrics for determining and assessing that animal welfare needs have been met in a systematic way. It is important that these requirements are meaningful in their application and not a tokenistic tick-box, for example the ticking of the socialisation box doesn't allow for the assessment of the animal's mental health.

The AVA supports the restriction that anyone who has been found guilty of an animal cruelty offence will not be eligible to register a companion animal business and similarly supports the powers for councils to suspend and revoke registrations. This is particularly important as a significant number of animal hoarders identify as breeders.³

In principle the AVA agrees powers should be provided to councils, NSW Police, RSPCA NSW, and Animal Welfare League enforcement powers to enter properties to seize dogs and cats if the registration has been suspended, revoked, or expired. As part of the implementation of these increased powers for the various agencies and organisations, clarification is needed of who will bear the cost of enforcement.

Special training should be provided to ensure inspections and animal seizures are conducted by persons capable of completing the tasks, have a robust understanding of animal behaviour, and be well informed in animal welfare legislation. Additionally, any enforcement agency or organisation undertaking animal seizures must ensure they that the capacity to house and care for the animals seized.

The AVA supports penalties prescribed for non-compliance with the legislation. We believe there should be provisions included for warnings to allow operators to improve and comply. Penalties need to be proportional to the severity of the offence and serve as an effective deterrent.

- **Veterinary Assessment, Veterinary Certification, and Health Management Plans**

Veterinarians in practice commonly see cases of animals being over-bred and receiving inadequate health care throughout their lives or having multiple litters without time to fully recover in between each pregnancy. This takes an enormous biological toll on the animal and may shorten and reduce the quality of her life. The AVA supports measures that prevent breeding an animal when it's too young, breeding it too often and breeding it when it is too old.

The Bill proposes several requirements for veterinary involvement, including:

- Requires veterinary assessments of each dog or cat at least once a year, 4 weeks before breeding, and within 8 weeks of a litter being delivered.
- A veterinary certification is required within 4 weeks before breeding a dog or cat, the assessment is to verify the animal is at least 12 months of age and physically mature for breeding.
- All companion animal breeding businesses must have a health management plan developed in consultation with a veterinary practitioner. The health management plan must include the veterinary certification, protocols for the health and welfare, process for determining suitability for breeding, quarantine and movements, and retirement and rehoming details.

The AVA recommends that the current COP designation of 1 year as minimum for breeding should be amended to reflect the breed size differences in reaching maturity.

There should be included in the development of guidance materials recognition that physical and social maturity age for dogs varies and is different to that of the age of puberty and sexual maturity. While 12 months may be mature for a small breed female dog, a large breed dog would not be both physically and socially mature until 2 years or more. The AVA suggest including a graded system for

³ Joffe et al (2014) Characteristics of persons convicted for offences relating to animal hoarding in New South Wales, Australian Veterinary Journal (<https://onlinelibrary.wiley.com/doi/10.1111/avj.12249>)



age of first breeding of female dogs as follows: 12 months minimum for small dog breeds (those typically up to 10kg adult weight), 18 months minimum for medium sized dogs up to 20kg adult weight, 2 years minimum for large breed dogs up to 30kg adult weight and 2.5 years for giant dog breeds over 30kg adult weight. This is to ensure full skeletal and physical maturity is in place before breeding.

▪ Cap of Ten Breeding Females

We caution against the Bill using arbitrary limits on the numbers of breeding dogs and cats allowed. There is no scientific evidence that capping a breeder to a certain number of fertile females will improve animal welfare. The number of animals kept by a breeder is not necessarily a factor that determines the welfare of those animals. This is a view that has been repeatedly conveyed to us by our members and was a finding in the New South Wales parliament's Inquiry into Puppy Farms.

Animal welfare is not dictated by a number; therefore the AVA strongly opposes any cap that restricts breeding establishments to a maximum of fertile females. Good and bad animal welfare practices are possible in all sizes of breeding operations. Just because the business is large, doesn't necessarily mean that welfare isn't managed properly, and small-scale backyard or "mum and dad" breeders can be equally guilty of not looking after their animals properly. Limiting the number of animals allowed to be kept by breeders is not necessarily going to improve animal welfare. The ability of an establishment to provide for an animal's welfare is influenced by its capacity to care through the provision of space, resources, time, and trained staff in adequate numbers.

The problem is not isolated to the large-scale puppy farms and any new legislation to address the issue should be cognizant of this fact. The AVA suggests NSW utilises the Victorian model that effectively identifies and regulates accordingly the type of breeder by using the classification of micro breeders, recreational breeders, breeding domestic animal businesses, and commercial breeder.

