

RSPCA Australia Discussion Paper

Puppy Farms

January 2010

Introduction

There are various animal welfare issues associated with the breeding of dogs in Australia including puppy farming, pedigree purebred health and welfare, and inbreeding. This discussion paper concentrates on puppy farming only, defining the term and the various animal welfare problems associated with these operations. This paper also addresses possible solutions to the problem and seeks further comment on options to prevent the operation of puppy farms in Australia. This paper focuses on intensive puppy farming facilities, both registered and unregistered with local government. It acknowledges that there are responsible dog breeders in Australia.

What is a puppy farm?

Puppy breeding establishments take many forms and can be seen to be on a continuum from extremely bad (puppy farms, exploitative hoarders) through to excellent (dog enthusiasts who put the animal's health and welfare as the first priority). This paper focuses on the problems associated with the lower end of this continuum: puppy farms.

Puppy farming is the indiscriminate breeding of dogs on a large scale for the purposes of sale. Puppy farms are essentially commercial operations with an emphasis on production and profit with little or no consideration given to the welfare of the animals^{1,2}. Puppy farms are intensive systems with breeding animals and their puppies kept in facilities that fail to meet the animals' psychological, behavioural, social or physiological needs. As a result many of these animals have a very poor quality of life.

While most puppy farms lack any structured facility plan or design and provide husbandry on an ad hoc basis only, others are purpose-built and are specifically designed to house and breed large numbers of dogs for the purpose of sale. Both types of facilities can fail to meet the animals' behavioural, psychological, social and physiological needs.

Additionally, while some puppy farms house animals in filthy, unhygienic conditions, there are others that are comparatively 'clean' but still permanently confine dogs in barren cages and breed from them continually, thereby failing to meet acceptable animal welfare standards.



In 2007 Inspectors from RSPCA QLD seized 104 poodles in appalling condition from a puppy farm near Brisbane



In late 2009, RSPCA NSW Inspectors raided this puppy farm where almost 200 dogs were living in putrid conditions

Puppy farms are usually difficult to locate, with operators tending to hide their activities from the general public and the authorities in isolated or remote areas. They usually do not allow prospective puppy buyers on-site and this is reflected in the way they sell their animals.

One major distinguishing feature of puppy farms is who the breeders will sell to. Puppy farmers will sell to anyone, wholesale and retail, and by any means, on-line, through pet shops, via newspapers and car boot sales or by using a false house as a 'shop front'. In contrast, responsible breeders do not allow their pups to be sold without assessing the suitability of any prospective buyer as the puppy's new owner. Responsible breeders also have well-established codes of ethics and provide very high standards of care for their animals³.

Significantly, despite serious animal welfare problems, many puppy farms can be licensed and regulated by local government and operate under local council permits. This is because regulations are not sufficiently stringent or enforceable to ensure the welfare of the breeding animals and their puppies.

Puppy farms produce and sell all types and breeds of dogs, including purebred, crossbred or mixed-bred dogs. Thus, buying a 'purebred' dog is no guarantee that it has not come from a puppy farm. Buying a puppy from a *registered pedigree breeder* (i.e. a member of a kennel association such as the Canine Control Council Queensland, Dogs NSW or Dogs Victoria) reduces the risk of supporting puppy farms, as the majority of such breeders are relatively small scale, sole operators who breed dogs for the purpose of showing and selling and who have an established and efficient system of care and husbandry for their dogs. However, there is no absolute guarantee that *registered pedigree* puppies have not come from a puppy farm. Under current regulations, the only way for a buyer to know for sure is to visit the place in which the puppies were bred.

Puppy farms and animal hoarding

Puppy farming and animal hoarding are generally considered to be different phenomena, based on the owner's motivation for having the animals. However, in many ways the results can be similar - a large number of animals, kept in extremely poor conditions, breeding indiscriminately, with no attempt to ensure the health and welfare of the animals. Animal hoarders, who for various psychological reasons accumulate many animals, may incorporate the sale of these animals into their operation. One type of hoarder in particular, the exploiter, shares many characteristics with puppy farmers. They show a complete absence of empathy for the suffering of animals, see the animals as a means to an end, sell indiscriminately, and hide their activities from authorities⁴.

Animal welfare issues

While there is limited research into the animal welfare issues associated with puppy farms and hoarding (as research tends to focus on the psychology of the owner or the public health aspects), there are plenty of anecdotal accounts from many countries by animal welfare

officers, animal control officers, police personnel, health care workers and others that describe the appalling conditions that prevail at such establishments^{4,5,6,7,8}.

The welfare problems described, such as overcrowding, confinement, poor sanitation and insufficient food and water, lead to a very poor quality of life for the animals concerned. They also lead to the production of puppies that can suffer from severe psychological and medical problems, which they can then take to their new homes⁹.

Puppy farms will vary in the types and extent of animal welfare issues present at their facilities. Some puppy farms may have all of the welfare problems highlighted below; others may have only some but are still considered to be unacceptable in terms of dog welfare.



This poodle seized from a Queensland puppy farm in 2009 was in terrible condition with severe matting and in desperate need of a wash and clip.

