

Introduction

Puppy breeding facilities exist in Australia on a continuum from excellent (dog enthusiasts who prioritise the dog's health and wellbeing) to very bad. This essay will focus on those breeding establishments that are at the lowest end of the continuum: puppy farms. Puppy farms are intensive dog breeding facilities that operate in a way that fails to meet the animals' behavioural, social and physiological needs. This essay will examine the welfare issues for animals kept in puppy farms, the implications for the community, the current legislative framework surrounding Queensland dog breeding practices, and future recommendations and legislative measures to be taken to prevent puppy farming Australia wide. According to Animals Australia, one in three Australian households report owning a dog.¹ While the financial benefits for puppy breeders are huge, breeding animals in this way is largely unregulated in Australia. At present, Australia is failing to adequately protect the animals which we love the most.

Welfare Issues for Puppy-Farm-Bred Animals

There are a massive range of welfare issues associated with puppy farming due to inadequate veterinary and general care and unhygienic living conditions. Puppy farms vary in size and practice, so the types and extent of welfare issues highlighted will vary.

In some cases, dogs can be extremely confined – often left in their cages where they eat, sleep, defecate, urinate and give birth.² Due to continued confinement and isolation from other animals, breeding dogs and puppies born in farming facilities are unable to express usual animalistic behaviours or have adequate socialisation with other dogs.³ This can lead to

¹ Animals Australia, *Where Do Puppies Come From?* (2017) Animals Australia
<<http://www.animalsaustralia.org/puppies>>

² Animals Australia, *How Big is the Puppy Factory Problem?* (2017) Animals Australia
<<http://www.animalsaustralia.org/features/puppy-factory-problem.php>>

³ RSPCA Australia, *RSPCA Puppy Farm Discussion Paper* (January 2010) RSPCA Australia
<<http://kb.rspca.org.au/afile/322/55/>>

the development of stereotypies, usually in the forms of walking in circles, excessive licking or biting paws and constant howling. The exposed facilities used to house some of the dogs have been described as ‘appalling’ and ‘sickening’⁴. Many of the cages have uncovered wire-mesh flooring which can lead to the development of extremely painful sores on the dogs’ paws. Some reports of farming facilities have exposed cages of dogs littered with dead puppies, faeces and general filth in which the animals have been forced to live. 81 dogs and 10 cats were seized in a recent 2017 Queensland investigation into a puppy farm at Glenarbon. Reports of the ‘disturbing’ conditions that the animals were being kept in detailed that remains of a number of dog corpses had been left next to dogs tethered to posts. Investigators also confirmed that dead puppies had been fed to other dogs on the farm.⁵ Facilities that house their animals on dirt floors harbour an environment that is extremely unsanitary and can house parasites, intestinal worms, fleas and parvovirus. Many of these facilities will place dog food directly onto the dirt floor, which is then contaminated with the bacteria and eaten by the animals. Dirt floors cannot be properly cleaned or disinfected.⁶ In an investigation conducted by the RSPCA in 2008, one puppy farming facility was described as a concrete block shed with little-to-no ventilation. There were over 190 dogs located on this property. A number of extraction fans were necessary to stabilise the facility in order for officers to be able to continue the investigation and seize the animals inside.⁷ Puppy farming facilities are focused on making the greatest profit and, as a result, the need for veterinary care is neglected. Dogs in puppy farming establishments are highly susceptible to viral and bacterial infections, intestinal worms, heartworm, skin conditions, eye conditions,

⁴ Cori Menkin, *Puppy Mills* (8th October 2009) Learning to Give <<http://learningtogive.org/papers/paper351.html>>

⁵ Tara Miko, ‘Puppy farm dogs had been seized before: RSPCA’, *The Chronicle* (online), 17th January 2017, <<https://www.thechronicle.com.au/news/illegal-puppy-farm-uncovered-property/3132517/#/0>>

⁶ RSPCA Australia, above n 3.

⁷ RSPCA Australia, above n 3.

ear infections and severe dental disease.⁸ The lack of veterinary care and treatment with preventative medicines leads to a high rate of mortality and a decreased quality of life for the animals that continue to survive, despite their illnesses.⁹

In many puppy farm cases, the breeders gain additional income by breeding and selling other fast-reproducing animals like cats, rats and birds.¹⁰ These animals are all subject to the same disgraceful and inhumane conditions. When the breeding animals are no longer physically able to produce more babies, they are killed.¹¹

Implications for the Community

A major issue with puppy farming is actually being able to determine where the animals have come from. Puppy breeders sell their animals through online methods or in pet shops to hide from customers what conditions the puppies were born in and how their parents are kept.

