



## Creating a compassionate world

Submission No. 150

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Agriculture and Environment Committee

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### ***Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016***

#### **Submission on behalf of Animal Liberation Queensland**

Thank you for the opportunity to provide a submission on the *Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016* ('the Bill'). Animal Liberation Queensland (ALQ) is an independent animal advocacy organisation founded in 1979. ALQ is a not-for-profit organisation in the state of Queensland and a registered charity. ALQ campaigns on a broad range of animal protection issues and represents the interests of all animals. More information is available at [www.alq.org.au](http://www.alq.org.au).

#### **PUPPY FARMS**

Premier Palaszczuk defined "puppy farming" in her election campaign as "a dog breeder who places profits above the welfare of their animals by housing or keeping dogs in conditions that fail to meet the dogs' behavioural, social psychological and physical needs." Breeding dogs in puppy farms are kept in a continuous cycle of birth and impregnation, and are usually confined to small cages or pens for the duration of their lives. When they are no longer fertile, they are commonly killed. Some may be kept in squalor-like housing conditions and fed a nutrient deficient diet, while others live in relatively 'clean' surroundings and are well fed dogs. This amendment is entitled "Protecting Puppies", but the breeding parents are needing protection too, as they are subjected to longer times in breeding facilities, and thus can incur more suffering if not properly handled.

No matter the property, permanently confining animals in cages, keeping large numbers of animals, and breeding them constantly amongst other suboptimal breeding practices leaves these animals vulnerable to an array of medical issues, including blindness, arthritis, skin conditions, matted fur, rotten teeth, mammary tumours and illnesses caused by malnutrition. These physiological ailments are generally exacerbated by the psychological trauma suffered by the puppies due to severe sensory deprivation, often leading to anxiety, neuroticism and behavioural disturbances.<sup>1</sup> Puppy farms have been consistently shown to be an endemic problem across Qld, with 2008/2009 statistics showing 12 large-scale puppy farms were investigated by animal welfare inspectors in QLD, and more than 750 dogs were rescued.

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<sup>1</sup> See for example the behavioural problems exhibited by puppies compiled by this animal welfare organisation: <http://www.oscarslaw.org/about-us>.

We congratulate the Government's initiative in attempting to regulate this cruel and profit-driven business model of animal breeding. We welcome the idea of an identification system for all breeders to be implanted on microchip details for the length of the dogs' lives and to be displayed at all points of sale in s.<sup>2</sup> We also support the idea of a public education program in consultation with the RSPCA. However, in line with other key reforming jurisdictions, such as Victoria, we believe that if the government is interested in "Protecting Puppies", then further steps must be taken as part of this legislation package.

## **SUBMISSIONS**

Firstly, we note that the Department of Agriculture and Fisheries ("the Department"), intends on adopting Standards and guidelines for dog breeders.<sup>3</sup> As such, we will make some submissions in respect of essential inclusions in any such code to ensure the welfare of dogs in Queensland. Following on from this, we will make further submissions in respect of areas in the Bill that, in the view of ALQ and its constituents, the proposed legislation has failed to address in any realistic effort to end puppy farming. These, in particular, fall into the following categories:

- Prohibiting the sale of non-rescue dogs
- Absence of proactive compliance procedures
- Inappropriateness of excluded groups
- Increased enforcement measures

Each of these omissions in the Department's legislative response will be addressed in turn. In summary, this submission will outline details of the necessary steps to stop inhumane practices in respect of dog breeding, whilst still ensuring sufficient public access to companion animals.

### **1 ESSENTIAL INCLUSIONS IN THE MANDATORY STANDARDS**

We are of the understanding that once this legislation has been adopted, the Department will formulate and enforce mandatory standards regarding dog breeding to complement the existing *Animal Care and Protection Act 2001* (Qld). We welcome such an approach, and we submit that certain provisions should be included in any such standards to protect the welfare of dogs. The *Animal Care and Protection Act 2001* (Qld) ('ACPA') currently outlines what constitutes the breach of a duty of care to animals under a person's control with particular regard to appropriate provision of food, water, accommodation, treatment of injury and disease and the ability to display normal behaviours in s17(3).<sup>4</sup> However, we argue that this provision is insufficient for preserving the welfare of dogs bred in Queensland. The following list relates to the minimum provisions which should be included in any such standards.