1. Overcrowding

Overcrowding is endemic at most puppy farms. Dogs generally have little room to move around and are forced to urinate, defecate, eat, sleep, give birth and care for their puppies in the same small area, often shared with many other dogs¹⁰. Dogs may be kept in overcrowded open areas (often indoors to hide activities) or in very small barren cages, either individually or with other dogs.

Overcrowding leads to:

- unsanitary living conditions
- the accumulation of urine and faeces
- easy transmission of contagious diseases such as canine parvovirus, distemper, hepatitis and kennel cough
- an increased burden of parasites such as mites, fleas, intestinal worms and ringworm
- development of psychological issues that often prevent successful re-homing
- aggression between dogs competing for resources (food, water, mates, territory). This can lead to fighting injuries that can become infected and then left untreated. Younger or weaker dogs may be intimidated by older or stronger dogs, leading to food and water deprivation due to this competition.

2. Confinement

Breeding dogs are often permanently confined in very small, barren cages that do not provide sufficient space for the animal. They may never be allowed out of the cage, leading to psychological and medical problems.

Dogs and puppies are unable to express normal behaviours in such confinement (they have no space to exercise, play or explore) and this can lead to the development of repetitive behaviours, also called 'stereotypies', and other psychological problems. Repetitive behaviours are one of the most serious indicators of long-term welfare problems and can include circling, excessive licking of paws, flanks or the cage and howling. Dogs in these situations can develop severe mental illness^{10,11}, which can affect their ability to be re-homed^{11,12}.

Physical confinement also leads to the development of health problems. The bones and muscles of caged dogs are often weak and painful from the lack space and exercise.

Being confined also prevents dogs and their puppies from having opportunities to socialise with humans and other animals.



This mother and her puppies were permanently confined in a transport container stacked above other cages

Confining animals permanently in small cages means that they must eat, sleep, toilet, give birth and care for the pups all in the same small area, causing great suffering and promoting infection and disease. In many cases, cages are not cleaned out regularly or not cleaned out at all.

Confinement leads to:

- severe psychological distress
- serious behavioural problems
- serious medical and physiological problems
- socialisation problems.

3. Unsanitary conditions

Conditions in puppy farms are often described with terms such as ‘appalling’, ‘beyond belief’ and ‘sickening’¹³. Animals can be found living in their own excreta, with dead puppies lying on the floor and general filth both inside cages and in general access areas. Unhygienic conditions promote infection and disease.

Many puppy farms keep dogs on dirt floors. This is of particular concern as it creates an environment that is likely to harbour parasites and disease, including intestinal worms, fleas, ringworm and parvovirus. Dirt surfaces cannot be adequately disinfected for disease or parasite prevention.

In other puppy farms open drains are used in kennels, creating a high potential for disease transmission. Cages and areas in which dogs are kept permanently may never be cleaned and the resulting odour is extremely aversive to both dogs and humans.

Unhygienic conditions have a direct impact on the dogs - for example, any broken skin from scratching (fleas), wounds or abrasions from lying on wire can become easily infected. Furthermore, flies are attracted to the unsanitary conditions and wounds can then become fly struck¹³.

In some puppy farms food is given directly onto the floor, becoming contaminated with bacteria and insects that the animals then consume. Dogs may develop diarrhoea from eating this soiled food or as a result of infection or worms. This diarrhoea soils their cages or enclosures and may soil their rump area and back legs and soak their hair. Caged dogs may be forced to lie in their own diarrhoea. This soiling is attractive to flies and the dogs are at high risk of becoming fly struck around and in their anuses. Flies are also attracted to infected eyes and ears and to the vulva area if it becomes contaminated after the bitch gives birth.

Unsanitary conditions lead to:

- infection and disease
- discomfort and distress from foul odours.

4. Indiscriminate breeding

Dogs in puppy farms are treated as production animals. To maximise productivity and profit, bitches are usually mated as soon as they are able to breed and then bred as frequently as possible. They are constantly either pregnant or feeding pups. This puts a tremendous strain on their bodies and combined with the poor nutrition, stress from overcrowding and unhygienic conditions inherent in puppy farms, the risk of postpartum infections such as mastitis and metabolic derangements such as eclampsia is very high. It is not uncommon to see completely hairless breeding bitches in puppy farms: dogs can lose all of their hair if they do not receive high quality food with sufficient minerals and vitamins during high lactation demands.

In addition, breeding bitches are often left to whelp unassisted and when complications arise they are often not provided with the veterinary assistance they urgently require. As a result they and their pups die or may suffer from permanent whelping-related medical problems for example, puppies with brain damage from hypoxia.

Puppy farmers also do not take into account the breeding animal's temperament, genetic makeup, any inherited conditions (such as retinal atrophy, hip dysplasia, or corneal dystrophy)¹⁴ that they may suffer from or risk passing on to their offspring, or the relatedness of mating pairs, perhaps sentencing the dog to a lifetime of suffering¹⁵. This can lead to significant financial and emotional costs for the new owner, particularly if the condition results in the dog's death.

Indiscriminate breeding leads to:

- bitches being constantly bred without rest, placing enormous strain on their bodies
- an increased risk of postpartum infections and eclampsia, both of which can be fatal
- dead bitches and puppies
- poorly thriving puppies
- health issues such as hair and weight loss from lack of adequate nutrition during pregnancy and lactation
- a high incidence of worm and parasite infestation in bitches and pups
- an increased risk of puppies suffering from inherited disorders, including conditions resulting from inbreeding or temperament issues that can mean a life of pain for the dog or severely compromise their quality of life
- temperament or medical problems which make it difficult to re-home animals after rescue.

