



PATRON:
Her Excellency General The Honourable
Margaret Beazley AO QC,
Governor of New South Wales

NSW DPI Consultation Paper: Licensing and regulation of cat and dog breeders.

Thank you for the opportunity to provide feedback on the NSW DPI Consultation Paper: Licensing and regulation of cat and dog breeders.

Australia has one of the highest rates of companion dog ownership in the world, with 47% (2021) of households reporting the presence of at least one dog. In 2019, Newgate Research on behalf of Animal Medicines Australia Pty Ltd, conducted a survey, Pets in Australia, This as a National survey of pets and people¹. Results included, that the most common type of dog in Australia is a mixed-breed (46%), followed by purebred dogs (42%) and designer breeds (14%). The survey reported that pure breeds were more likely to have been chosen for their temperament (43%) and only 2% indicated they were chosen for breeding.

At the time of this survey, it was estimated that there were 5.1 million dogs Nationally, of these, an estimated 1,551,220 dogs were in NSW (estimate based on 22% increase from 2013 survey conducted by Galaxy Research²). A recent report from Animal Medicines Australia, estimates the dog population in Australia to now be 6.4 million³, an increase of 27% from 2019 figures. The increase is attributed to the Covid-19 pandemic which resulted in an increase in pet ownership as owners worked from home and were subject to social isolation. Fifty-three percent (53%) of dogs and cats acquired during the pandemic were by existing pet owners.

It was reported that overall, 70% of owners said pets have had a positive experience on their lives during the pandemic with almost half (47%) feeling 'very positive'. This was driven by the companionship provided, mental health benefits, and having a constant source of joy.

With the assumption that there is an estimated annual demand for puppies of approximately 10% (conservative figure), the demand for puppies can be estimated to be 155,122 per year in NSW. During 2019, there were 20,735 puppies bred by Dogs NSW Registered Breeders, hence the shortfall in the demand for puppies would need to be met by other breeders (approx. 134,387 puppies).

Figure 1 illustrates the breakdown of Dogs NSW breeding figures for 2019 in comparison to puppies bred by other breeders. As shown in figure 1, 52% of Dogs NSW breeders that bred litters in 2019, had one litter only and only 1% of breeders had greater than 10 litters.

¹ Pets in Australia: A national survey of pets and people https://pfiaa.com.au/wp-content/uploads/2020/02/ANIM001-Pet-Survey-Report19_v1.7_WEB_high-res.pdf

² Pet ownership in Australia 2013 <https://animalmedicinesaustralia.org.au/wp-content/uploads/2019/10/AMA-Pet-Ownership-in-Australia-5-AUGUST-2013.pdf>

³ Pets and the Pandemic - A social research snapshot of pets and people in the COVID-19 era https://animalmedicinesaustralia.org.au/wp-content/uploads/2021/08/AMAU005-PATP-Report21_v1.4_WEB.pdf