#### **Restrictions on Size of Breeding Operations**

To date, no system has been in place regarding capping or restrictions on either the number of breeding female dogs a registered breeder may have breeding at any one time or the number of litters each breeding female dog is permitted to deliver over her lifetime. This can lead to serious issues of overcrowding, resulting in health, behavioural and indiscriminate breeding issues. We submit that a conservative, animal-

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<sup>2</sup> *Animal Management (Protecting Puppies) and Other Legislation Amendments Bill 2016* (QLD), Clause 11, inserting s43E.

<sup>3</sup> Honourable Member Leanne Donaldson, *Queensland Parliament Hansard Record of Proceedings*, 16 February 2016, p. 50.

<sup>4</sup> *Animal Care and Protection Act 2001* (Qld), s17(3).

welfare oriented cap would necessitate an upper limit of 10 breeding female dogs at any one time who would have a maximum of four litters throughout their lifetimes, so finite time can be allocated each spends in a puppy farm. This need to include both regional and rural properties, with consistency across all QLD councils. Staff to dog ratios are also something that needs urgent addressing and inclusion in any proposed standards. Veterinary medical evidence indicates that female dogs required to produce more than four litters may incur adverse health effects.<sup>5</sup> Such a restriction on litters has been identified as an essential component in puppy farming regulations in many other states and countries. For example see the restrictions adopted by Dogs Queensland,<sup>6</sup> the Gold Coast City Council,<sup>7</sup> Victoria,<sup>8</sup> and the United Kingdom.<sup>9</sup>

The Explanatory Note to the Bill summaries the Department's position as "... [t]here appears to be no evidence that the number of dogs kept by breeders is in itself a factor which determines animal welfare outcomes of breeding animals or their puppies." We refute this. Generally speaking, in businesses seeking to maximise profit over the wellbeing of animals, the larger the operation, the less each animal receives of the already inadequate welfare resources. Further, large operations are obviously going to cause more suffering overall when operated in violation of animal protection norms because of the simple fact that there are more animals to be harmed.

Moreover, having regard to the empirical evidence available, the puppy farm raids which have occurred across Queensland and the rest of Australia have consistently uncovered breeding facilities with an uncontrollable numbers of dogs. In fact, the Explanatory Note to the Bill goes on to cite RSPCA statistics that show "In 2008/2009, 12 large-scale puppy farms were investigated by animal welfare inspectors in QLD and more than 750 dogs were rescued." This is supported by reported animal welfare prosecutions in other jurisdictions.<sup>10</sup> For all of these reasons, we submit that it is imperative that clear limits are placed on both the amount of breeding dogs a person may possess, and the number of litters a female breeder can be required to birth. In addition, the staff to dog ratio needs to be addressed for optimal animal care. These limits are essential to prevent the many health issues associated with repetitive breeding and to limit the incidences of dogs spending their entire lives in breeding facilities.

In addition, it appears to be the intention of the Bill to permit approved entities to take a central role in scrutinising breeders who have been designated as "accredited" under s43B<sup>11</sup> While we accept that this is a positive step towards transparency and more appropriate oversight in dog breeding, more is need to show alignment in breeder ID system inclusions, and those of accredited breeders

### **Mandatory Vet Checks**

As part of a breeder's general obligation to ensure the health of any dogs under his or her care, we submit that there should be mandatory vet checks of dogs at key times. For all female breeding dogs, we

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<sup>5</sup> The Kennel Club UK, *Puppy Farming*, <http://www.thekennelclub.org.uk/our-resources/kennel-club-campaigns/puppy-farming/> accessed 28 February 2016.

<sup>6</sup> Dogs Queensland, *Code of Practice for Member Breeders*, Guideline 26.

<sup>7</sup> *Breeder Code of Practice*, <http://www.goldcoast.qld.gov.au/documents/bf/breeder-code-practice.pdf>, s11.1.

<sup>8</sup> *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* (Vic), s6(3)(c), 6(3)(d).

<sup>9</sup> *Breeding of Dogs Act 1973* (UK), s1(4)(g).

<sup>10</sup> See for example RSPCA Victoria raids: <http://rspcavic.org/issues-take-action/puppy-factories/breakingnews28may2015>

<sup>11</sup> *Animal Management (Protecting Puppies) and Other Legislation Amendments Bill 2016* (QLD), Clause 11, inserting s43B.

submit that vet checks should be conducted prior to commencement of breeding, and after each litter. For all male breeding dogs, we submit that vet checks should be undertaken at least annually. For puppies, we submit that vet checks should occur prior to supply.

