

Puppy and kitten farms: are they legal in Australia?

This fact sheet is for general information purposes and is not legal advice. It provides a brief overview only of this area of the law. If you require legal advice relating to your particular circumstances you should contact the ADO or your solicitor.

What are puppy and kitten farms?

These are intensive breeding facilities where dogs and cats are used for breeding to supply the 'pet' market and kept in closely confined conditions.

Problems can include inadequate and crowded housing conditions, over-breeding, inbreeding, little or no veterinary care, poor hygiene/socialisation/nutrition, genetic defects, illness, and high mortality rates.



Are puppy and kitten farms legal in Australia?

The breeding of pet animals is regulated by the States and Territories. Intensive breeding is legal in all parts of Australia. Recently, however, various State and Territory governments have sought to control this practice.

Are governments in Australia cracking down on puppy and kitten farms?

In the **ACT** all breeders of puppies or kittens must be licensed.¹ This includes non-commercial and/or 'accidental' breeding. Anyone breeding from a cat or dog must comply with the *Animal Welfare (Breeding Standard) Determination 2015 (No 1)*.² This limits how often cats and dogs can be bred (cats no more than 3 times in 2 years; dogs once in 18 months), the number of litters they can have (cats up to 8; dogs up to 4) and the age at which they can breed (cats from 12 months to 7 years; dogs from 18 months to 6 years). Breeding using animals known to carry debilitating genetic faults is banned. The Standard does not limit the number of breeding dogs or cats a registered breeder may keep. Puppies and kittens bred by breeders can be sold in pet shops in the ACT.

In **Victoria** any person can keep up to 2 fertile female dogs or cats. If a person has between 3-10 fertile female dogs or cats, they must either be a 'recreational breeder' which means registering with a breeding organisation (ie for 'pure' breeds), or they must register with the local council to conduct a domestic animal business from their premises.³ A 'breeding domestic animal business' can have up to 10 fertile female dogs.⁴ If the business is a 'commercial dog breeder' approved by the relevant Minister, it can lawfully keep up to 50 fertile female dogs.⁵ Pet stores may sell only dogs or cats from an approved source, which means animal shelters, pounds or registered foster carers.⁶ Anyone selling or giving away cats or dogs needs to display a unique seller number and the animal's microchip number.⁷ The *Code of Practice for the Operation of Breeding and Rearing Businesses (2014)* deals with the welfare of dogs and cats used for breeding.⁸ It requires that dogs and cats must be at least 12 months old before being used for breeding, and imposes limits of no more than 5 litters for female dogs and 8 litters for female cats in their lifetime.⁹

In **Queensland** anyone who breeds a dog needs to register as a breeder within 28 days of a litter being born, unless the person has a reasonable excuse.¹⁰ It is an offence under domestic animal management laws to advertise, sell or give away a cat or dog who is not microchipped without reasonable excuse.¹¹ It is an offence under animal welfare laws not to comply with the 'Code of practice for breeding of dogs'.¹² The Code regulates various aspects of breeding such as housing, access to food and water, and grooming. Animal welfare regulations impose certain reporting requirements on breeders with 5 or more female breeding dogs.¹³

¹ *Domestic Animals Act 2000* (ACT) s 72. This is a strict liability offence: s 72(4).

² *Animal Welfare Act 1992* (ACT) s 15B(4). This is also a strict liability offence: s 15B(6).

³ *Domestic Animals Act 1994* (VIC) s 3(1), definition of **domestic animal business**, paragraphs (b) and (c), Part 4 Div 1.

⁴ *Domestic Animals Act 1994* (VIC) s 44B.

⁵ *Domestic Animals Act 1994* (VIC) s 58AF(2).

⁶ *Domestic Animals Act 1994* (VIC) s 63AAB.

⁷ *Domestic Animals Act 1994* (VIC) s 12B.

⁸ The code was revised in June 2018. Failure to comply with the code may amount to a breach of responsibilities under the *Prevention of Cruelty to Animals Act 1986* (VIC) and Regulations and the *Domestic Animals Act 1994* (VIC) and Regulations.

⁹ *Code of Practice for the Operation of Breeding and Rearing Businesses (2014)* dogs: 6(3)(b) and (c); and cats: 7(3)(b) and (c).

¹⁰ *Animal Management (Cats and Dogs) Act 2008* (QLD) s 43E(2).

¹¹ *Animal Management (Cats and Dogs) Act 2008* (QLD) s 43Y.

¹² *Animal Care and Protection Act 2001* (QLD) s 15(3); *Animal Care and Protection Regulation 2012* (QLD) s 2 and Sch 3A.

¹³ *Animal Care and Protection Regulation 2012* (QLD) s 5A.