▪ Retirement of Breeding Animals

The AVA notes the Bill includes provisions that a breeding dog or cat must retire if:

- (a) *the dog or cat is—*
 - (i) *no longer suitable for breeding, or*
 - (ii) *no longer required by the business, or*
 - (iii) *is female and has delivered 2 litters, or*
- (b) *for a dog—the dog is male and is 6 or more years of age.*

Further diligence in consultation is required for this proposed new section, particularly in relation to age of the female as pregnancy complications and welfare issues usually occur in older animals. Furthermore, robust stakeholder consultation is needed to determine suitability of the provisions restricting a female to two litters and retiring a male dog after 6 years of age.

▪ Identified Heritable Defect

The Bill includes in section 61ZF(b) that dogs and cats must not be bred *if a heritable defect is identified in a previous litter of the dog or cat*. The AVA supports this in principle, particularly where the defect may lead to poor health and welfare in affected individuals. We suggest that this section would benefit from greater clarification of what the proposed legislation deems as a heritable defect, how this would be enforced, and if this includes for example brachycephaly, which is a heritable defect of particular concern – it is recommended this be included in the legislation as a specific example. A protocol needs to be developed to support this proposed amendment in consultation with veterinary geneticists.

Certain dog breeds have serious health and welfare problems because they've been bred with exaggerated features to achieve a particular look. In recent years there has been a rise in the popularity of certain breeds of dogs, especially the brachycephalic breeds, and also other breeds with exaggerated



features such as dwarfism and excessive skin folds. Unfortunately, these exaggerated features lead to serious health and welfare problems, which the veterinary community are faced with managing.

The [AVA policy on selective breeding based on genetic testing of companion animals](#) advises that *selective breeding of companion animals based on genetic tests should only occur where there have been proven phenotypic outcomes which will improve an animal's viability, conformation, health and welfare. Companion animals should not be bred if they carry genetic disorders:*

- with a high heritability, that will be detrimental to the animal's health or welfare, or
- with a low heritability, but which may severely compromise an animal's health or welfare.

Requests for genetic testing of companion animals should be directed through, and overseen by, the animal's veterinarian, so that owners can be appropriately counselled on the results.

The [AVA policy on genetic defects in domestic animals](#) provides guidance regarding *animals with known genetic defects that have the potential to adversely affect their welfare or that of their progeny should not be used for breeding, other than in exceptional circumstances.*

In 2016, the AVA partnered with RSPCA Australia to develop the [Love is Blind](#) campaign which aims to raise awareness of the animal welfare issues associated with particular exaggerated features, such as brachycephalic dog breeds, and encourage breeders to change their breed standards to select for more normal, healthy features.

The NSW Breeding COP includes a guideline about this – the AVA strongly believes that this should be a standard, to prevent the breeding of companion animals with heritable defects. We refer the inquiry to [the Victorian Code of Practice for the Breeding of Animals with Heritable Defects that Cause Disease](#) as an example.

▪ [Staffing Ratio for Companion Animal Breeding Businesses](#)

The Bill requires in section 61ZG *a proprietor of a companion animal breeding business must ensure that, at all times, there is at least 1 staff member at the proprietor's registered premises for every 5 animals kept at the premises.*

The AVA suggests further consultation with stakeholders is required for this proposed new requirement as the effectiveness and practicalities are somewhat contestable. Any staffing ratios prescribed in legislation should reflect the nature and size of the business and be cognizant of the impacts on sole operators as micro or recreational breeders that may have a litters of more than four offspring. Possibly a more appropriate way to ensure animal welfare in breeding operations is to include staff ratios in a code of practice based on the classification of micro breeders, recreational breeders, breeding domestic animal businesses, and commercial breeder.

▪ [Companion Animal Business Code of Practice](#)

AVA Statement of Principles: *Humans should strive to provide positive experiences to promote a life worth living for the animals in their care.*

We are aware of the current breeding and pet shop codes of practice. If there is a proposal to have an additional code or amend these codes, then this should occur with full consultation, including with the veterinary profession.

Where there are code of practice, they should include chapters covering at least the following topics:

- responsibilities of owners
- capacity for care
- animal health and veterinary care
- housing and environment
- hygiene and management
- breeding and rearing
- socialisation



- environment
- enrichment
- management and prevention of inherited disorders
- transfer of ownership and requirements for identification.