### **Inbreeding**

We propose the need for breeding rules to be established and maintained to include, but not be limited to, the banning of inbreeding, which has been shown extensively to be a causative factor for poor physical and mental health.<sup>12</sup>

### **Mandatory Desexing**

We submit that desexing should be mandatory across Queensland for retired breeding dogs as has recently been introduced by the Fraser Coast Council.<sup>13</sup> We also urge for the prohibition of sale of non desexed puppies, as is already a compulsory practice in shelters such as the RSPCA and Animal Welfare League of Qld.<sup>14</sup> We submit that puppies should be desexed by 8 weeks of age, as per Early Age Desexing guidelines RSCPA and AWLQ guidelines above.

### **Retirement Obligation**

We submit that a rule in the Code should require breeders to take all reasonable efforts to ensure retired breeding animals are rehomed to loving environments. This is consistent with the recognition of dogs as recipients of a duty of care under the *Animal Care and Protection Act 2001* (Qld)<sup>15</sup> rather than breeding 'machines' to be discarded after their usefulness has ended. We submit that there must be strict guidelines surrounding euthanasia, based on only sound medical grounds concluded by an independent vet, to ensure the fate of retired animals is not left in the hands of profit-minded breeders.

### **Breed Specific Enrichment Programs**

The ACPA states the need for dogs to the ability to display normal behaviours in s17(3). In order for the enrichment of dogs to be successful, breed specific raising processes must be practiced (e.g. the needs of beagles to scent, pugs being more susceptible to respiratory issues, and the human contact needs of a poodle versus a maremma). We propose for this to be included in the amended standards.

## **2 PROHIBITING THE SALE OF NON-RESCUE DOGS**

Sale provided for by pet shops and the internet have proven to be major distribution channels for opportunistic puppy farm owners.

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<sup>12</sup> RSPCA, *What do the terms inbreeding and linebreeding mean?*, [http://kb.rspca.org.au/What-do-the-terms-inbreeding-and-linebreeding-mean\\_334.html](http://kb.rspca.org.au/What-do-the-terms-inbreeding-and-linebreeding-mean_334.html), accessed 6 March 2016.

<sup>13</sup> Fraser Coast Regional Council, *Subordinate Local Law No. 2 (Animal Management)* 2011, Schedule 10.

<sup>14</sup> See for example RSPCA QLD <http://www.rspca.org.au/sites/default/files/website/Campaigns/responsible-pet-ownership/Early%20Age%20Desexing%20Research%20Report%202010.pdf> and the Animal Welfare League QLD: <http://www.awlqld.com.au/awlg-animals/adopt-a-pet/why-adopt-a-shelter-pet>.

<sup>15</sup> *Animal Care and Protection Act 2001* (Qld), s17(1).

## Pet Shops

Purchasers of breeder reared puppies from pet shops almost never see the mother of the puppies, nor the environment in which the puppies were birthed and raised in. Puppies supplied from puppy farms experience dramatic negative impacts on their health, sociability and general temperament, and these behaviours are exhibited by puppies purchased from pet shops, thus providing the link between pet shops and puppy farms, versus the common statements of “local breeder” supplied dogs. Both medical and dog-owner survey data have demonstrated on numerous occasions that puppies currently sold through pet shops and directly online are at a much higher risk of being physiologically and/or psychologically unhealthy. One study of 413 dogs showed pet store derived puppies had significantly higher aggression scores towards humans and other dogs; greater separation anxiety, house soiling and fear<sup>16</sup> These behaviours can be attributed to the fact that dogs are a domesticated species, and are incredibly social creatures. Their socialisation period begins about 3 weeks of age, and ends between 12-16 weeks. If all they know is a puppy farm environment, and kept in these conditions past their critical socialisation periods, they are at risk to have permanent changes psychologically, as they have not had the exposure to different stimuli to know how to react or behave amongst. Combining this with the reality of inbreeding, this results in the abnormalities in puppy farm dogs’ behavioural traits. Physiologically, a survey administered in the United Kingdom found that “20% of puppies (four times more than the average) bought from pet shops or directly from the internet suffer from parvovirus, an often fatal disease which can cost up to £4,000 to treat.” The origins of these puppies are commonly unknown, and thus the identification of where the Parvo originated, and spread of the disease is much harder to manage.