5. Poor facilities

Puppy farms are usually very poorly designed and lack any formal structure. The housing provided for dogs is usually inappropriate and completely inadequate. While there are some puppy farms that are purpose-built to house and breed a large number of animals for commercial purposes, these establishments can still fail to meet the animals' behavioural, psychological, social and physiological needs.

Dogs in puppy farms are often kept in poorly made cages that fail to provide shelter from extreme temperatures. Those dogs housed outdoors are also often not provided with adequate shelter from the elements - heat, cold, sun, wind and rain.

Many cages have uncovered wire-mesh flooring, often leading to the development of painful pressure sores that can become ulcerated and easily infected in the dirty environment. Puppies' and dogs' feet can fall through the wire mesh, getting caught and causing serious and painful injuries, which are often left untreated. There is often inadequate or no bedding or floor material provided. Additionally, wire mesh is not a substrate that can be effectively disinfected for disease prevention.

Indoor puppy farms often lack any proper design and often have no system of temperature control, which can lead to extremes of temperature inside the facility, especially during the summer and winter months.

Inadequate lighting is another issue, with animals sometimes kept in the dark for days at a time. There is also often no system of ventilation or air flow through the premises. Inadequate ventilation combined with a build up of excreta leads to high ammonia concentrations in the environment, often to noxious levels¹⁶. Ammonia is a dangerous compound that can severely irritate the eyes, respiratory tract and other mucous membranes. It can also exacerbate existing conditions such as liver and kidney problems.



RSPCA Inspectors found a number of dead puppies at this NSW property, including the pup in this photo

In some cases debris may be left lying around the property in areas where dogs are kept. Sheets of corrugated iron and other debris pose a serious risk of injury to dogs. When injuries do occur, the dogs are often left untreated.

Poor facilities lead to:

- an increased risk of illness, injury and death
- dogs suffering from lack of adequate space, exercise and environmental enrichment whilst confined in small, poorly made, and uncomfortable housing

7. Lack of basic care

Adult dogs in puppy farms are usually not bathed, groomed or provided with the most basic necessary care, which leads to a host of health problems and suffering.

Lack of bathing often leads to skin problems such as inflammation, urine scald and bacterial and fungal skin infections. Overgrown coats and matts of hair full of flea nests are common. Hair may become soaked with urine and faeces, placing the dogs at high risk of flystrike.

Overgrown nails are common due to lack of exercise and lack of nail clipping, sometimes to the point where the nail grows back into the pads causing severe pain, infection, lameness and a reluctance or inability to move.

Eyes and ears are seldom checked and the constant close contact with mud, dust, dirt, ammonia and excreta often leads to severe ocular and aural irritation and infection. Many dogs develop corneal ulceration. This is a painful condition and if left untreated, can lead to permanent blindness. Eye and ear problems can become chronic, requiring life-long and expensive treatment, affecting the ability to re-home the animals after rescue.

Inadequate and inappropriate food and water is another serious issue. Animal welfare officers and investigators often report seeing many extremely skinny and emaciated dogs in these facilities. While many dogs have simply not been offered enough food, others do not receive their share when



Adult dogs are usually not bathed, groomed or provided with basic care

dominant dogs take their food. In other cases, dogs are not provided with a balanced diet that meets the specific nutritional requirements of the animal according to their age, pregnancy and lactation status. Inadequate and inappropriate food increases the susceptibility to disease and reduces the ability to withstand the stresses of constant breeding.

Drinking water is often insufficient and/or it may be contaminated with dirt and excreta and not fit for consumption. Contaminated water transfers disease and causes serious gastrointestinal upsets involving diarrhoea and vomiting, which in turn can lead to dehydration, emaciation and death. This is even more serious during lactation as bitches need to drink more water to maintain a sufficient supply of milk for the pups.

Lack of basic care leads to:

- diseases that are normally preventable,
- malnutrition
- dehydration
- suffering and distress
- permanent health problems, which make it difficult to rehome animals after rescue.

6. Lack of veterinary care

Puppy farm establishments are primarily concerned with making a profit and as a result veterinary care is often minimal or not provided at all.

Preventative medicine including vaccinations, intestinal worm prevention, heartworm prevention, flea prevention, and general grooming and cleanliness are often not provided. As a result dogs are highly susceptible to infectious disease, parasitic infestations and many acute and chronic conditions (see Box 1 for more details). Animals in puppy farms can suffer for their entire lives.

The lack of preventative medicine combined with poor nutrition and stress leads to high rates of morbidity and mortality. In some cases the mortality rate can be greater than 50%. Animals that manage to survive can continue to suffer from chronic disease, may be weakened for long periods of time or may even be permanently affected (for example, post-distemper syndrome).

In some cases where medications and supplements are used they are often stored inappropriately, are unlabelled, and/or expired. For medications and supplements to be most effective, they need to be stored in accordance with the specifications on the label and disposed of when expired. Additionally, treatment records are usually not kept.

