

## *End Puppy Farming - The Way Forward*

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November 2010

### Introduction

RSPCA Australia considers puppy farming to be a significant national animal welfare issue. To address puppy farming at a national level and to generate much needed discussion and debate regarding this serious animal welfare problem, RSPCA Australia released the RSPCA Australia Puppy Farm Discussion Paper in January 2010.

RSPCA Australia called for submissions on the Discussion Paper with the intention of seeking comment and feedback from a broad audience. To achieve this, the paper was sent to key stakeholders and was made publicly available on the RSPCA Australia website. We received more than one hundred responses to the Discussion Paper from individuals and various organisations. All of the responses were carefully considered, summarised and used to help develop a draft document to present a potential way forward to end puppy farming, based on the framework of ideas presented in the Discussion Paper.

In August 2010, RSPCA Australia convened a meeting involving a number of key stakeholders, including representatives from the AAWS Companion Animal Working Group, Australian Association of Pet Dog Breeders, Australian National Kennel Council, Australian Veterinary Association, Animal Welfare League Queensland, DeathrowPets, Dogs NSW, Master Dog Breeders and Associates, NSW Young Lawyers Animal Law Committee, Pet Industry Association Australia, RSPCA NSW, RSPCA QLD, RSPCA Victoria and RSPCA Australia to work through the draft document. This final paper reflects the outcome of that process.

<p>This paper presents a series of seven problems, desired outcomes and ways forward which, if implemented, would bring a complete end to puppy farming in Australia.</p>
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### Definition of a puppy farm

A puppy farm (also known as a puppy factory or puppy mill) is defined as: **an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs.** Puppy farms are usually large-scale commercial operations, but inadequate conditions may also exist in small volume breeding establishments which may or may not be run for profit.

Animal hoarding is a separate problem from puppy farming. Animal hoarding can involve keeping higher than usual numbers of animals as pets without having the ability to properly house or care for them, while at the same time denying this inability. Compulsive

animal hoarding can be characterised as a symptom of mental disorder rather than as deliberate cruelty towards animals. Hoarders typically are deeply attached to their animals; find it extremely difficult to relinquish them; and do not recognise that they are harming their animals by failing to provide them with proper care. Activities designed to end puppy farming by setting and enforcing minimum standards for dog breeding will also help to address animal hoarding.



**Photo 1** These dogs were among 190 seized by RSPCA NSW Inspectors from a puppy farm near Sydney in 2008.



**Photo 2** In 2007 Inspectors from RSPCA QLD seized 104 poodles in appalling condition from a puppy farm near Brisbane.



**Photo 3** This dog was in desperate need of a clip and wash when rescued by the RSPCA from a puppy farm near Brisbane, Queensland in 2007.



**Photo 4** RSPCA Inspectors found a number of dead puppies at this New South Wales property as well as mothers living in putrid conditions.

## Problems, desired outcomes and ways forward

1. **Problem:** Current voluntary registration or accreditation programs are not sufficient to ensure the identification and traceability of breeders.

**Desired outcome:** All dogs are permanently traceable to the breeder and all subsequent owners and sellers through a nationally coordinated system.

### Recommended way forward

- 1.1 A system is developed which ensures that all dogs are registered and traceable to the person who bred the dog. This must include compulsory microchip identification of puppies to the breeder prior to sale or transfer to be implemented in all jurisdictions.
- 1.2 Mechanisms for tracking breeder information should be explored, including utilising existing microchip registration systems to enable puppies to be traced to the breeder.
- 1.3 The current Gold Coast breeder permit pilot project should be examined as a model for a potential national system.
- 1.4 A national approach is required to ensure that puppies transferred across jurisdictions remain traceable. Such a system could be administered at the state or local government level.

**2. Problem:** There are insufficient standards nationwide to provide for the welfare and health of breeding dogs and puppies and ensure that puppies are appropriately reared to be suitable as companion animals.

**Desired outcome:** Enforceable animal welfare legislation, supported by compulsory minimum standards for the breeding of dogs, is in place and is consistent across all jurisdictions.

#### **Recommended way forward**

- 2.1 Standards are developed which are sufficient to provide for the welfare and health of breeding dogs and puppies and to ensure that puppies are appropriately reared to be suitable as companion animals. They must adequately address the psychological, behavioural, social and physiological needs of both breeding dogs and puppies.
- 2.2 Standards must cover all aspects of dog breeding that have an impact on animal welfare including: staff competencies and training, staff to dog ratios, record keeping, dog care and management, breeding, rearing and socialisation, health and veterinary care, transfer of ownership and transport.
- 2.3 Standards must be linked to existing animal welfare legislation.
- 2.4 Standards should take into consideration the national Standards and Guidelines for Dogs currently in development through the Australian Animal Welfare Strategy (AAWS).

**3. Problem:** Current accreditation systems and self-regulation of the sale of dogs are insufficient to prevent puppies from puppy farms being sold.

**Desired outcome:** Enforceable legislation, supported by compulsory minimum standards for the sale of dogs, is in place and is consistent in all jurisdictions.