There is some suggestion in the community that the Pet Industry Association of Australia (‘PIAA’) initiative titled ‘Dogs Lifetime Guarantee Policy on Traceability and Re-homing’<sup>17</sup> is a sufficient measure to ensure the appropriate sourcing of puppies by pet shops. This initiative purports to provide guarantees that dogs purchased from PIAA member retail stores are sourced from “approved breeders” who have been “independently audited by a veterinarian each year”. Further, it requires that any dog purchased from a PIAA member that is subsequently abandoned by its owner will be re-homed. However, we reject the notion that this is an adequate protection for puppies given that this form of self-regulation has been demonstrated by animal welfare organisations such as Oscar’s Law to be inconsistent and poorly enforced.<sup>18</sup>

Many pet shops refer to their supply as “locally sourced”, which could not be further from the truth. The consumer dissatisfaction from the purchase of ill-adjusted or medically unstable dogs is a real contributor to the gross numbers of surrendered and abandoned dogs, and sadly the number of euthanised dogs due to limitations in boarding space across the state. In line with measures being adopted in Victoria<sup>19</sup> and

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<sup>16</sup> McMillan et al., *Differences in behavioural characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders*, Journal of the American Veterinary Medical Association, 242(10), 1359; The Kennel Club UK, *Puppy Farming*, <http://www.thekennelclub.org.uk/our-resources/kennel-club-campaigns/puppy-farming/> accessed 28 February 2016.

<sup>17</sup> See at <http://www.catitude.com.au/wp-content/uploads/2012/03/DOG-REHOME-BRO-3.pdf>.

<sup>18</sup> See for example: Sydney Morning Herald, *Pet industry's top dogs overlooked puppy factory cruelty complaints*, <http://www.smh.com.au/national/pet-industrys-top-dogs-overlooked-puppy-factory-cruelty-complaints-20150703-gi4dpu.html>, accessed 4 March 2016.

<sup>19</sup> *Domestic Animals Act 1994* (Vic), s96.

across the world,<sup>20</sup> it is our submission that pet shops in Queensland be banned from selling puppies which do not come from reputable animal shelters or pounds. Animals would be desexed as necessitates reputable rescue organisations, and this would also allow for more “foot traffic” for shelter and rescue animals, whose facilities operating hours aren’t as extensive, and sheer volumes can render certain animals as “invisible”. This approach would be a significant deterrent to the business of puppy farms as it closes one of puppy farmers’ key distribution channels.

The facilitation of adoptions through pet shops is economically viable for the state and animal welfare organisations by reducing the financial strain caused by the upkeep of shelter facilities. Further, and perhaps most importantly, it will reduce euthanasia rates in shelters and pounds, as currently, these facilities do not have the capacity to house the sheer volumes of abandoned/ surrendered animals. Estimates of animal euthanasia rates in such facilities around Australia have reached upwards of 250,000 per year. In fact, the appropriateness of this approach in sourcing animals for pet shops has previously been enshrined by the Department in the Queensland Code of Practice for Pet Shops which states in section 7.1(c), “... [c]onsideration should be given to supporting the homing of cats and dogs from shelters and pounds...”<sup>21</sup> for these very reasons. As such, we submit that prohibiting the sale of puppies from independent breeders by pet shops is the most effective means of stopping puppy farms and, more generally, improving the welfare of dogs in Queensland by creating more opportunities for rehoming of rescue animals.

Any such prohibition would be welcomed by animal rescue groups and supported by the pre-existing infrastructure maintained by these organisations. For example, the Animal Welfare League Queensland guarantees to take back and rehome any of their dogs who can no longer be cared for by their owners.<sup>22</sup> Furthermore, rescue organisations routinely desex their animals, whereas no such obligation exists in the Code of Practice for Pet Stores as it currently stands.<sup>23</sup> Consequently, turning pet shops into adoption centres would ensure only desexed dogs are sold, another positive step towards controlling animal numbers across the state.

With the legislative changes proposed and the corresponding previewed increase in dog seizures, a severe load will be placed on the already stretched resources of shelters. Therefore, the alternative availability of housing and care for these puppies will be necessary and we submit this housing can be provided by the advocated prohibition. A recent survey conducted by ALQ found that only 35 out of 167 pet stores sourced their animals from breeders, with many opting to sell only pet products, or housing adopted animals for sale.<sup>24</sup> Thus to implement a ban on sale of breeding dogs would not place an enormous administrative or economic burden on the majority of pet shop businesses, while still offering solutions to the crisis of animal

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<sup>20</sup> See for example this article noting that 110 American cities have adopted such an approach: Las Vegas Weekly, *Shop and Adopt*, <http://lasvegasweekly.com/as-we-see-it/2016/jan/13/pet-store-law-dog-cat-adoption-sale-puppy-mills/> accessed 6 March 2016.