Specific standards should include:

- minimum age of breeding
- maximum number of litters in a lifetime of a breeding animal
- maximum age of breeding
- appropriate preventative health regimens including veterinary examinations
- management of breeding activities including mating and whelping
- rearing, weaning and socialization
- practices that promote behavioural health and wellbeing
- housing and space requirements
- requirements for record keeping.

The code of practice and standards developed will need to be based on evidence and be flexible enough to accommodate reasonable variations without being too prescriptive to address the varying types of operations, relevant number of breeding animals involved and the variations amongst breeds.

▪ [Pet Shop Restrictions](#)

The AVA opposes the Bill's proposed amendments that prohibit pet shops selling companion animals that are not from a rehoming organisation and restricts pet shops from selling a dog less than 6 months old or a cat less than 8 weeks old.

The AVA does not oppose sale of dogs and cats in pet shops provided the animals are sourced from responsible breeders. In this case it would be registered breeders who have been identified and inspected under the proposed new system. The primary concern of the AVA is the welfare of the animals involved, regardless of whether they are bred puppies or animal for rehoming. There needs to be comprehensive standards and guidelines on how animals are kept and cared for in the pet shop environment. From an animal welfare perspective, if an animal for rehoming can be adopted through a pet shop in a way that protects its health and welfare, then the same can be done for an animal bred for sale.

There is some confusion as to the rationale for the Bill to restrict pet shops to only sell dogs over the age of 6 months. It is impractical and not in the dog's best interests especially when a comparative rehoming organisation could sell a puppy at 10-12 weeks.

The AVA are greatly concerned that this 6-month age restriction will cause major unintended consequences in early puppy socialisation, development, and impact their ability to integration into new families. The AVA suggests companion animal sales should be limited to cats at a minimum 8 weeks and dogs 12 weeks of age.

We recommend the inquiry refer to the [AVA policy for companion animals in pet shops](#) which advises that pet shops must be regulated by legislation and codes of practice to ensure maintenance of high standards in every aspect of the operation. The policy also provides an outline of the legislation and codes of practice that should be mandated as minimum standards for pet shops.

[The animal protection issues associated with puppy farming](#)

AVA Statement of Principles: *Humans have a duty of care to protect animals. Where a person does not meet his or her obligations to animals in his or her care, animals may suffer. When this happens, the law must be able to adequately intervene to enforce compliance and prevent suffering.*

Puppy farming refers to the intensive over-breeding of dogs under conditions which fail to meet the animals' behavioural, social and physiological needs and may be permanently confined in cages. Puppy



farms may contain large numbers of breeding animals confined in overcrowded and unhygienic conditions that lead to health and psychological problems in breeding animals and their offspring. They are usually large-scale commercial operations, but similarly, inadequate conditions may also exist in small volume breeding establishments which may or may not be run for profit⁴. Puppies are often poorly socialised and unhealthy because of their inappropriate rearing environments.

It is important to distinguish between reputable caring breeders and puppy farmers. Society places a high value on companion animals and views puppy farms as exploitative and cruel. Implementation of effective policies as outlined in this submission require investment in public education and additional resourcing of enforcement agencies to ensure that any legislation implemented can be enforced.

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

AVA Statement of Principles: *Animals can be used to benefit humans if they are humanely treated, but the benefit to people should be balanced against the cost to the animal.*

Ideally any prospective pet owner should visit the premises where a puppy was bred, engage with the breeder, meet the parents of the puppy, and view the environment him or herself. But there also may be some benefits for pet shops to source puppies for sale only if they are from registered breeders who comply with the code of practice.

The [AVA policy for online advertising of dogs and cats](#) states that websites or online trading platforms that advertise dogs and cats for sale must have in place and follow standards that support animal welfare and protect potential buyers. The policy provides guidelines to ensure that, where pet animals are advertised for sale, it is done legally, ethically, and websites provide a mechanism to report non-compliance.

The NSW Government needs to increase consumer, breeder, and seller awareness via a comprehensive public awareness campaign to:

- inform potential buyers about the need to buy from identified registered breeders,
- advise breeders of the legislation, codes, and standards applicable to them, and
- educate pet sellers of their responsibility to sell only those companion animals linked to identifiable breeders.

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 AVA believes the Victorian Domestic Animals Amendment (Puppy Farm and Pet Shops) Act 2017 has overall resulted in positive results against puppy farming practices. A major driver for this success was the strong educational component to promote the amendments and allowing time for acceptance across the community.

Anecdotally the AVA has been advised that following the implementation of the Victorian legislation several big breeding operators moved across the border to NSW.

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⁴ [RSPCA Australia Knowledgebase: What is a puppy farm?](#) 2015