Lack of veterinary care leads to:

- diseases that are normally preventable
- suffering and distress
- high morbidity
- high mortality
- difficulty re-homing after rescue.

7. Poor socialisation

Dogs are highly social 'pack' animals and under normal circumstances will be socialised with humans and other dogs from a young age. In puppy farms there is often minimal contact with humans. When contact with humans does occur it may be hostile or abnormal or limited. Pups often learn appropriate social behaviour from their mothers, but in many cases the mothers have never had the opportunity to experience normal interactions with humans.

If pups are not socialised during their 'critical socialisation period' between 3-17 weeks of age they may display various negative behaviours such as fearfulness and aggression (aggression caused by underlying fear and anxiety) towards humans and other dogs.

Under ideal circumstances pups also become familiar with other species (e.g. cats and birds), children, noises and various common objects they will encounter as pets such as bicycles, umbrellas, etc. through socialisation from an early age. This does not occur at puppy farms¹⁷.

In some cases behavioural problems resulting from poor socialisation may remain with the animals for their entire lives, reducing the potential to successfully rehome them after rescue¹⁸. In severe cases, behavioural problems may be untreatable, rendering the animal unsuitable for rehoming.

Poor socialisation leads to:

- psychological distress
- behavioural problems
- socialisation problems once purchased by the new owner
- difficulty rehoming animals after rescue.

Box 1: Common veterinary problems seen in puppy farms

1. A high incidence of **viral, bacterial and fungal infections** including canine distemper, hepatitis, parvovirus and kennel cough. These conditions can cause acute suffering and can also have chronic effects on the animals that survive the initial infection.
2. **Heavy intestinal worm burdens** (tapeworm, roundworm, hookworm and whipworm), which can interfere with the ability to absorb nutrients, cause diarrhoea and vomiting and lead to anaemia. Worms are passed to pups in-utero.
3. **Heartworm infection**, which is easily prevented with veterinary medications. Heartworm infection causes severe heart problems, respiratory problems, anaemia and a shortened life-span.
4. **Skin conditions** including flea infestations, mange (sarcoptic and demodectic), ringworm, dermatitis, eczema, self-inflicted injuries (for example, from excessive licking), and suppurating sores and abscesses from injuries sustained from fighting or as a result of being exposed to the dirty and dangerous environment. Skin lesions are also at high risk of becoming flystruck as the unhygienic conditions tend to attract flies.
5. **Eye conditions** including conjunctivitis, corneal abrasions and ulcerations leading to infection and sometimes blindness, and injuries to lids and eyes (e.g. from fighting or foreign bodies). Congenital and inherited eye conditions also occur due to indiscriminate and unplanned breeding.
6. **Ear infections** due to the unsanitary conditions and lack of general care. Without timely veterinary treatment ear problems usually worsen and can become chronic, requiring life-long and expensive treatment. This affects the ability to re-home the dog after rescue. Long-haired breeds with floppy ears are more susceptible to ear problems. Treating eye and ear problems post-rescue can prove to be difficult or impossible as the dogs are often not accustomed to being handled or touched by humans.
7. **Severe dental disease** as a result of poor nutrition and lack of veterinary dental care, which can be very painful and make eating difficult. Adult dogs often have oral conditions such as tooth decay, severe gingivitis, ulcerations and loss of teeth. Dental hygiene is often completely lacking.
8. Indiscriminate breeding can lead to a number of **inherited conditions** e.g. overshot or undershot jaws and congenital abnormalities such as hydrocephalus.
9. **Conditions related to pregnancy and lactation** - difficult births, eclampsia, mastitis and abscesses, uterine and vaginal infections, retained afterbirths and unthrifty pups.
10. **Foot problems** including interdigital dermatitis, overgrown nails and sore foot pads.

Case Study 1: A puppy farm in New South Wales

In October 2008, RSPCA NSW received a complaint from the NSW Police about the condition of animals at a semi-rural property south of Wollongong following their attendance in relation to an unrelated matter. The property owner had a history with the RSPCA as various complaints had been received about the conditions and the health of individual animals bred at the property. Unfortunately the enforceable legislation had not enabled legal action to be taken in response to these concerns.

Investigation

A large besser-block shed divided into 7 separate rooms was inspected. Located inside was a series of poorly constructed enclosures containing various numbers of dogs. The poor design of the building meant that ventilation was almost non-existent. Coupled with the number of animals and the filthy conditions, this created a putrid smelling, almost intoxicating environment. There were in excess of 190 dogs and pups located on the property.

One room appeared dedicated to food preparation although a small number of dogs were also housed there. This room contained a number of dead newborn puppies enclosed in plastic bags. A Shih Tzu bitch that had recently given birth was found in a small cardboard box with two deceased newborn pups and a number of other live pups. A number of the pups had been fastened together using a piece of electrical cable; one was deceased as the wire had been looped around its neck. Another had the wire fastened around one of its front legs; the affected limb was swollen and blue. The bitch and pups were presented to a local veterinarian: the bitch was found to have a retained pup in her birth canal and had been in labour for in excess of six hours.