<sup>21</sup> The Department of Agriculture, Fisheries and Forestry, *Queensland Code of Practice for Pet Shops*, [https://www.daf.qld.gov.au/data/assets/pdf\\_file/0017/192410/QldCodeOfPracticeForPetShops.pdf](https://www.daf.qld.gov.au/data/assets/pdf_file/0017/192410/QldCodeOfPracticeForPetShops.pdf).

<sup>22</sup> Animal Welfare League, *FAQ*, <http://www.awlqld.com.au/awlq-animals/adopt-a-pet/frequently-asked-questions>, accessed 6 March 2016.

<sup>23</sup> The Department of Agriculture, Fisheries and Forestry, *Queensland Code of Practice for Pet Shops*, [https://www.daf.qld.gov.au/data/assets/pdf\\_file/0017/192410/QldCodeOfPracticeForPetShops.pdf](https://www.daf.qld.gov.au/data/assets/pdf_file/0017/192410/QldCodeOfPracticeForPetShops.pdf).

<sup>24</sup> Respondents who rehome included Pet Barn, All About Pets, City Farmers, Canine Comfort, Everything Dogz, Pet Goods Direct, Pet Supplies Direct, Shop 4 Pets and World for Pets.

numbers in shelters. Traditionally, pet shops are much better positioned than shelters to sell (and, thus, rehome) animals given their locations, advertising opportunities and opening hours.

### **Online Sale**

We submit that a further ban should be introduced on the sale of any animals via online or written avenues (e.g. the Trading Post, Gumtree etc.). eBay Australia already maintains a ban on the sale of live animals through its site,<sup>25</sup> however, it has not followed through on this ban to its subsidiary Gumtree. Gumtree's 'Pets Code of Practice' seemingly allow the unrestricted and unmonitored sale and give away of animals other than the provision of some information surrounding good purchaser practices.<sup>26</sup> The supply of an identification number at these points of sale will not be sufficient in addressing the problem of puppy farms. In particular, nothing will stop a person residing in Queensland from purchasing a puppy interstate through these websites, and bringing the puppy back to Queensland without any ID process in place given the difference in laws in neighbouring states. The issue of animals given away for free via these channels is of great concern also. The online advertising of reputable and accredited rescue animals we do agree with, , in such avenues as Petrescue.com.au.

We propose the necessity of breeder ID numbers for those interstate breeders intending sale in Queensland, with their location and information implanted on the dogs' microchips for life and thus this be amended in s43E(1) to include a section (c) to include anyone intending to sell animals in the state of Qld. Our joint investigation recently with Oscar's Law uncovered a NSW puppy farm supplying animals to Qld, and portraying the necessity to track puppies' origins.<sup>27</sup> We ultimately support the notion that a national ID system needs to be introduced, and that this system needs cooperation of all states (or Federal legislation) to effectively account for all bred puppies, and identify puppy farms that are operating outside the appropriate standards of practice. Having national standards would also prevent the ability for puppy farms closed in one State, to start again in another with more lenient laws. This would render the above mentioned puppy farm out of business. However, until such time as these regulations are adopted, we submit that there should be a ban on the sale of breeder puppies through online channels.

### **3 PROACTIVE COMPLIANCE PROCEDURES**

As the legislation currently stands, an individual can register as a breeder with minimal effort using an online form and the payment of a fee under s43F. There is no indication what information this form will require a prospective breeder to provide. While we support provisions under s43D to deny registration to 'ineligible' persons subject to a prohibition order under the ACPA or similar in other states, or those with registration cancelled in the last 5 years, further expansion is needed on this to include the total ban of eligibility for any of the aforementioned persons. Furthermore, under s43D it proposes that registration can occur upfront, and ineligibility deemed afterwards, which we do not accept.

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<sup>25</sup> eBay, *Animals and wildlife products policy*, <http://pages.ebay.com.au/help/policies/wildlife.html>, accessed 8 March 2016.

<sup>26</sup> Gumtree, *Gumtree Pets Code of Practice*, <https://help.gumtree.com.au/knowledgebase.php?article=115>, accessed 8 March 2016.

<sup>27</sup> Sydney Morning Herald, *Puppies wedged in wall cavities: Inside the illegal breeding factory authorities cannot close*, <http://www.smh.com.au/nsw/puppies-wedged-in-wall-cavities-inside-the-illegal-breeding-factory-authorities-cannot-close-20160127-gmf9es.html>, accessed 6 March 2016.