According to the Pet Industry Association of Australia (PIAA), of the 450,000 puppies sold in Australia every year, only 15% are sold through registered breeders.¹² In addition, approximately 90% of puppies are sold online on websites like The Trading Post and Gumtree.¹³ Online sales are not subject to any regulation, unlike pet stores. Therefore, there is great concern and likelihood that the majority of these puppies are being bred in puppy farms. To be a registered breeder, an address must be provided to the Dog Breeder Register.¹⁴

⁸ Australian Veterinary Association, *Puppy Farming* (29th July 2016) Australian Veterinary Association <<http://www.ava.com.au/node/83022>>

⁹ RSPCA Australia, above n 3.

¹⁰ RSPCA Australia, above n 3.

¹¹ Animal Liberation Queensland, *Puppy Farms* (2017) Animal Liberation Queensland <<http://alq.org.au/puppy-farms>>

¹² Pet Industry Association of Australia, *Pet Shops and Puppy Farms: The Facts* (June 2015) Pet Industry Association of Australia <<https://piaa.net.au/wp-content/uploads/2016/08/PIAA-Pet-Shops-and-Puppy-Farms-The-Facts.pdf>>

¹³ Ibid.

¹⁴ *Animal Management (Cats and Dogs) Act 2008* (Qld) ch 3.

However, this address may be completely different to where the puppies are born and housed.¹⁵

In today's society, we are obsessed with pets. In many households, the companion dog is considered a much-loved member of the family. Around 63% of Australia's households have companion animals which are most commonly cats and dogs.¹⁶ However, the financial incentives associated with the intensification of breeding through establishments like puppy farms contribute massively to the oversupply of dogs. According to the RSPCA, in the 2015-16 period, 45,256 dogs were received for care in their shelters. 12.98% (5,872) of these were euthanased¹⁷.

Current Legislative Framework

Essentially, any legislation that deals with breeding animals is governed by each of the individual states. Much of the inherent cruelty in puppy farming practices, however, can operate entirely within regulations. In comparison to other states, Queensland has been more progressive recently, by introducing legislation in 2017 requiring all breeders to have a Supply Number.¹⁸ Any person who sells, advertises or gives away a dog in Queensland must have a Supply Number. This supply number can then be used to track back to the dog's breeder and breeding facility. However, many buyers are unaware of this requirement when purchasing a dog and unregistered breeders can only be identified to authorities if they are reported. According to Animal Liberation Queensland puppy farming campaign coordinator,

¹⁵ Kay Dibben, 'RSPCA says puppy farms can exploit new breeder registration laws', *The Courier Mail* (online), July 16th 2017 <<http://www.couriermail.com.au/news/queensland/rspca-says-puppy-farms-can-exploit-new-breeder-registration-laws/news-story/0f1eb0a714aadb2f3d691357b2495631>>

¹⁶ RSPCA Australia, *RSPCA report on animal outcomes from our shelters, care and adoption centres 2015-16* (2016) RSPCA Australia <<https://www.rspca.org.au/sites/default/files/RSPCA%20Report%20on%20animal%20outcomes%202015-2016.pdf>>

¹⁷ Ibid.

¹⁸ *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016* (Qld) s27.

Jaime Singleton, ‘there is a gross lack of monitoring and enforcement (of the new legislation) to truly protect our puppies in Queensland’.¹⁹ Due to the internet being the point of sale for many animals, breeder registration is often overlooked by buyers who prioritise price and breed of the dog over legalities.

There is no national piece of legislation that gives effect to breeding standards or obligations. Biosecurity Queensland attempted to incorporate the Queensland Standards and Guidelines for the Welfare of Animals: Breeding Dogs into the Animal Care and Protection Act 2001. However, this attempt was unsuccessful and no further progress has been made since the 2012 Queensland election.²⁰ Queensland has legislated for some aspects of puppy breeding and selling, however no compulsory breeder standards exist. The Gold Coast City Council is the only local council in Queensland that has implemented compulsory breeder standards within their Code of Practice for the Keeping and Breeding of Cats and Dogs.²¹ It is a condition of obtaining a breeder permit that the standards must be complied with.²² The standards in the Code set out minimum requirements in the following areas of responsibility for dog breeders: animal enclosure and housing, sourcing of animals, food and water, hygiene, health care, socialisation, exercise, enrichment and training, breeding and rearing young animals, transfer of ownership and record keeping.²³