It was apparent that the owner was experiencing significant psychological issues. The RSPCA Inspectors left the property to make the necessary arrangements to conduct a thorough inspection. Prior to their return, the situation deteriorated as the owner locked himself inside the kennel complex and threatened self harm and to blow up/set fire to the facility. The owner was ultimately removed by the Police and scheduled. A number of extraction fans were hired in an effort to stabilise the working environment so that it was acceptable from an OH&S perspective. A total of 190 dogs and pups were seized and transported to the Unanderra and Sydney RSPCA shelters.

A large number of the females subsequently had litters while housed at the RSPCA. Although the behaviour varied, many were very poor mothers in that they lacked interest in the pups, declined to allow the pups to suckle, and in some cases chewed and killed their puppies. A number of pups displayed symptoms of genetic or congenital abnormalities such as open fontanels (characterised by high-domed skulls). Some required euthanasia due to hydrocephalus.

Outcome

Proceedings were commenced for 15 charges under the NSW *Prevention of Cruelty to Animals Act* and associated Regulations, including aggravated cruelty, failure to provide veterinary treatment, failure to provide sufficient ventilation and failure to ensure housing is in a clean and hygienic condition. The RSPCA returned to the property on a number of occasions and on one visit a further eight dogs were seized and additional charges laid.

The RSPCA was granted an interim Disposal Order for the animals held in custody 11 weeks after the initial seizure. The costs accrued for boarding and veterinary costs in this time amounted to \$111,267.

The owner sought to have the charges dismissed under the *Mental Health (Forensic provisions) Act 1990* as he was allegedly suffering from a mental illness at the time of the offence. The RSPCA successfully opposed this application. Twelve months after the commission of the original offences, the defendant was convicted in his absence on all charges. He was fined 10% of the maximum for each offence, totalling \$20,350 and ordered to pay \$104,547 in veterinary and boarding costs, \$2,660 Court costs and \$27,755 in professional costs (total fines and costs \$155,312). He was further prohibited from owning animals for ten years.

The defendant has since lodged an application to have the conviction annulled as it was dealt with in his absence. Unfortunately, this matter is probably a long way from finalisation. Fortunately the Court granted an interim Disposal Order and the animals are not being held in custody, averting additional animal welfare issues and escalating costs associated with boarding and veterinary treatment.

Scale of puppy farming

In the last two years, RSPCA Queensland alone has dealt with twelve separate puppy farming operations and conducted lengthy and expensive prosecutions in six of these cases. In the remaining cases, extensive time and financial resources were expended, working on a long term basis with farm operators to improve standards, reduce numbers, and ensure compliance with formal Animal Welfare Directions.

The prevalence of puppy farms in other States and the conditions encountered appear to be similar (Case Study 1). However, the southern states are home to more commercial facilities that are licensed and regulated by local councils. Unfortunately, the lack of adequate and enforceable welfare standards makes it difficult for the RSPCA to deal with welfare issues at these facilities. Nominal efforts by the operators to meet the minimum (albeit inadequate) standards set by regulators make it difficult to mount a prosecution case (Case Study 2).

Case Study 2: A puppy farm in Eastern Victoria

Over a number of years, the local council conducted numerous inspections of a puppy farm in Eastern Victoria regarding the facility's compliance with the *Victorian Code of Practice for Breeding Establishment*. On 31st July 2008, the owner/operator was convicted and fined for breaches of the *Domestic Animal Act* after its Domestic Animal Business permit was revoked. Despite revocation of the permit, the breeder continued to operate and there were approximately 80 dogs plus puppies at the premises. The owner was appealing the Council decision to revoke the permit and the matter was due to be heard at the Victoria Civil Administration Tribunal (VCAT).

Complaints were filed with RSPCA Victoria in April 2009 alleging animal cruelty and welfare issues at the facility. The concerns were in relation to over-breeding and to whelping bitches with puppies being housed in raised cages/pens with wire flooring. Video footage of the conditions was supplied to the RSPCA. An investigation into whether there were breaches of the *Prevention of Cruelty to Animal Act 1986* was initiated.

Investigation

RSPCA Inspectors executed a warrant at the facility. A Senior RSPCA veterinarian accompanied Inspectors and conducted an inspection of the dogs and breeding facilities. The owner surrendered six adult dogs to the RSPCA. As a result of that inspection, a number of animal welfare and husbandry related issues were identified:

- several cages had wire mesh flooring and were not an appropriate size
- several runs and areas where dogs were kept had dirt floors
- a number of dogs were identified as having skin conditions
- debris lying around property in areas where dogs are kept
- open drains were being used in kennels
- medications and supplements being inappropriately stored, unlabelled, and/or out of date.

Outcome

It was determined that the owner did have a veterinarian attending the facility, however it was difficult to establish what treatment was being administered to animals due to a lack of record keeping. Despite the inappropriate conditions observed, no clear breaches of the *Prevention of Cruelty to Animals Act* could be identified, so an advisory letter was drafted advising the owner of what needed to be rectified to improve overall welfare conditions for animals at the facility. A copy of the letter was forwarded to Council for their case. It was hoped the Council case would be successful so that the facility could no longer operate in non-compliance with the Code of Practice.

The Council case was heard at VCAT in June 2009. Despite animal welfare concerns and lack of compliance with the Code of Practice, the Council's decision to revoke the permit was overturned and the owner was allowed to continue operating. The matter is ongoing in VCAT while the owner does improvement works at the facility.