In **South Australia** it is an offence for a person to sell a dog or cat without being a registered breeder.¹⁴ Buyers must be provided with certain information such as the animal's vaccination history and microchip number, and the breeder's details.¹⁵ The *South Australian Standards and Guidelines for Breeding and Trading Companion Animals (2017)* contain standards that apply to breeding cats and dogs. The standards stipulate that a female dog must not have more than 5 litters over her lifetime, and a female cat no more than 8 litters (and no more than 2 litters in 12 months), unless a veterinarian certifies in writing that the animal is fit to do so.¹⁶

In **Tasmania** it is an offence for a person to breed cats unless the person is a registered breeder or holds a cat breeding permit.¹⁷ A female breeding dog must not have more than 2 litters in 18 months.¹⁸ A puppy cannot be advertised for 'rehoming' (which includes being sold) without publishing the microchip number of the mother or puppy. If neither is microchipped, the mother's registration number and the name of the council with which she is registered must be specified.¹⁹

In **NSW** breeders and pet shops must comply with the *Animal Welfare Code of Practice—Breeding dogs and cats (2021)*.²⁰ The Code limits the number of litters that can be had by a dog (2 within a 2-year period) or cat (3 within a 2-year period).²¹ In 2018 the NSW Department of Primary Industries released draft 'Standards and Guidelines for Pet Shops and Breeders (dogs and cats)' for public consultation.²² In 2020 the NSW Government announced a Puppy Factory Taskforce within the RSPCA.²³ In 2021 the NSW Government released a consultation paper on 'Licensing and regulating cat and dog breeders'.²⁴ The NSW Parliament established a Select Committee on Puppy Farming in NSW in 2021, including to consider the Companion Animals Amendment (Puppy Farms) Bill 2021.²⁵ The Government's response to the Committee's report was published in November 2022. The Government supported two of the Committee's 18 recommendations.

In **Western Australia** the *Dog Amendment (Stop Puppy Farming) Act 2021* was passed in 2021. The main changes have yet to commence (as of May 2023). The changes require a person to seek approval from their council to breed dogs, which could be refused if the applicant is not a 'fit and proper person' (s 26L). Pet shops will be able to sell only dogs sourced from government accredited rescue or shelter organisations (Part VIA).

What are the laws about desexing?

In the **ACT** dogs and cats must be desexed unless a permit is obtained to keep them 'entire'.²⁶ In **South Australia** it is mandatory to desex cats and dogs, with limited exceptions such as for registered breeders.²⁷ In **NSW**, a cat must be desexed if 4 months or older unless the keeper holds an annual permit.²⁸ In **Tasmania** cats over 6 months old must be desexed, unless certain exemptions apply.²⁹ Other State and Territory governments require desexing of declared dangerous and restricted dogs.³⁰ At the Council level in some jurisdictions such as **Victoria**, registration of dogs and cats may be refused if the animal is not desexed.³¹ **Queensland** allows reduced registration fees for dogs who have been desexed.³² **Western Australia** will require keepers to desex their dog by the time the dog is 2 years old unless the keeper holds an exemption.³³

Conclusion

While puppy and kitten farms are not banned anywhere in Australia, jurisdictions are introducing incremental measures to control the intensive breeding of puppies and kittens as pets.

DISCLAIMER While all care has been taken in preparing the information on this fact sheet, it is not a substitute for legal advice. For any specific questions we recommend you seek legal advice. The Animal Defenders Office accepts no responsibility for any loss or damage suffered by people relying on the information on this fact sheet.

¹⁴ *Dog and Cat Management Act 1995* (SA) s 69(1).

¹⁵ *Dog and Cat Management Act 1995* (SA) s 71(1).

¹⁶ Standards 10.1.1.1-2.

¹⁷ *Cat Management Act 2009* (TAS) s 29.

¹⁸ *Animal Welfare (Dogs) Regulations 2016* (TAS) clause 19(2). See also the *Animal Welfare Standards and Guidelines for Dogs* (no date), Chapter 10, S 10.2.

¹⁹ *Animal Welfare (Dogs) Regulations 2016* (TAS) clause 5(5).

²⁰ *Prevention of Cruelty to Animals Regulation 2012* (NSW) s 26(3).

²¹ *Animal Welfare Code of Practice – Breeding of Dogs and Cats (2021)* 10.1.1.10 and 10.1.1.11.

²² <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-care-and-welfare/other/companion-animal-files/standards-and-guidelines-for-pet-shops-and-breeders-dogs-and-cats>.

²³ <https://www.nsw.gov.au/news/statewide-crackdown-on-illegal-puppy-factories>.

²⁴ <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-welfare-reform/regulating-cat-and-dog-breeders-consultation-paper>.

²⁵ <https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=276>.

²⁶ *Domestic Animals Act 2000* (ACT) s 74(1) and (2).

²⁷ *Dog and Cat Management Act 1995* (SA) s 42E; *Dog and Cat Management Regulations 2017* (SA) reg 12.

²⁸ *Companion Animals Act 1998* (NSW) s 11B(1).

²⁹ *Cat Management Act 2009* (TAS) s 14.

³⁰ *Domestic Animals Act 1994* (VIC) s 10A(4), *Animal Management (Cats and Dogs) Act 2008* (QLD) s 70, *Companion Animals Act 1998* (NSW) s 51(1)(a) and s 56, *Dog Act 1976* (WA) s 33GB, *Dog Control Act 2000* (TAS) s 32A.

³¹ *Domestic Animals Act 1994* (VIC) s 10A.

³² *Animal Management (Cats and Dogs) Act 2008* (QLD) s 52. This also applies in other jurisdictions eg WA: *Dog Act 1976* (WA) s 15(3)(d).

³³ *Dog Act 1976* (WA) s 26E (uncommenced).