We further propose that s43G regarding registration is an insufficient safeguard system for protecting the welfare of dogs. The RSCPA currently estimates that the number of puppy farms operating in Queensland is in the order of 100, a number which has been relied upon by the drafters of this legislation.<sup>28</sup> It is a very real risk under the legislation as it currently stands that these puppy farmers will be legitimately granted breeder registration to continue propagating extreme animal cruelty and neglect. If this legislation is to be seen as condemning such practices, it is essential that a comprehensive vetting procedure and the inspection of a breeder's facility's compliance with agreed standards, be undertaken prior to a breeder ID being approved. For example, currently in the Cities of Brisbane, the Gold Coast and Ipswich, inspections are standard practice prior to the issuing of breeding permits.<sup>29</sup> However, this is not the case in all local councils. These inspection processes, and the criteria for granting of permits, must be uniformly introduced across Queensland in order to ensure the wellbeing of dogs in breeder facilities.

We further submit that, concurrent with an original assessment procedure, breeding registration and permits should be conditional on breeders meeting ongoing compliance obligations regarding the physical and mental health of dogs under their care monitored by ongoing inspections. Otherwise, such a registration system would only serve to legitimise businesses which are in fact trading in animal cruelty. For example, a recent case in Victoria reported on by the RSPCA involved a puppy farm holding a breeding business permit dating from 1996 which had never been inspected and after a raid is now facing over 200 cruelty charges with 235 dogs seized.<sup>30</sup> We submit that the costs incurred by accredited entities or the Department in respect of these compliance procedures be passed onto the breeders through registration and permit application fees. Suspension and cancellations of IDs need to be expanded on in s43T and s43U to include seizure of animals if any welfare or cruelty concerns arise, and support the immediate powers of entry for RSCPA as noted in s122 (e) (i)(ii), (f), (g) (i)(ii).

#### **4 INAPPROPRIATENESS OF EXCLUDED GROUPS**

We submit that s43E(3)(b) regarding working dogs exemption is not in line with the purpose of the legislation intended to "promote the responsible breeding of dogs."<sup>31</sup> We submit that the burden incurred by requiring registration is extremely minimal and cannot perceive why any exceptions would be considered. On the contrary, the introduction of exceptions is a dangerous precedent, a statement to the effect that breeders of "working dogs" need not observe the same considerations for animal welfare as other dog breeders. We submit that such a provision is internally inconsistent, by valuing the wellbeing of working dogs as subordinate to that of other dogs, where no such rational distinction can be made.

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<sup>28</sup> Explanatory Note to the *Animal Management (Protecting Puppies) and Other Legislation Amendments Bill 2016* (QLD), p. 1.

<sup>29</sup> See for example the Brisbane City Council:

[http://www.brisbane.qld.gov.au/sites/default/files/ca10193\\_animal\\_permit\\_conditions\\_breeder\\_or\\_show.pdf](http://www.brisbane.qld.gov.au/sites/default/files/ca10193_animal_permit_conditions_breeder_or_show.pdf).

<sup>30</sup> See the Herald Sun, *Pyramid Hill Puppy Farm Kept Dogs in Filth*,

<http://www.theherald.com.au/story/3111805/pyramid-hill-puppy-farm-kept-dogs-in-filth/>, accessed 2 March 2016.

<sup>31</sup> *Animal Management (Protecting Puppies) and Other Legislation Amendments Bill 2016* (QLD), Clause 11, inserting s43E(3)(b).



Victorian legislation necessitated the need for a separate code of practice for working dogs<sup>32</sup>, but we feel this is also insufficient in safeguarding the welfare of these dogs, and therefore submit that this exemption in s43ZG (1) (a) (i) (ii), (b) (i)(ii) be removed, and all dogs to be treated as equals.

We also hold serious reservations with the blank cheque nature under s43E(3)(c), of the “prescribed person” exemption.<sup>33</sup> At the Public Briefing held on February 24, 2016, a representative of the Department flagged that the greyhound racing industry might rely upon this provision to avoid regulation of the breeding of dogs for racing. We submit that such an outcome would be wholly against the welfare interests of dogs in Australia and contrary to the public’s interest in this matter as demonstrated by the public survey titled “Protecting Puppies” (ended September 6, 2015), and the current public outcry against the treatment of dogs in the greyhound racing industry. We submit that the government must clearly articulate the circumstances where any such exception would be granted and ensure it is restricted to only exceptions that are in the public interest.