Sale of puppies

Puppy farmers utilise many methods to sell puppies but primarily sell over the internet or wholesale to pet shops. They will also often utilise newspaper advertisements and advertise on internet classified pet sites such as Petlink.

Typically they do not provide a street address on their website and do not allow purchasers to visit and view the dogs at the breeding facility, instead arranging to meet somewhere away from the site of the puppy farm. Puppy farmers may also mislead prospective buyers by using a false house as a 'shop front'.

Puppy farmers will usually only accept cash as payment and may not have an ABN or registered business name. They will usually require payment prior to delivery or at least a substantial deposit.

Puppy farmers of purebred dogs will not usually be members of their kennel association, which registers pedigrees (such as the Canine Control Council Queensland, or Dogs NSW). Whilst there is no absolute guarantee that registered pedigree puppies are not from puppy farms, anecdotally it has proven to less likely be the case.

Costs to the community

In Queensland alone, the RSPCA is currently caring for over 500 dogs from three recent puppy farm operations. In all three of these cases the offenders have obtained more dogs and are continuing to breed and sell puppies whilst court proceedings are underway.

In one current matter involving 104 dogs seized from a puppy farmer, RSPCA Queensland has to date incurred costs of almost \$1.8 million in boarding and veterinary expenses. Pro bono legal support has been obtained, valued at over \$500,000. This matter is still ongoing and costing the RSPCA and the community more than \$1,500 per day.

In a second concurrent puppy farm matter involving 160 dogs, the RSPCA has incurred legal costs of almost \$100,000 in addition to receiving pro bono legal support valued at approximately \$20,000. Costs of caring for the animals in this case have exceeded half a million dollars and are unlikely to ever be successfully recovered. The offenders were found guilty of 129 animal neglect charges and ordered to pay a total of \$50,000 compensation to the RSPCA, despite the real costs claim to court exceeding \$250,000. This matter is still ongoing and costing the RSPCA and the community more than \$1,600 per day.

In the third concurrent puppy farm case, Biosecurity Queensland has conduct of the matter and is incurring the ongoing costs of the RSPCA caring for more than 300 dogs. These costs exceed \$3,000 per day.

In a recent RSPCA New South Wales puppy farm case involving 190 dogs, the costs accrued in just over 11 weeks for boarding and veterinary care amounted to \$111,267 (see Case Study 2).

In many of these puppy farm cases offenders are also enhancing their cash flow by breeding and selling other species of animals that reproduce relatively quickly, such as cats, rats, mice and birds. In one ongoing matter the RSPCA has recently conducted two



After nearly two years of legal proceedings the RSPCA was finally able to rehome 147 puppy-farm-bred poodles. The breeder is facing 149 charges under the *Qld Animal Care and Protection Act (2001)*

large seizures and seized over 160 dogs and puppies, over 1,600 rats, almost 500 mice, as well as numerous guinea pigs and birds - all from a 12m by 6m shed in which the offenders also lived.

Recidivism is high amongst puppy farm operators whether they are prosecuted or not. The twelve recent cases referred to all involved numerous repeat visits, protracted investigations or operations by RSPCA Inspectors, and placed a huge financial and emotional burden on the RSPCA, their staff and volunteers.

Under current legislation, enforceable prohibition orders are only able to be obtained after a successful prosecution. In cases where prosecution is not in the interests of the community, e.g. elderly or sick offenders - prohibition orders are not able to be obtained and the RSPCA is powerless to intervene until animal numbers increase and conditions deteriorate again.

Even in prosecution cases, efforts to obtain prohibition orders are hindered by offenders, who litigate excessively, are self represented, and who are continuing to amass and breed more dogs whilst the court process continues. Ironically, these defendants are often funding their legal defence against neglect and cruelty charges by breeding and selling more puppies. In two current puppy farming matters, defendants have litigated against the RSPCA in the Magistrates Court, District Court, and Supreme Court, and Court of Appeals - and this does not include the matters they defend in relation to animal neglect and cruelty charges. In the interim, the RSPCA is bearing the financial burden of caring for the dogs.

Case study 3: Legislative framework in Victoria

In Victoria, the *Domestic Animals Act 1994* (DAA) defines how Local Governments (councils) govern and make laws with respect to domestic animals. Part 4 of the Act defines how councils manage and register domestic animal businesses, including those that are involved with intensive animal breeding programs. Section 47 specifically requires these businesses to be registered with councils upon application and having satisfied certain criteria.

Specific registration terms (defined at section 47(2) of the DAA) provide councils with the power to impose 'any terms' that the council sees as appropriate. In Victoria, councils require compliance to the Code of Practice for Operation of Breeding and Rearing Establishments (COP). The COP is a document written and prepared by the Victorian Government's Bureau of Animal Welfare within the Department of Primary Industries.

The legislation is reasonably comprehensive and provides scope for councils to impose strict registration and licensing conditions. However, this does not always effectively reduce animal welfare issues. In practice, the application of the COP varies greatly between Councils. Some councils require strict compliance while others take a more relaxed approach.

Additionally, the COP itself is not particularly well written. The COP uses words such as 'should' or 'may' rather than 'must' or 'shall'. This creates a perception that the Standard sets the benchmark for best practice rather than compulsory practice. This creates enforcement problems for council officers.

