

Inquiry into Puppy Farming in New South Wales – Post-hearing responses – Thursday 7 April 2022

Sentient

Questions on notice

Question one

The Hon. MARK BANASIAK: Thank you, that is helpful. I have one final question. I note from your submission that you did not really pass any comment on the Victorian model. I note that this bill is largely modelled on that. We have heard some concerns from other witnesses that the Victorian model has not really done the job in terms of cracking down on puppy farms. If anything, it has pushed them further underground. I seek your view and your thoughts on the Victorian model of legislation.

ROSEMARY ELLIOTT: I think it was a good model, and a good model for us in New South Wales. It is difficult to know whether something is working when you have not been able to locate any premises in the first place. My understanding from what I have read—and I am happy to take this on notice and look it up further—is that a lot of puppy farmers have left Victoria and crossed the State, and there are applications in New South Wales to set up breeding facilities. Yes, you could say that is going underground but it is going underground here because we do not have that same protection.

The Hon. MARK BANASIAK: Sure. I might invite you to take it on notice if there is anything further that you want to add to that question.

ROSEMARY ELLIOTT: Thank you.

I am not aware of the evidence for concerns other witnesses have expressed that the Victorian model has been unsuccessful in cracking down on puppy farms and has in fact pushed them further underground. The first point I would make is that the success of any legislation will depend on the capacity for enforcement, so if the inspectorate has not been adequately reinforced, this could limit the power of the legislation to rule out puppy farming. As mentioned during my evidence, I am aware that puppy farmers have crossed the border from Victoria to NSW since the Victorian legislation imposed a limit of 10 breeding females and a maximum of 5 litters per dog because NSW imposes no such limits. There have also been examples of

Victorian dog breeders who were banned from owning domestic dog businesses on animal cruelty grounds lodging applications for intensive breeding facilities in NSW¹.

The Domestic Animals Amendment (Puppy Farm and Pet Shops) Act 2017 is progressive legislation and Sentient supports this Victorian model as the best protection against puppy farming through reforming the dog breeding and pet shop industries and improved regulation of the sale of dogs and cats. This legislation, however, can only prevent the intensive breeding of animals; it cannot prevent the online sale of animals bred in other states. There have been reports that since the Victorian legislation was enacted, puppy broker operations² have continued through online sales. This can only be prevented if all states and territories adopt consistent legislation, including a cap on the number of breeding females and the number of litters per dog, as per the Victorian model.

Question two

Ms ABIGAIL BOYD: From a psychological perspective for the mother dog, what is the ideal amount of time for her to continue to be with her puppies before they are taken away from her?
ROSEMARY ELLIOTT: I think it is probably longer than we—by law it is eight weeks. I would need to take this on notice. I am not sure about the research that is out there on this, but I would certainly say 12 weeks would be better. There are a lot of things that they learn, and they are still in that socialisation period. With the mother and their litter mates they learn about behaviour with conspecifics. A lot of dogs do not have any idea about how to relate to other dogs, and I think that they did not get that nudging and slight nipping from their mums to know not to be too in your face. I personally would like to see it as three months.

Most of the literature regarding the timing of separation of pups from their mothers relates to the welfare of the puppies. I am not aware of any research evidence regarding the best timing of separation for the mother dog from a psychological perspective. RSPCA Australia³ considers that 8 weeks is the minimum acceptable age for removing puppies from their mothers for adoption or purchase and this is reflected in legislation. This is because the weaning process (the transition from a milk based diet to solid foods and the development of puppy independence from their mothers) is gradual, starting around 8 weeks until 12 weeks of age. However, there is research⁴ that suggests 12 weeks is a more appropriate time for separation of pups from their mothers. Puppies learn important behaviours from their mothers and their littermates regarding social behaviour with conspecifics and bite inhibition, behaviours which owners will find more difficult to teach in dogs who have not learned during the sensitive period of socialisation (from 3 to 12 weeks of age). Later weaning and separation (such as at 12

¹ [Call for national puppy farm, animal cruelty laws as breeders eye NSW's more lenient rules - ABC News](#)