## **5 INCREASED ENFORCEMENT MEASURES**

### **Funding for the RSPCA and other Approved Entities**

Firstly, and most importantly, we request further information about any financial aid being provided by the Department to the RSPCA and other approved entities in their capacity as enforcers of this legislation. Throughout the public consultation process, we note that RSPCA and Dogs Queensland were vocal in their concerns about this legislation further stretching already strained resources. We submit that a legislative response without a supporting enforcement plan (including the necessary financial resources) will be entirely ineffective. As such, we hope that the Department will make a pledge as to the nature and extent of the resources it will be providing to these organisations in the spirit of ensuring this legislation works effectively. When similar legislation was enacted in Victoria, financial aid totalling \$5 million was dedicated to RSPCA investigations of puppy farms.<sup>34</sup>

Currently only 22 inspectors are covering Queensland’s east coast and their reach does not include the majority of western Queensland (i.e. nothing beyond a two hour drive). The purview of the RSCPA needs to be more extensive, as they are the primary body for surveillance and inspection regarding animal welfare complaints and they have consistently shown that they prioritise the interests of animals. We have previously noted that a potential source of funds could be accessed through registration and breeding permit fees.

We also submit that funds should be allocated towards rescues, shelters or provisionally to kennel facilities experienced or educated in puppy farm dog behaviours, to aid housing issues of seized animals. It is necessary to be educated in the behavioural differences these dogs display, as potential new owners and care given may be outside the norm of a healthy, well-adjusted dog. With the added help of extra funds,

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<sup>32</sup>*Code of Practice for the Operation of Breeding and Rearing Businesses, and Fact Sheet re working Dogs* [http://agriculture.vic.gov.au/\\_data/assets/pdf\\_file/0009/305784/W\\_Fact-Sheet-Working-dogs-Breeding-Code-July-2015.pdf](http://agriculture.vic.gov.au/_data/assets/pdf_file/0009/305784/W_Fact-Sheet-Working-dogs-Breeding-Code-July-2015.pdf)

<sup>33</sup> *Animal Management (Protecting Puppies) and Other Legislation Amendments Bill 2016 (QLD)*, Clause 11, inserting s43E(3)(c).

<sup>34</sup> Minister for Agriculture, Victorian Government, *Labour cracks down on puppy farms*, <http://www.premier.vic.gov.au/labour-cracks-down-on-puppy-farms/>, accessed 6 March 2016.

rescues can work more effectively with local councils and the RSPCA for accommodating puppies who have been seized from puppy farms while their breeders are given a notice to comply or in the event of a prohibition order. It is well known that large-scale seizures place enormous stress on animal rescue organisations, including instances of upwards of 200 dogs being rescued and, as such, funds must be allocated to meeting this problem.<sup>35</sup>

### **Public education scheme**

We support the necessity of the public education scheme and believe that there are some key messages that should be conveyed. In particular, we believe it should raise public awareness about the necessity of visiting the property where the animal was raised, viewing the parents, and the conditions they are subjected to, as quoted as necessary by the RSPCA.<sup>36</sup> We believe that public access to the breeder ID register, whether online or through a publicised contact number, is necessary. Additionally, there should be information available to the public on how to report a puppy farm or make an animal welfare complaint. We note that the RSCPA will have a database available to them regarding all breeder addresses and contacts, and upon complaint, this will make location of the puppy farms a much smoother process.

### **Oversight of Approved Entities**

We submit that the government must build in compliance checks for “approved entities” as defined as those exempt of breeder ID registration, under s43V and s43W, or otherwise expand on how it intends to ensure that organisations such as Dogs Queensland are upholding the ACPA and *Animal Management (Cats and Dogs) Act 2008* (QLD). This concern has been heightened by a recent example of an individual identifying as a member of Dogs Queensland committing and promoting prohibited acts of animal cruelty - acts that are banned by Dogs Queensland’s own Code of Practice.<sup>37</sup>

### **Stronger Definition of Ineligibility and Permanent Cancellations**

As the legislation currently stands, persons are only considered ineligible to register as a breeder in the event they have a prohibition order against them or their registration as a breeder has been cancelled within the past five years under s43D of the amendment.<sup>38</sup> We believe that these restrictions are far too lenient and do not ensure the welfare of dogs in the care of such persons. We propose greater levels of penalties for animal cruelty are necessary as a deterrent to continue behaviours, and that s183 (2) of the ACPA be amended to state that a prohibition order be permanent, and allow no leniency for time frames.