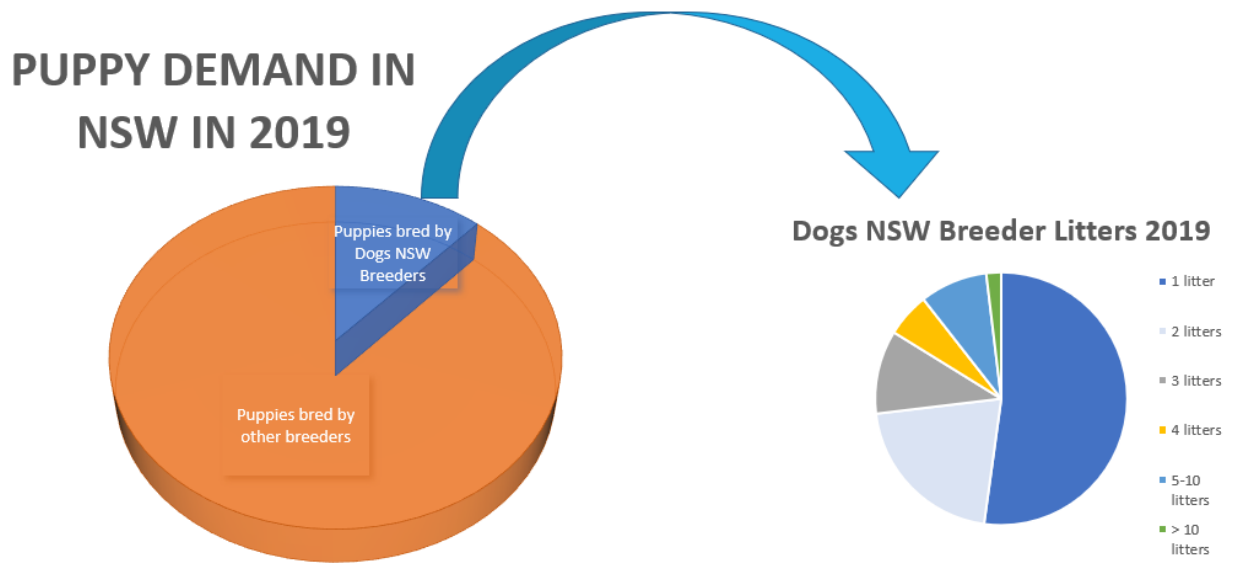


Figure 1. Estimated puppy demand in NSW during 2019

Dogs NSW currently has 9,950 members with 3,552 holding breeding prefixes. Prior to a Breeding prefix being approved by Dogs NSW, members must complete the Members Education Prefix Program (MEPP). The Course is delivered in a module format and Members are required to attain a 75% pass mark in an examination, this then followed by an inspection of their premises.

Dogs NSW has a Code of Ethics⁴ and Regulations which members must adhere to. Penalties for non-compliance result in disciplinary action which includes a minimum of \$250.00 to life suspension depending on the severity of the breach of the Code of Ethics as per our Regulations.

A link to the Animal Welfare Code of Practice – Breeding dogs and cats is also provided on the Dogs NSW website <https://www.dogsnew.org.au/breeders/code-of-practice/>. Dogs NSW also includes supporting documents, templates and assistance with record keeping required under the Code of Practice to assist Dogs NSW Breeders with compliance with the Code (see <https://www.dogsnew.org.au/media/3603/code-of-practice-record-keeping-info-booklet-13-jan-2021.pdf>). These requirements are also consistent with Dogs NSW Regulations Part XIII-Code of Ethics and Part XIV- Guidelines for the Care and Management of Keeping and Breeding Dogs.

A schedule of Dogs NSW Regulations can be found <https://www.dogsnew.org.au/members/regulations/>. As part of the Code of Ethics, Dogs NSW members are subject to welfare and compliance inspections.

⁴ Dogs NSW Code of Ethics <https://www.dogsnew.org.au/media/4103/part-13-code-of-ethics-july-2021.pdf>

Licensing system

Dogs NSW Members are required to adhere to the strict Code of Ethics and Regulations as listed above. Members are also required to adhere to the Dogs NSW Breeding Code, POCTA requirements and the Companion Animals Act. Dogs NSW is a registry and licensing authority for our members.

In 2012, the Companion Animals Taskforce Report made 22 recommendations, each with several strategic objectives. Recommendation 1 – *a breeder licensing system should be established, and the Companion Animals Register should be updated to capture breeder licence information for each animal record*. It also listed relevant strategic objectives which includes reducing the number of surrendered or abandoned cats and dogs, reducing the number of cats and dogs that are unnecessarily euthanased and improve the ability to trace ownership of cats and dogs throughout their lifecycle.

To date, no data has been provided to any forum by NSW local or state departments which demonstrates that pedigree dogs in any way contribute to the over population, surrender or the unnecessary euthanasia statistics in NSW. Dogs NSW members are therefore not contributing significantly to this issue. At the time of registration, Dogs NSW members are required to provide microchipping details to be included on all registration papers. This provides traceability for all registered puppies with Dogs NSW. Members adhere to the Breeding Code and puppies are vaccinated and microchipped by veterinarians or microchipped by authorised identifiers. The microchip details are recorded in the breeders name. A change of owner is then provided to the new owner at the time of sale or rehoming.

Dogs NSW consulted with members holding a breeding prefix and ran a survey from 2 – 30 December 2021. Questions were aligned with the discussion questions in the Consultation Paper, with the addition of questions relating to inspection triggers and funding for inspections. Results are included in responses below. A total of 778 breeders holding prefixes provided feedback in the form of a Survey Monkey.

Discussion Questions

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

Three principles were included in the Consultation paper ie easy to understand, costs proportionate and minimising unintended consequences relating to increasing the size of breeding operations to offset licensing costs.

Dogs NSW believes that principles should also consider accountability, traceability and high welfare standards being applied to the breeding of companion animals. Education should also be a consideration for both breeders and those conducting inspections. The general public must clarify that they are purchasing from a large-scale breeder rather than a hobbyist. Principles should also include a review and evaluation phase to quantify the effectiveness of such a system and identify any unintended consequences to breeders, animal welfare or the public. There is a risk that the introduction of a licensing system may result in significant costs to the breeder, irrespective of the size of the breeding establishment. Depending on the threshold chosen that triggers large scale breeding licences, implications with Councils (inspections, Planning instruments and development applications), neighbours and the ATO may also be a reality.

