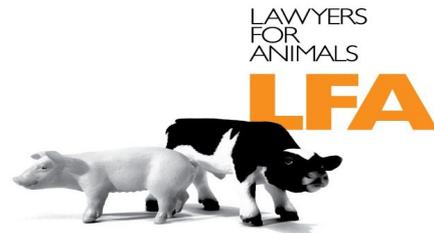


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By email: rspca@rspca.org.au
Ms Heather Neil
Chief Executive Officer
RSPCA Australia

Dear Ms Neil

Puppy farms: problems, desired outcomes and ways forward paper

Thank you for the invitation to support your paper *Puppy farms: problems, desired outcomes and ways forward* paper (**Paper**). We understand the Paper arose from a meeting of a number of animal welfare, pet industry and breeding stakeholders in August 2010, following the release of *RSPCA Australia Discussion Paper: Puppy Farms* (January 2010).

Lawyers for Animals (**LFA**) is a not-for-profit incorporated association run by a management committee of lawyers. Its objectives include alleviation of the suffering of animals by engaging with those who create or administer laws in Australia in order to strengthen legal protection for animals, and promotion of better animal welfare practices among animal related industries in Australia.

LFA agrees that puppy farming, or rather, puppy factories, are a significant national animal welfare issue requiring urgent action on the part of governments around Australia. LFA agrees that puppy factories should be abolished.

To this end, LFA commends the RSPCA's actions in bringing together disparate groups to support a campaign to shut down puppy factories and reform the law relating to companion animal breeding.

Unfortunately, at this stage, and without the opportunity to consult, LFA feels that it is not able to endorse the detail of the Paper, for the reasons outlined below.

General

LFA recommends that the Paper also address factory farming of other companion animals, such as cats and rabbits – at least with a note that the same recommendations are made in relation to these animals. LFA understands both cats and rabbits are bred in the same appalling conditions as exist in puppy factories, and are of equal concern and in need of the same urgent law reform.

Problem 1

Recommendation 1.1

LFA is concerned that the definition of 'puppy farming' is ambiguous in its current form, in that it appears to accept that 'large-scale commercial operations' can 'meet the dogs' psychological, behavioural, social and/or physiological needs' LFA is against any indiscriminate breeding of dogs, on whatever scale.

We note the RSPCA Puppy Farms Discussion Paper (January) referred to puppy farming as "the indiscriminate breeding of dogs *on a large scale* for the purposes of sale" (p.1, emphasis added). One of the factors identified in many investigations of puppy factories has been the large scale of their operations. It is axiomatic that such places are not operated with the welfare of animals in mind, but rather for profit, with inadequate resources to properly care for the animals unfortunate enough to be there.

In any event, whether or not an operator asserts large scale operations with 100, 200 or 1000 dogs can be run in such a way as to 'meet the dogs' psychological, behavioural, social and/or physiological needs', in LFA's view, anything other than domestic or breed-specific (ie registered, professional, properly policed) breeding operations of companion animals should not be lawful.

- Accordingly, LFA suggests that the 'definition' of a puppy factory should include 'any intensive breeding facility that houses more than a particular number of fertile female animals for breeding at any one time, since conditions in such facilities cannot meet the dogs' psychological, behavioural, social and/or physiological needs'. The particular maximum number of fertile female animals kept for breeding at any one time, should be determined after consultation with reputable and ethical breeders who practice the highest standards of animal welfare, and animal welfare, rescue and shelter groups, with reference to a maximum number of animals being bred during a cycle, before being rested for their following cycle.

- LFA would prefer that reform of companion animal breeding should include a strict (and properly enforced) limitation on the number of fertile animals permitted to breed per licence or breeding facility.

Problem 3

Recommendation 3.2

The items listed in this RSPCA recommendation omit a number of matters crucial to the welfare of companion animals used by breeders.

- Accordingly, LFA suggests that the matters to be addressed by standards specifically include (but are not limited to) ‘housing, space, temperature, exercise, nutrition, and *minimum* age for companion animal to be taken from its mother (8 weeks)’.

Recommendation 3.3

This recommendation is ambiguously worded, stating that ‘standards must be linked to existing welfare legislation’. It is not clear if this means that current standards are sufficient and merely need a few extra paragraphs, or that all standards must be reviewed, and any new standards made effectively legally binding.

LFA is concerned that existing animal welfare legislation (at least in Victoria) is inadequate in the standards that it sets, and in its enforcement, and requires substantial strengthening and proper (adequately funded) enforcement.

- LFA would prefer the re-wording of this recommendation, to clarify its meaning, eg. “breeding of companion animals must be the subject of strong and practically enforced laws in all States and Territories”.

Recommendation 3.4

This recommendation is unclear in its effect, in that it recommends that new standards “take into consideration national Standards and Guidelines for Dogs currently in development through AAWS”.

Not having seen any such Standards and Guidelines, LFA is concerned at the possible impact of this recommendation. LFA has reservations about AAWS and its effectiveness in setting animal welfare standards in Australia.

- LFA would prefer that this recommendation be deleted. This recommendation is unnecessary, given that, as an adviser to government, AAWS’s views would be sought on such matters regardless of its inclusion here.

Problem 4

Recommendation 4.5 (labelled 4.4 in Paper)

LFA is concerned by any proposal to further the sale of companion animals via the internet. This is an existing area of concern, given the proliferation of websites advertising animals for sale, including the Trading Post and ebay. Internet sale of animals can encourage impulse purchasing, inadequate animal welfare education of companion animal guardians who purchase in this way, possible purchase by minors without parental consent, as well as consumer fraud.

- LFA would prefer that advertising via the internet not permit online purchase, instead requiring purchasers to visit or otherwise meet with the breeder or shelter/rescue group in question prior to purchase.

Recommendation 4.6 (labelled 4.5 in Paper)

LFA understands that mandatory de-sexing of companion animals is a legal requirement in the Australian Capital Territory. This is an essential component of any real law reform in companion animal welfare, and is required urgently in other States and Territories, including Victoria.

- LFA would prefer strengthening this recommendation, to the effect that ‘legislation for mandatory desexing of companion animals not kept by registered breeders (as part of a scheme which outlaws puppy factories) is passed immediately’.

Proposed Recommendation 4.7

LFA understands that a number of pet shops in Victoria have ceased to sell companion animals, instead forming relationships with animal shelters to rehome abandoned and stray animals. This is a tremendous step forward, and should be encouraged, while the sale of companion animals in pet shops should be banned.

- LFA would prefer the addition of a new recommendation 4.7, to address the desirability of ending the sale of companion animals in pet shops, while encouraging pet shops to form relationships with animal shelters and rehoming organizations.

Problem 8

Recommendation 8.4

LFA understands that there are veterinary surgeons in ongoing business relationships with puppy factories, who should be under an obligation to report suspected puppy factories to authorities, if professional ethics do not already require this of them.

- LFA would prefer the addition of a professional obligation upon vets to report puppy factories to enforcement agencies.

Members of LFA executive would be pleased to discuss this letter, and associated issues - please contact the writers below.

LFA wishes to be kept informed of progress in relation to the Paper, and the RSPCA's campaign against puppy factories, which we, in principle, support wholeheartedly.

Yours sincerely

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