² <https://www.abc.net.au/news/2022-03-10/puppy-broker-banned-from-selling-pets-continued-to-operate/100894396>

³ <https://kb.rspca.org.au/knowledge-base/how-old-should-a-puppy-be-before-they-are-adopted-purchased/>

⁴ <https://extension.purdue.edu/extmedia/VA/VA-11-W.pdf>

weeks) can also lead to improved weight gain and growth, decreased illness and mortality, and improved coat condition. Delaying the separation until 12 weeks of age does not have a negative impact on a pup's ability to bond with new humans providing the owner/breeder provides them with 2 hours of daily human contact. Other evidence⁵ has shown that separating pups from their mothers by 8 weeks of age, which is at the peak of the sensitive period, may increase the chance of developing behavioural problems in adulthood because if pups experience traumatic events during this period in the absence of their mothers they can develop long term fear responses. This research highlights the protective role of the attachment bond between mother dogs and their pups.

Question three

Ms ABIGAIL BOYD: What happens to the puppies from breeders, whether they be a small-scale or a large-scale commercial breeder—what happens to those puppies that a vet looks at and decides are not fit for sale?

KATHERINE van EKERT: Generally euthanasia.

Ms ABIGAIL BOYD: And that covers behavioural issues as well as other physical issues?

KATHERINE van EKERT: That is a bit more subjective. I am not sure that a lot of vets would be comfortable euthanising dogs on their own grounds. We might have to take that on notice. I am not sure if that information actually exists statistically. But from my own experience in practice, if you have a good breeder who loves their animals, sometimes they will keep them—or they say that they are going to keep them as companions. Yes, there may be instances where a vet will euthanise on behavioural grounds—a puppy—but I do not know of that. Otherwise I guess surrender it at a shelter, in which case they are going to be euthanised there.

I cannot find any data or information on what happens to animals who are deemed unfit for sale by veterinarians in private practice, and therefore do not have anything further to add to my comments above. The RSPCA does not rehome animals who do not pass their behavioural tests, opting instead for euthanasia. It is not common for veterinary clinics to have protocols or behavioural assessments like the RSPCA. My experience would have me believe that if a veterinarian in private practice felt confident that an animal was too behaviourally unsound to be homed, they would recommend euthanasia or surrender to a shelter; however, many veterinarians would only feel confident making such assessments where animals demonstrated extreme behavioural challenges. For this reason, it is unlikely veterinarians would euthanase puppies on behavioural grounds alone, particularly when they have not yet had the opportunity to benefit from puppy pre-school and further training.

The experience of veterinary animal behaviourists⁶ is that behavioural issues are extremely common in dogs and are a leading cause of euthanasia. Behaviours of concern include anxiety (generalised, separation or phobias such as to storms and noises), reactivity and aggression

⁵ <https://pubmed.ncbi.nlm.nih.gov/20817069/>

⁶ <https://vetpracticemag.com.au/behavioural-issues-in-dogs/#:~:text=Some%20of%20the%20most%20common,aggression%20to%20dogs%20and%20people.>

towards other dogs and to people. Most referrals to veterinary animal behaviourists are made once a dog reaches maturity, at around two years of age, although early warning signs have usually been missed, such as difficulties with handling, socialisation or lack of success at puppy pre-school.

Question four

The CHAIR: Did you have any input into the New South Wales Government's consultation paper entitled Licensing and regulating of cat and dog breeders? What is your view of that consultation paper?

ROSEMARY ELLIOTT: Would you mind telling me when that was?

The CHAIR: It went out last year.

ROSEMARY ELLIOTT: I somehow think we missed that. We were part of a discussion. No? I am going to put it over to Dr van Ekert, but I think we missed that.

The CHAIR: Okay.

KATHERINE van EKERT: Yes, unfortunately we missed that. We might have to take that on notice.

ROSEMARY ELLIOTT: Thank you for letting us know.

We confirm that we did not submit commentary to the NSW DPI Consultation Paper on the Licensing and regulation of dog and cat breeders. Having reviewed it now, our answers to the questions in the Consultation Paper⁷ are below:

1. Do you have any comments on the principles for designing a licensing scheme?

We agree with these principles. We also propose including the principle of accessibility - prospective breeders should be able to easily apply for licences so as to maximize the chances of adoption of the new scheme.