#### **Recommended way forward**

- 3.1 Advertising and sale conditions for puppies must allow individual animals to be traced to their breeder. Potential mechanisms for this should be explored, including the disclosure of a breeder number, ABN and/or microchip number wherever animals are advertised and when they are sold or transferred.
- 3.2 Regulation of the sale of dogs must require that all puppies are microchipped and vaccinated prior to supply. Potential mechanisms should be explored to ensure compliance, including vendors being required to record the microchip numbers and vaccination details of all puppies supplied.
- 3.3 Regulation of the sale of dogs must assist in protecting consumers and enable action to be taken when problems occur after sale. This should include the following minimum requirements:
  - 3.3.1 A guarantee which allows the return of animals for any reason within a specified period
  - 3.3.2 A mechanism for customers to make a complaint to the breeder and/or appropriate authority when problems occur after sale. This mechanism must be disclosed to the customer.
- 3.4 The issue of responsibility surrounding the rehoming of returned dogs should also be explored.
- 3.5 In the interim, exploring the feasibility of establishing a website for dog breeders that meet the above requirements to advertise puppies directly to the public should be further examined.
- 3.6 Explore mechanisms regarding desexing of dogs at time of sale to non-breeders.

4. **Problem:** Current requirements for the export of dogs and puppies are set by the importing country. There is no mechanism in place to ensure that exported puppies have been bred in facilities which meet minimum standards of care.

**Desired outcome:** Export provisions for sale of puppies overseas are strengthened.

#### Recommended way forward

- 4.1 Discussions are held with AQIS to develop minimum standards for the export of puppies, similar to those currently in place for the export of livestock and native wildlife.
- 4.2 The following requirements should be considered:
  - 4.2.1 All dogs to be microchipped prior to export; microchip details are recorded and made available to authorised animal welfare inspectors.
  - 4.2.2 A minimum age and weight for the export of puppies.
  - 4.2.3 Exploring strategies to prevent the export of puppies to puppy farms overseas.
- 4.3 In the absence of these export provisions, breeder associations are encouraged to set minimum standards for export in line with these requirements.

**5. Problem:** Puppy farmers can access overseas markets without complying with taxation laws.

**Desired outcome:** A high level of awareness of puppy farming with Centrelink and the ATO and increased compliance with taxation laws.

#### **Recommended way forward**

- 5.1 Information should be collated to estimate the value of puppy farming and the potential cost of non-tax-compliant operators.
- 5.2 Discussions should be held with the ATO to raise awareness of puppy farming, identify how information on puppy farming operations can be shared between relevant government authorities, and to encourage ATO investigation of puppy farming operations.

**6. Problem:** Current regulations relating to the breeding and sale of dogs are insufficient or ineffectively enforced.

**Desired outcome:** Gaps in regulations for the welfare of dogs in the breeding and sale of dogs are closed and regulations are effectively enforced.

#### **Recommended way forward**

- 6.1 Action is taken to develop best practices for enforcement of current and future regulations relating to the identification, registration, breeding and sale of dogs.
- 6.2 Where gaps in current legislation are identified, changes are required to ensure that puppy farming activities can be identified and prosecuted. Changes to be considered include:
  - 6.2.1 Prohibition Orders in specific circumstances to prevent further ownership of animals where legal proceedings are not available, to prevent puppy farmers from continuing their business.
  - 6.2.2 Explore existing Australian legislation with a view to procedures that defendants to be required to pay court bonds prior to any litigation appeals or appeals in relation to the forfeiture of animals. The bond amount should be based on the financial cost of caring for the dogs on a daily basis, acknowledging that during this period such this care is being provided by RSPCA or other rescue group and not by the defendant. Where a court bond is not paid, the owner would be required to surrender the animals for rehoming. Penalties increased to reflect the economic value of the trade.
  - 6.2.3 Explore potential amendments to the Animal Welfare Legislation to specifically address puppy farming.
- 6.3 As a general principle, State/Territory animal welfare legislation should include the concept of a 'duty of care', similar to that reflected in the Queensland Animal Care and Protection Act 2001, to assist in the prosecution of cases where enforceable standards are lacking.
- 6.4 Governments ensure effective enforcement by allocating sufficient resources and enabling government agencies to play a greater role.

**7. Problem:** Awareness of puppy farming and responsibilities of breeders, retailers and buyers is low.

**Desired outcome:** A high level of public awareness about puppy farming and the responsibilities of breeders, retailers and buyers.

**Recommended way forward:**

- 7.1 Registration/licensing or other relevant authorities should ensure that owners of entire dogs and bitches are provided with information on their responsibilities as breeders at the point of registration.
- 7.2 Stakeholders should undertake to raise awareness with their members and customers of existing legislation, standards and guidelines and to encourage members to support improvements in the regulation of the breeding and sale of dogs.
- 7.3 Information should be developed and provided to vets, pet supply stores and others to help them identify possible puppy farm operators.
- 7.4 Explore a process for vets, pet supply stores and members of the community to notify relevant authorities if they suspect one of their clients is running a puppy farm operation.
- 7.5 Explore training and education opportunities for people involved in the pet industry and enforcement regarding puppy farms.