Historically, penalties for animal cruelty have been extremely lacking, and many people found to have been operating puppy farms in deplorable conditions have not received orders which would disqualify them from

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<sup>35</sup> See for example this case where the RSPCA was required to house 246 dogs and establish a temporary veterinary triage in order to deal with the cruelty inflicted by a puppy farm: Courier Mail, *246 dogs seized in puppy farm raid, court told*, <http://www.couriermail.com.au/news/queensland/dogs-seized-in-puppy-farm-raid-court-told/story-e6freoof-1226287096375>, accessed 8 March 2016.

<sup>36</sup> SBS News, *Illegal puppy farm crackdown needed: Queensland Labor* <http://www.sbs.com.au/news/article/2014/12/14/illegal-puppy-farm-crackdown-needed-queensland-labor>

<sup>37</sup> See the alleged offences against this man: Queensland Police Service, *UPDATE: Greyhound Racing Inquiry Task Force, Puppy Farm Investigation, Weapons and Drugs Offences*, <http://mypolice.qld.gov.au/blog/2015/12/22/update-greyhound-racing-inquiry-task-force-puppy-farm-investigation-weapons-drugs-offences/>, accessed 1 March 2016.

<sup>38</sup> *Animal Management (Protecting Puppies) and Other Legislation Amendments Bill 2016* (QLD), Clause 11, inserting s43D.

obtaining a breeding permit. For example, in the 2012 RSPCA matter cited above requiring the rehoming of 246 dogs, the chief defendant was only given a prohibition order for a period of two years.<sup>39</sup> A similar outcome was seen in court proceedings in Townsville where only a two year animal ownership ban was imposed on the owner of 113 dogs seized in appalling conditions.<sup>40</sup> Further, following a raid in Buccan in 2008 where 104 poodles were seized in abhorrent conditions, the owner of the business never appeared in court on the grounds of “mental instability”, thus escaping conviction and this business still operates today under her partner’s name.<sup>41</sup> We find the possibility that these defendants could now obtain breeding permits as a major concern and one which would be shared by much of the community.

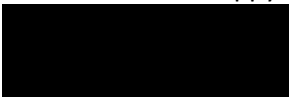
We call for stronger laws, and submit amendments to s43D to include that any person found to have committed an animal welfare or animal cruelty offence, coupled with the accompanying property where the offending behaviour was conducted, should be prohibited from registering as a breeder for the term of their life. This would prevent relatives, friends or third parties from being able to continue the breeding business on the property without the involvement of the convicted person. We also call that if psychological factors are presented as reasons for inability to comply to legislation regarding breeding dogs, and prosecution is ceased, that these persons are deemed indefinitely unable to be eligible, and their animals seized and any functionalities (eg. any buildings, or enclosures) on their properties pertaining to animal housing, be deemed inappropriate, should have the immediate order to be dismantled, as proposed under s182 (1)(a)(c) in the ACPA.

## CONCLUSION

Thank you for considering these views. We are excited about the upcoming developments in regulation of dog breeding but we hope that the government will adopt a sufficiently effective and consistent legislative approach so as to achieve the public’s desire for ending the deplorable business of puppy farms. ALQ would welcome the opportunity to further represent these views at the public Committee hearing on Wednesday 16<sup>th</sup> April 2016. If you require further information in the interim, please do not hesitate to contact the undersigned.

Yours faithfully,

Jaime Singleton  
Director | ALQ Puppy Farm Campaigner



Chay Neal  
President | Animal Liberation Qld



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<sup>39</sup> Courier Mail, *246 dogs seized in puppy farm raid, court told*, <http://www.couriermail.com.au/news/queensland/dogs-seized-in-puppy-farm-raid-court-told/story-e6freoof-1226287096375>, accessed 8 March 2016.

<sup>40</sup> Courier Mail, *Townsville animal abusers get 2-year pet ban*, <http://www.couriermail.com.au/news/two-year-pet-ban-for-abusers/story-e6freon6-111118300628>, accessed 8 March 2016.

<sup>41</sup> News.com.au, *Woman won’t stand trial for ‘abusing’ 104 dogs*, <http://www.news.com.au/national/woman-wont-stand-trial-for-abusing-104-dogs/story-e6frfkvr-1226316797139>, accessed 8 March 2016.