



NSW DPI'S CONSULTATION PAPER

Licensing and regulation of cat and dog breeders



The New South Wales Government has released a Consultation Paper about regulating dog and cat breeders in this State. The Consultation Paper is written by the NSW Department of Primary Industries ("DPI").

The DPI is seeking views from the community about its proposals.

The ADO hopes you will have your say about how you think dog and cat breeders should be regulated. This **information sheet** contains our views on some of the issues in the Consultation Paper which may help you make your own submission.

Have your say!

COMMENTS DUE:
midnight
Friday, 31 Dec 2021

You can write a submission.
Find out more here:
<https://tinyurl.com/ycknyxyx>

THE CURRENT FRAMEWORK IN NSW

The NSW *Animal Welfare Code of Practice: Breeding Dogs and Cats* ("Breeding Code") applies to anyone breeding cats and dogs for profit. It is an offence under animal welfare regulations not to comply. NSW law does **not** require breeders to be registered or hold a licence.

'BEST PRACTICE' IN AUSTRALIA?

In our view, the Australian Capital Territory ("ACT") has the best dog and cat breeding regulatory scheme. In the ACT, anyone who breeds a litter from a dog or cat must hold a breeding licence. It does not matter if the breeding was intentional or accidental or for profit or a hobby, or if the breeder has one or many breeding animals, or if the offspring will be used for a specific purpose such as 'working' animals. (*Domestic Animals Act 2000* (ACT) s 72)

WHAT DOES THE CONSULTATION PAPER PROPOSE?

The Consultation Paper proposes to bring in a limited licensing scheme for some dog breeders.

MAIN CONCERNS!

The Consultation Paper not only proposes **exempting** a significant proportion of dog breeders and *all* cat breeders from the licensing scheme, but also proposes to exempt some dog and cat breeders from the **current** Breeding Code, including backyard breeders! This would mean these breeders are not subject to suitability checks, compliance checks or inspections. Backyard breeders would be completely unregulated. This is a serious problem as significant animal welfare concerns are associated with backyard breeders (see 'What is a backyard breeder', RSPCA Knowledgebase, <https://tinyurl.com/yekz353j>).



Discussion Question 1: Do you have any comments on the principles for designing a licensing scheme?

We think a breeders licensing scheme should be modelled on the scheme recommended by the Joint Select Committee on Companion Animal Breeding Practices in NSW in its **2015 Report** (<https://tinyurl.com/2p94b6vc>). In particular, a breeders licensing scheme should:

- License every breeder and provide an auditable licence trail for every sale
- Include a system of periodic audits and spot inspections
- Ensure non-compliant breeders are identified and made compliant or closed down

The Consultation Paper proposes that a licensing scheme should be 'easy to understand'. In our view, the best way to make a scheme easy to understand is to have no exemptions! **One scheme for all!** And that goes for both dog and cat breeders.

Discussion Question 2: At what threshold should a breeder be considered an Exempt Breeder?

In the Consultation Paper an 'Exempt Breeder' would not be required to hold a licence or comply with the Breeding Code because, for example, they keep a 'small' number of animals or do not make a large profit. The ADO rejects any type of distinction between breeders. Every single animal has welfare needs. Using even one animal for breeding should be enough to require compliance with the breeding code and licence conditions. This position is based on the accepted view that there is 'no evidence that the number of animals kept by breeders is in itself a factor which determines welfare outcomes of breeding animals' (2015 Report, Finding 2). There will be welfare concerns regardless of the number of breeding animals kept by a breeder or how much profit (if any) a breeder makes.

Discussion Question 3: When should a dog breeder be considered a Large Breeder?

In the Consultation Paper a 'Large Breeder' **must** hold a licence and comply with the Breeding Code. In our view, any person who keeps even a **single** dog (or cat) for breeding purposes must be required to hold a licence and comply with the Breeding Code.

Discussion Question 4: Should working dog breeders be considered Exempt Breeders?

No. Any dog (or cat) used for breeding has the same welfare needs. The intended purpose of the dog (eg working or racing) is irrelevant to the needs of the breeding animals and their offspring, all of whom are sentient animals with complex needs and interests.