2. At what threshold (e.g. fewer than a certain number of breeding animals), should a cat or dog breeder be considered an Exempt Breeder, meaning they are not required to hold a licence or comply with the Breeding Code?

We believe that anyone who owns a bitch or queen which births one or more litters should be subject to the conditions outlined in the Breeding Code. That is, there should be no exemptions. The number of litters born per year or number of animals kept on premises does not correlate with welfare outcomes for animals involved, and therefore all animals should be offered the same protections. This was a key finding by the Joint Select Committee on Companion Animal Breeding Practices in NSW. Having all potential breeders subject to the same responsibilities will also help to address our state's pet overpopulation crisis, as it will force people to be more

⁷ https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/1371901/consultation-paper-licensing-and-regulation-of-cat-and-dog-breeders.pdf

intentional about breeding their animals. If owners have concerns about being responsible for adhering to conditions of the Breeding Code, then they have the choice to not keep their animals in tact.

3. At what threshold (e.g. more than a certain number of breeding animals) should a dog breeder be considered a Large Breeder, meaning they must hold a licence and comply with the Breeding Code?

We think that Victoria's definition⁸ of "microbreeder" as a person who owns 1 or 2 fertile females is reasonable, so would suggest that a "Large Breeder" be a person who owns more than 3 fertile females. But as above, we advocate that anyone who breeds animals should be subject to the Breeding Code.

4. Do you think that working dog breeders should also be considered Exempt Breeders, meaning they are not required to hold a licence or comply with the Breeding Code?

No, we do not believe they should be exempt. All dogs have the same health and welfare requirements, regardless of their intended human "purpose". And therefore, the requirements for personnel competency, animal housing, animal management, animal health, and breeding and rearing practices outlined in the Breeding Code must also apply to working dogs.

Question five

The Hon. EMMA HURST: I just noticed that there was something in your submission where you said—obviously a number of submissions that we have received in this inquiry say that the last Committee in 2015 did not recommend a restriction on the number of animals kept by breeders. But you said in your submission to this inquiry that it is something that you actually argued for in your evidence, an actual restriction on the number of animals kept by breeders. Was your evidence ignored or was it not included in that formal report?

ROSEMARY ELLIOTT: I think we will have to look it up. Yes, we did put that in. We do think that restriction is important, otherwise how do you get away from puppy farms. I will have a look and take that on notice as to whether we were actually quoted in the final report.

The Hon. EMMA HURST: Thank you.

We were not quoted in this report.⁹ Our submission¹⁰ included support for a limit on the number of animals kept for breeding:

"This is highly advisable for health, welfare, and safety reasons. Breeders should keep a maximum of ten breeding females. Each animal must have access to enclosures large

⁸ <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/domestic-animal-businesses/breeding-and-rearing-businesses/regulations-for-cat-and-dog-breeders#h2-0>

⁹ <https://www.parliament.nsw.gov.au/ladocs/inquiries/1694/Final%20Report%20-%20Inquiry%20into%20Companion%20Animal%20Breed.pdf>

¹⁰ <https://www.parliament.nsw.gov.au/ladocs/submissions/47296/Submission%20289%20-%20Sentient.pdf>

enough to walk around and containing separate areas for elimination, feeding, and sleeping, and access to free exercise runs or areas out of their cage for at least 10 hours a day. Additionally, there should be a minimum breeding age of 2 years for female breeding cats and dogs, 2.5 to 3 years for large breed female dogs, and 1 year for male cats and dogs. This is to prevent breeding from females during their first oestrus (as they are not all skeletally mature) and to prevent increased metabolic demands on breeding animals while they are still growing. All animals should also be examined by a veterinarian before breeding, to ensure suitability and fitness to breed, and a veterinarian certificate should be issued to confirm this. Females should be bred a maximum of three times in their lifetime for dogs and six times for cats, with each gestation separated by at least one oestrus in dogs and cats.”