All dogs in Queensland must be registered under the Animal Management (Cats and Dogs) Act 2008 (Qld).²⁴ Sections 13 and 14 of the Animal Management (Cats and Dogs) Act 2008 prescribe that breeders must microchip their animals before they reach 12 weeks of age and

¹⁹ Amy Mitchell-Whittington, ‘Animal welfare group bitterly disappointed by puppy protection bill’, *Brisbane Times* (online), 13th May 2016, <<https://www.brisbanetimes.com.au/national/queensland/animal-welfare-group-bitterly-disappointed-by-puppy-protection-bill-20160513-gou6pv.html>>

²⁰ RSPCA Australia, *Legislating to End Puppy Farming – the Way Forward* (May 2015) RSPCA Australia <<http://kb.rspca.org.au/afile/322/135/>>

²¹ *Breeder Code of Practice for the Keeping and Breeding of Cats and Dogs* (Gold Coast City Council) 2008.

²² *Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007* (Gold Coast City Council) s52.

²³ *Breeder Code of Practice for the Keeping and Breeding of Cats and Dogs* (Gold Coast City Council) 2008, clause 4.3.

²⁴ *Animal Management (Cats and Dogs) Act 2008* (Qld) ch 3.

prior to their sale.²⁵ Schedule 2 of the same Act and Schedule 4 of the Animal Management (Cats and Dogs) Regulation 2009 outline what kinds of information about the animal must be recorded in the microchip database.²⁶ A Supply Number is now required to be included in microchip information. Queensland is the only state in Australia to require breeder information and identification of the mother in the microchip database.²⁷

Standard 37 of the Code of Practice for the Keeping and Breeding of Entire Cats and Dogs (Gold Coast City Council) requires all breeders to display their permit numbers in advertisements and at the point of sale.²⁸

Under the current legislation, orders to prohibit the owning of animals can only be obtained after there has been a successful prosecution.²⁹ However, where prosecution is made and a prohibition order is not in the interests of the community – in the instance where the offender is sick or elderly – the RSPCA is not able to intervene until conditions deteriorate or the number of animals at the facility significantly increase.³⁰ Therefore, breeders are still able to continue their breeding practices throughout the duration of investigations and court processes pertaining to alleged offences.

The Queensland Code of Practice for Pet Shops (2008) was developed in consultation with animal welfare organisations and interest groups, the Queensland Government and the Australia Veterinary Association.³¹ The Code outlines that Queensland pet shop managers *should try* to acquire their animals from sources that can demonstrate compliance with accepted welfare standards.³² Acceptable standards include that ‘the breeder meets local

²⁵ *Animal Management (Cats and Dogs) Act 2008* (Qld), s13-14.

²⁶ *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016* (Qld), sch 4; *Animal Management (Cats and Dogs) Regulation 2009* (Qld) sch 4.

²⁷ RSPCA Australia, above n 14.

²⁸ *Breeder Code of Practice for the Keeping and Breeding of Cats and Dogs* (Gold Coast City Council) 2008, clause 37.

²⁹ RSPCA Australia, above n 3.

³⁰ RSPCA Australia, above n 3.

³¹ *The Queensland Code of Practice for Pet Shops 2008* (Qld) clause 1.

³² *Ibid*, clause 7.1(a).

government requirements for a breeder's permit', and 'all animals are healthy, bright and alert, and sociable'.³³ It is important to note though that compliance with the Code is not compulsory, but rather only helps to demonstrate to the community that a particular store is meeting community standards for pet welfare.

The Animal Care and Protection Act 2001 (the 'ACPA') appoints and allows trained Biosecurity Queensland or RSPCA animal welfare inspectors, or the police to investigate complaints about alleged animal cruelty offences.³⁴ The Act establishes that a person is cruel to an animal if the animal is caused pain that is unjustifiable, unnecessary or unreasonable; beats the animal to cause it pain, abuses or terrifies the animal, overdrives or overworks it; transports it in a way that is inhumane, or kills it in an inhumane way.³⁵ Clearly, puppy farms breach the provisions of the ACPA in continually forcing their dogs to breed and produce puppies so as to overwork them, and by failing to provide proper and sanitary living conditions that can lead to the infliction of great pain. Inspectors are able to issue enforceable directions that provide either warnings or directions to persons in charge of animals who are in breach of the ACPA. A breach of a direction is an offence. Penalties for committing an animal cruelty offence can be up to one year in jail or a maximum fine of \$36,570. The issue with inspecting and prosecuting animal cruelty offences comes down to a lack of funding for the RSPCA. The costs of funding only one RSPCA inspector can amount to up to \$100,000 every year.³⁶ For this reason, the RSPCA only undertakes investigations that are almost certain to result in a prosecution, or in the words of RSPCA Victoria, cases which 'they cannot afford to lose'.³⁷

³³ *The Queensland Code of Practice for Pet Shops 2008* (Qld, clause 7.1(a)(i), (ii)).