The RSPCA has no authority under the DAA. Authority rests with councils. The RSPCA does have authority to enforce the provision of the Prevention of Cruelty to Animals Act 1983 (Victoria) (POCTAA). POCTAA may be used to investigate alleged cruelty offences in puppy farms. POCTAA can not be used to prosecute for breaches of the COP.

The RSPCA has often found itself investigating puppy farms that are registered (or not registered) with a council but can not prosecute because of insufficient evidence under POCTAA. If a puppy farm is found to be unregistered the matter is referred to council. However, if a puppy farm is found operating, illegal or otherwise and there is evidence of animal cruelty, the RSPCA will initiate prosecution proceedings.

The principle sections of POCTAA for cruelty prosecutions are Sections 9 and 10. In addition, both DAA and POCTAA have associated regulations that further add to the provisions of puppy farm registration and cruelty offences.

Even if a court is convinced to make a costs order against the defendant, this cost is rarely if ever recovered from defendants, who are usually reliant upon their sales of puppies for income.

Many puppy farmers do not operate a legitimate registered business and comply with relevant legislation in relation to compliance regulations for housing animals in large numbers, local government laws in relation to conducting trade, or Commonwealth Laws. This allows operators of puppy farms to obtain significant amounts of cash income without complying with taxation requirements. Large scale puppy farm operations involving more than 100 dogs are usually earning hundreds of thousands of tax-free dollars annually.

However, the most significant cost to the community is inherent in the sale process. Whether pups are bought directly from the puppy farm operator or through a pet shop, the likelihood of receiving an unwell or genetically flawed puppy is very high, and conversely the likelihood of recovering costs or replacement puppies when pups need costly vet treatment or die, is very low. Members of the community are buying precious family pets that quickly endear themselves to all family members, often including children, and the heartbreak of dealing with the costly rehabilitation of a sick pup, or suffering the tragic loss of a new four-legged family member is an immeasurable cost to the community.

Case study 4: Legislative framework in New South Wales

Until recently, the breeding of dogs in NSW was regulated (albeit poorly) under the *NSW Model Code of Practice - Breeding Dogs*. This Code has now been reviewed and amended and renamed as the *Animal Welfare Code of Practice - Breeding Dogs and Cats* (August 2009). At this stage the provisions of the revised Code are yet to be tested in Court, however, the new document has significantly improved in that there is a clear delineation between enforceable Standards and best practice Guidelines.

The Code of Practice (COP) is enforceable by Officers designated under the *Prevention of Cruelty Animals Act* (POCTAA), which is limited to RSPCA Inspectors, Animal Welfare League Inspectors and officers of the NSW Police Force (although the police have not been known to investigate breeding or puppy farm complaints). Local Councils have no enforcement role under POCTAA although they are involved from the perspective of noise or environmental pollution and the enforcement of the *Companion Animals Act*, particularly microchipping and registration provisions.

As in other States where animals are seized under the POCTAA, animals are required to remain in RSPCA custody until they are either surrendered or their custody is determined at the conclusion of a prosecution. In NSW provision exists for an Officer who has taken possession of animals to apply to the Court for an Order for the disposal of the animal prior to the proceedings being finally determined. If these Orders are granted they generally stipulate that the animals may be sold or otherwise disposed of, and direct that the proceeds of the sale or disposal be held in Trust pending the determination of the proceedings. It is often the case that the Courts are not prepared to make this determination until all of the evidence has been considered, and where the applications do proceed prior to the substantive prosecution, the legal argument associated with interim disposal application is often greater than the argument associated with defending the actual charges.

The POCTAA also provides for Prohibition Orders upon conviction. This often causes frustration in that if a matter proceeds and is finalised in accordance with the provisions of Section 10 of the *Crimes (Sentencing Procedure) Act*, where the charges are proven but no conviction is recorded, the Court cannot impose a Prohibition Order.

Although not quantifiable, an increasing number of defendants make application to have charges brought against them dealt with under the provisions of Section 32 of the *Mental Health (Forensic Provisions) Act 1990*, with the aim that the charges should be dismissed as they were suffering from a mental illness. allegedly at the time of the offence Applications under Section 32 are generally opposed by RSPCA prosecutors. If these applications are successful, Prohibition Orders cannot easily be made, however some Courts have imposed bond-type conditions, similar in nature to Prohibition Orders, but they are not enforceable for periods longer than six months. This is an area that could benefit from legislative reform, so that Courts could grant disposal and prohibition orders for animal cruelty offences that proceed by way of a Section 32 of the *Mental Health (Forensic Provisions) Act*.

Legal issues

The RSPCA faces significant complications and legal hurdles in attempting to prosecute puppy farmers and preventing such farms from continuing to operate. One significant frustration for the RSPCA is where puppy farms are legally permitted to operate under local council permits despite serious animal welfare problems, because the regulations in place are not sufficiently stringent or enforceable to ensure the welfare of the breeding animals and their puppies.

Details of the current legislative framework in Victoria and NSW are provided in Case Studies 3 and 4. These outline the procedures that are required to regulate the breeding of dogs and those measures that can and cannot be taken by the RSPCA or other enforcement agencies to take action against puppy farmers.

What can be done?