The majority of members (56%) had no comment on the principles of designing a licensing 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?*

As the Code specifies that an exempt breeder does not sell dogs or cats for a fee, then the Hobby Breeder, which is more appropriate definition (p6 Consultation paper) for Dogs NSW Breeders, would not be fitting for this definition. It is felt that members of a recognised authority such as Dogs NSW that has a Code of Ethics, registration body, education process, breeding restrictions (minimum and maximum ages, frequency, hereditary testing requirements, maximum number of litters for bitches) and welfare inspections for compliance should be included in “Exempt Breeder” definition for licensing. Members would maintain compliance with the Breeding Code as it would be adopted in the Code of Ethics or Regulations. It is recommended that the exemption definition be separated from the Breeding Code and a licensing system.

The definition of entire female adult (ie non-desexed female dogs greater than six months of age) is problematic should a licensing system be implemented based on an entire female quota. As members show entire females (Reg II section 14.1(iv)) and females of certain breeds must undergo hereditary testing after reaching the relevant age for the breed, they are not necessarily breeding stock and could result in breaching limits by including non-breeding females in the quota. Under Dog NSW definitions, a dog under the age of 12 months is still a puppy and not an adult. The Code of Ethics restricts breeding of dogs under 12 months or 18 months for Giant and Large breeds (PART XIII - CODE OF ETHICS – section 7). It is recommended that the definition of entire female be amended to over 12 months of age. Protection of females under 12 months is afforded by Regulations. There are also many reasons why entire females are retained by breeders but never bred. As Dogs NSW Code of Ethics has a maximum age for breeding bitches, we recommend including the minimum and maximum ages in the definition of entire bitches (ie >12 months - < 8 years old).

As noted in the consultation paper (p6) *“the key finding of the Joint Select Committee on Companion Animal Breeding Practices in NSW, found that there is no evidence that the number of animals kept by companion animals breeders is in itself a factor which determines welfare outcomes of breeding animals”*, why is DPI exploring this option? Has DPI investigated the benefits and disbenefits of the licensing system implemented in Victoria?

The Dogs NSW member survey reported that the majority of breeders (52%) supported that up to 5 breeding bitches (between the ages of 1 and 8 years) be exempt from licensing.

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?*

Anyone breeding dogs or cats should be required to comply with the Breeding Code. As discussed earlier, exemptions for licensing should be expanded to those that are members of a recognised organisation such as Dogs NSW that has its own Code of Ethics, welfare inspection procedures and mandatory member education. As Dogs NSW has accepted the Breeding Code, compliance with the Code is acknowledged.

Definitions of business should be consistent with those from the ATO and should be the responsibility of the breeder to conform with. Income and tax records would not be

available to the compliance authorities and therefore could not be used to evaluate compliance or enforce licensing fee based on income.

The Dogs NSW member survey reported that 34% of breeders indicated that 10 – 15 breeding bitches should be considered a large breeder.

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*

Farm working dogs sit outside of the Dogs NSW parameters they also have their own Code of Practice in NSW <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-care-and-welfare/other/companion-animal-files/code-of-practice-care-and-management-of-farm-working-dogs>. Working dogs must also abide by POCTA should there be genuine welfare concerns. Currently working dogs are exempt from microchipping and lifetime registration in NSW. It is a well-known fact that the working dog bloodlines with great working instinct command very high prices. Euthanasia rates at many rural pounds are typically high as without any microchipping of these dogs, identifying owners has proven problematic. Farm life does differ dramatically to that of companion animals in suburbia, but animal welfare should still be a consideration. Traceability should be a consideration in line with other farm animals that are required to be identified.

During the member survey, 52% indicated that exemption should be based on the number of breeding bitches.

In summary, as Dogs NSW has adopted the Breeding Code, is an existing licensing authority for its members, has a Code of Ethics, Regulations for welfare, care and management of dogs, of keeping and breeding dogs, provides member education and examinations and inspection protocols before a breeding prefix is approved and also has welfare and compliance inspections, members breeding dogs should be exempt from a proposed licensing system.

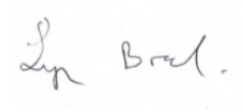
Members holding breeding prefixes will therefore comply with the Code of Practice for the breeding of dogs and cats. Dogs NSW is self-regulating and could implement a third-party audit system which includes training and education, expansion of the inspection regime and disciplinary action triggers for non-compliance with the Breeding Code.

Adoption of a third-party audit system would allow recognised organisations to:

- Employ their own inspector/s.
- Inform their members of the inspection process.
- Assist members to meet DPI compliance requirements.
- Restore trust and confidence in the compliance process.
- Improve relations between Dogs NSW members and government.
- Bring the inspection process into line with other industry sectors (eg horse racing, greyhounds).

Thank you again for the opportunity to provide feedback. Should you require any further information, please don't hesitate to contact me on lynbrand1@bigpond.com.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Lyn Brand". The signature is written in a cursive, flowing style.

Lyn Brand
President Dogs NSW