³⁴ *Animal Care and Protection Act 2001* (Qld) s114.

³⁵ *Ibid*, s18.

³⁶ RSPCA Australia, *Our Work: Inspectorate* (19 November 2007) RSPCA Australia <http://www.rspca.org.au/about/ourwork_inspect.asp>

³⁷ RSPCA Victoria, *Annual Report 2001–2002*, 38; White, Steven [2007] *Regulation of Animal Welfare in Australia and the Emergent Commonwealth: Entrenching the Traditional Approach of the States and Territories or Laying the Ground for Reform?* *Federal Law Review*, 35(3) 347.

Future Recommendations

Clearly, urgent action is required to be taken to stop puppy farms. All states and territories need to implement more stringent traceability measures, mandatory minimum breeding standards and the provision of accessible educational resources related to responsible pet ownership.

Traceability

In terms of traceability, State legislation needs to incorporate mandatory minimum standards that require pet stores to only obtain animals from animal shelters.³⁸ The steps taken in Queensland to introduce Supply Numbers to identify the breeder's name and contact details as well as the mother of the puppy in the microchip register need to be applied across all Australian States and Territories. In addition to this information, it should be a requirement that a full veterinary certificate with all medical treatments and vaccinations be recorded prior to purchase of the animal.

In terms of accessibility of information about registered breeders, a website for the sale of companion animals could be created. The website could include the names of animal shelters as well as registered breeders, with criteria for each individual listing to include street addresses, compliance with the Code of Practice, a license or registration number, an ABN, and any additional information about membership of other breeding associations.

Amendments to animal welfare legislation

Compulsory breeder standards need to be introduced statewide. These standards should follow the example of the Gold Coast City Council's Breeder Code of Practice for the Keeping and Breeding of Cats and Dogs and establish minimum standards for exercise, social

³⁸ RSPCA Australia, above n 14.

contact with other animals, environmental enrichment, housing standards and veterinary care.³⁹ There also needs to be implemented a maximum number of breeding dogs at any one time in a farming facility. This way if registered breeders are not complying with the prescribed breeder standards, there is a greater risk of being subject to fines and prohibition orders rather than the RSPCA relying on the Animal Care and Protection Act to try and establish instances of animal cruelty to make a conviction.

Compliance with the Queensland Code of Practice for Pet Shops (2008) needs to become compulsory.

In addition, prohibition orders need to be implemented to prevent the continued ownership of animals prior to conviction, so that puppy farmers are unable to continue their business throughout legal proceedings.⁴⁰

Education

At present, the onus to report suspected puppy farm operators is on the customer. Therefore, it is essential that prospective buyers are fully informed of the conditions that must be met by breeders for them to legally and ethically breed and sell their puppies.⁴¹ This includes educating about the need for breeders to have a valid registration number, as well as being aware of the breeding facility a dog was born and raised in and of the breed and condition of its mother. These education regimes should be carried out by local councils, strata committees and landlords to encourage responsible pet ownership.⁴² In addition, there should be an increased community awareness about the benefits of adopting animals from local shelters and rescue groups as an alternative to buying online or through pet stores.

³⁹ RSPCA Australia, above n 14.

⁴⁰ RSPCA Australia, above n 3.

⁴¹ RSPCA Australia, above n 11.

⁴² RSPCA Australia, above n 11.

Conclusion

Mahatma Gandhi once said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated."⁴³ If Australia was to be judged by Gandhi's statement, our nation would be found to be seriously lacking. This essay highlighted the main animal welfare issues arising from the practice of puppy farming, implications that the industry has for the community, legislative measures that promote responsible pet breeding and ownership, and future recommendations towards improving Queensland and Australia's approach to ending puppy farming altogether. Clearly, Australia has a long way to go in completely understanding and eradicating the presence of puppy farms. As there is in every industry, there will always be people who fail to follow regulations and value profit over all else. Hopefully with the implementation of recommendations and legislative measures, there will be much greater awareness of action desperately need to be taken upon this issue.