The animal welfare problems caused by puppy farms, both legal and illegal, are horrific. The RSPCA is calling on animal lovers, reputable dog breeders and other dog groups and governments to work together to bring an end to these practices. Urgent action is required.



The RSPCA has compiled the following list of ideas that could be pursued. We are interested in receiving your feedback on any or all of these ideas, or receiving other suggestions. In particular, we are keen to know what ideas you support, how you think they may be able to be put in place or achieved, what you personally or your group or government may be able to do over the next two years to bring an end to the practice of puppy farming and improve the lives of thousands of dogs and puppies.

1. Regulation of breeders

- All breeders should be required to obtain a government licence to breed dogs - whether they are breeding purebred, cross-bred or mixed-bred dogs, and whether they breed commercially or as a hobby.
- Licensing needs to be conditional on compliance with a Code of Practice outlining enforceable minimum standards.
- The licensing system could be similar to that used for car dealers, real estate agents and tradesman. Having a license will allow governments and the RSPCA to monitor compliance with regulations and will provide some assurance to consumers about legitimacy of the breeder.
- The licensing system should encourage breeders to attain a high level of professionalism with respect to their breeding operation.

2. Regulation of sale

- A reputable website for sale of companion animals could be established. Criteria for listing would include: providing the street address of kennels, compliance with the Code of Practice, provision of a licence number, provision of information about membership of any breed association and provision of an ABN or similar number.

- State/Territory Legislation should incorporate mandatory minimum standards for pet shops with specific requirements in relation to stopping puppy farming being:
 - animals held for sale can only be obtained from government registered/licensed breeders or suppliers
 - full disclosure by the seller of the veterinary practitioner who assessed the animals prior to purchase including a veterinary certificate recording all vaccinations and other treatments
 - full disclosure by the seller of the breeder's name and contact details
 - the sale of desexed dogs (and cats) only, unless selling to a licensed breeder
 - the ability to return a puppy for whatever reason within 14 days. This must include the provision of veterinary treatment or reimbursement of the cost of veterinary treatment for pre-existing illness or congenital disorders.
- Consumer complaint procedures need to be in place and accessible so that buyers can feel confident of recourse during the sale process if necessary.

3. Tightening of export provisions for sale of puppies overseas

Puppy farmers can currently access lucrative overseas markets by selling unregistered purebred (without pedigree) or crossbred dogs to puppy wholesalers overseas, often for substantially more money than they would obtain in Australia.

- The minimum age for export of puppies for commercial purposes should be raised to 6 months.
- Exemptions should only be given on a case-by-case basis and only when the puppy is travelling to accompany the existing owner overseas (ie for non-commercial purposes).
- Any breeder who exports dogs over 6 months of age must be licensed and comply with a regulated Code of Practice (see 1 above) before being granted permission to export dogs or puppies. This should include the dog being desexed unless it is destined to be a breeding animal owned by a licensed breeder in the importing country.

4. Tightening compliance with taxation laws

- The Australian Taxation Office should target investigative efforts at illegal puppy farming operations. The ATO should be required to inform the relevant government authority of any positive identification of a puppy farm in order that the welfare of the animals can be assessed.

5. Amendments to animal welfare legislation

State/Territory animal welfare legislation should be amended to incorporate provisions for:

- Prohibition Orders to be obtained preventing further ownership of animals prior to conviction, to prevent puppy farmers from continuing their business while legal proceedings are underway
- Defendants to be required to pay court bonds prior to any litigation appeals or appeals in relation to the forfeiture of animals. The bond amount should be based on the financial cost of caring for the dogs on a daily basis, acknowledging that during this period such this care is being provided by RSPCA or other rescue group and not by the defendant. Where a court bond is not paid, the owner would be required to surrender the animals for rehoming.

6. Education

- Raise community awareness about the scale and problems created by puppy farming in Australia.
- Ensure wide availability of consistent information for consumers giving tips on questions to ask and responsible places to go when buying a puppy. The RSPCA has recently released the *RSPCA Smart Puppy Buyers Guide* to help consumers in this way (download from www.rspca.org.au).
- Provide information to vets and pet supply stores to help them identify possible puppy farm operators. Indications of a puppy farm operator include consulting large numbers of puppies but rarely, if ever, treating adult dogs, breeders reluctant to entertain home visits by vets, the regular purchase of large volumes of food and/or other pet supplies.

7. Reporting suspicious activities

- Formalise a reporting process for vets, pet supply stores or members of the community to notify the RSPCA or government authorities if they suspect one of their clients is running a puppy farm operation.

Providing your comments

The RSPCA would like to work with individuals, groups and governments to stamp out puppy farming in Australia.

As a first step we encourage you to provide us with feedback on the issues and ideas outlined in this paper. In particular, we are keen to know what approaches you support, how you think some of these ideas may be able to be put in place or achieved, what you personally or your group or government may be able to do over the next two years to bring an end to these practices and improve the lives of breeding dogs and puppies in Australia.

RSPCA Australia will then compile the responses, prepare a summary of the ideas put forward and invite you all to help us end the suffering of tens of thousands of dogs and puppies.

Please send your comments by **Wednesday 31 March** to:

Heather Neil
Chief Executive Officer
RSPCA Australia
PO Box 265
Deakin West ACT 2600

Or by email to rspca@rspca.org.au

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