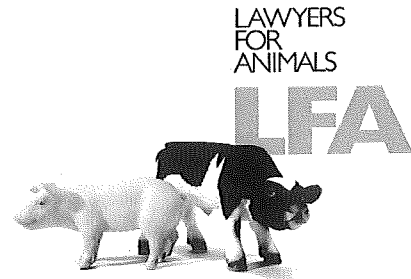


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The Hon Dr Denis Napthine MLA
Office of the Premier
1 Treasury Place
Melbourne VIC 3002

19 March 2013

Dear Dr Napthine

Puppy Farming in Victoria

Lawyers for Animals ('LFA') is a volunteer-based organisation dedicated to improving the welfare of animals through education and law.

We recognise and support the increasing amount of attention the Victorian Government has given to the issue of so-called 'puppy farms' operating in this state. In particular, the *Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Act 2012* introduced stricter penalties for offences in respect of dog and cat breeding establishments. It also equipped authorised officers, including employees of the RSPCA, with more extensive intervention powers. These are positive steps.

However, the amendments fail to improve the minimum welfare standards with which breeders are expected to comply. It is the *Code of Practice for the Operation of Breeding and Rearing Establishments* ('Code'), and not the *Domestic Animals Act 1994* (as amended), which provides the content of those minimum welfare requirements. Despite the recent amendments, the minimum standards for breeding practices remain unchanged and inadequate. Examples of these inadequacies are discussed below. In order to give the stricter penalties introduced by the Government their proper impact, the Code must be reviewed and revised.

There is an urgent need to take further action regarding puppy farming in Victoria if this Government is to create lasting change and ensure that its policy generates real improvement in the lives of animals. Companion animals must not be 'farmed'; the production of dogs and cats in these facilities feeds the cycle of overpopulation and widespread euthanasia of domestic animals. The availability of stricter penalties must be accompanied by the introduction of comprehensive, clear and positive obligations to adhere to appropriate welfare standards that reflect community expectations.

Puppy Farms – No Statutory Definition

There is no statutory definition of the term ‘puppy farm’, even though the term is included in the title of the amending legislation. This is an issue that needs to be addressed in order to begin the process of eliminating such establishments. The RSPCA defines a puppy farm as follows:

A puppy farm (also known as a puppy factory or puppy mill) is an [intensive]¹ dog breeding facility that is operated under conditions that fail to meet the dogs’ behavioural, social and/or physiological needs. Puppy farms are usually large-scale commercial operations, but inadequate conditions may also exist in small volume breeding establishments which may or may not be run for profit. (Source: RSPCA website, ‘Puppy Farms’).

Obviously, a very poor quality of life ensues for these dogs. Unhygienic conditions, long-term confinement, and overcrowding produce dogs that are potentially diseased and have not been socialised adequately with either people or other animals. Animal welfare standards are never met under these conditions.

The Code of Practice for the Operation of Breeding and Rearing Establishments

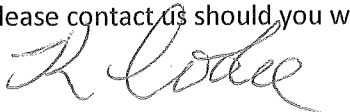
The *Domestic Animals Act 1994* regulates the interaction between local Governments and domestic animals. Section 47 of that Act requires that dog breeders be registered with councils and comply with the Code. As noted above, the amendments provide for much stricter penalties for failure to comply with the Code.

However, the Code itself fails to mandate a strict minimum standard of care, using phrases such as ‘should’ and ‘may’ as opposed to ‘shall’ or ‘must’, implying that compliance is optional and making enforcement particularly difficult.

Standards described within the Code are difficult to describe as humane. For example, table 1 of section 3.8 (‘Minimum Pen Sizes’) of the Code requires that dog pens be only 120 cm wide for a small dog (under 40 cm in height). Similarly, under section 3.5 (‘Exercise’) dogs are to be confined in these pens for over 23.5 hours per day. We would respectfully disagree that these standards ensure ‘the well-being of all animals in the establishment’, for which the proprietor is held to be responsible, according to section 2.1 (‘Manager’).

LFA does not purport to have the specialised knowledge required to propose content for a revised version of the Code. We submit that the Government should arrange a review of the Code as soon as possible, to be conducted by persons with specialised qualifications in veterinary science and animal psychology.

Please contact us should you wish to discuss the matter further.



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¹ LFA would remove the word ‘intensive’ from the first sentence as indicated, for the reasons stated in the second sentence: puppy farms are more likely to be large-scale but need not be so.