⁴³ Peter Singer, 'Moral Progress and Animal Welfare', *ABC Religion and Ethics* (online), 14th July 2011, <<http://www.abc.net.au/religion/articles/2011/07/14/3269159.htm>>; Carmen M. Cusack, *Animals and Criminal Justice* (Somerset: Taylor and Francis, 1st ed, 2017).

Bibliography

A. Articles, Books and Reports

Carmen M. Cusack, *Animals and Criminal Justice* (Somerset: Taylor and Francis, 1st ed, 2017)

RSPCA Victoria, *Annual Report 2001–2002*, 38; White, Steven [2007] *Regulation of Animal Welfare in Australia and the Emergent Commonwealth: Entrenching the Traditional Approach of the States and Territories or Laying the Ground for Reform?* Federal Law Review, 35(3) 347

B. Legislation

Animal Care and Protection Act 2001 (Qld)

Animal Management (Cats and Dogs) Act 2008 (Qld)

Animal Management (Cats and Dogs) Regulation 2009 (Qld)

Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016 (Qld)

Breeder Code of Practice for the Keeping and Breeding of Cats and Dogs 2008 (Gold Coast City Council)

Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007 (Gold Coast City Council)

The Queensland Code of Practice for Pet Shops 2008 (Qld)

C. Electronic Resources

Amy Mitchell-Whittington, ‘Animal welfare group bitterly disappointed by puppy protection bill’, *Brisbane Times* (online), 13th May 2016
 <<https://www.brisbanetimes.com.au/national/queensland/animal-welfare-group-bitterly-disappointed-by-puppy-protection-bill-20160513-gou6pv.html>>

Animal Liberation Queensland, *Puppy Farms* (2017) Animal Liberation Queensland
 <<http://alq.org.au/puppy-farms>>

Animals Australia, *How Big is the Puppy Factory Problem?* (2017) Animals Australia

<<http://www.animalsaustralia.org/features/puppy-factory-problem.php>>

Animals Australia, *Where Do Puppies Come From?* (2017) Animals Australia

<<http://www.animalsaustralia.org/puppies>>

Australian Veterinary Association, *Puppy Farming* (29th July 2016) Australian Veterinary

Association < <http://www.ava.com.au/node/83022>>

Cori Menkin, *Puppy Mills* (8th October 2009) Learning to Give

<http://learningtogive.org/papers/paper351.html>

Kay Dibben, 'RSPCA says puppy farms can exploit new breeder registration laws', *The*

Courier Mail (online), July 16th 2017

<<http://www.couriermail.com.au/news/queensland/rspca-says-puppy-farms-can-exploit-new-breeder-registration-laws/news-story/0f1eb0a714aadb2f3d691357b2495631>>

Pet Industry Association of Australia, *Pet Shops and Puppy Farms: The Facts* (June 2015)

Pet Industry Association of Australia <<https://piaa.net.au/wp-content/uploads/2016/08/PIAA-Pet-Shops-and-Puppy-Farms-The-Facts.pdf>>

Peter Singer, 'Moral Progress and Animal Welfare', *ABC Religion and Ethics* (online), 14th

July 2011 <<http://www.abc.net.au/religion/articles/2011/07/14/3269159.htm>>

RSPCA Australia, *Legislating to End Puppy Farming – the Way Forward* (May 2015)

RSPCA Australia <<http://kb.rspca.org.au/afile/322/135/>>

RSPCA Australia, *Our Work: Inspectorate* (19 November 2007) RSPCA Australia

<http://www.rspca.org.au/about/ourwork_inspect.asp>

RSPCA Australia, *RSPCA Puppy Farm Discussion Paper* (January 2010) RSPCA Australia

<<http://kb.rspca.org.au/afile/322/55/>>

RSPCA Australia, *RSPCA report on animal outcomes from our shelters, care and adoption*

centres 2015-16 (2016) RSPCA Australia

<<https://www.rspca.org.au/sites/default/files/RSPCA%20Report%20on%20animal%20outcomes%202015-2016.pdf>>

Tara Miko, 'Puppy farm dogs had been seized before: RSPCA', *The Chronicle* (online), 17th January 2017, < <https://www.thechronicle.com.au/news/illegal-puppy-farm-uncovered-property/3132517/#/0>>