

## 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 conditions that do not meet their needs.

Problems include over-breeding, inbreeding, little or no veterinary care, inadequate and crowded housing conditions, 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. In recent years, 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.<sup>1</sup> 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)*.<sup>2</sup> 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. There are no limitations on the sale of puppies and kittens in pet shops in the ACT.

**Victoria** restricts the intensive breeding of dogs by imposing a limit of 10 breeding female dogs,<sup>3</sup> EXCEPT for 'approved commercial dog breeders' who can have up to 50 female dogs.<sup>4</sup> If a dog or cat breeder has 3 or more fertile female animals and is not a 'recreational breeder', they must register as a domestic animal business.<sup>5</sup> Pet stores may only sell dogs or cats from an approved source, which means animal shelters, pounds or registered foster carers.<sup>6</sup> Anyone selling or giving away cats or dogs will need to display a unique seller number and the animal's microchip number.<sup>7</sup> The *Code of Practice for the Operation of Breeding and Rearing Businesses (2014)* deals with the welfare of breeding animals.<sup>8</sup> 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.<sup>9</sup>

In **Queensland** anyone who breeds a dog needs to register as a breeder within 28 days of a litter being born.<sup>10</sup> It is an offence to advertise, sell or give away a cat or dog who is not microchipped.<sup>11</sup> A 'Code of practice for breeding of dogs' was inserted into Queensland animal welfare regulations and commenced in 2018.<sup>12</sup> It regulates various aspects of breeding such as housing, access to food and water, and grooming. Certain mandatory reporting requirements for breeders with 5 or more female breeding dogs were also introduced in 2018.<sup>13</sup>

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

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

<sup>3</sup> *Domestic Animals Act 1994* (VIC) s 44B.

<sup>4</sup> *Domestic Animals Act 1994* (VIC) s 58AA to s 58AL.

<sup>5</sup> *Ibid* s 3(1), definition of **domestic animal business**, paragraphs (b) and (c).

<sup>6</sup> *Ibid* s 63AAB.

<sup>7</sup> *Ibid* s 12B.

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

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

<sup>10</sup> *Animal Management (Cats and Dogs) Act 2008* (QLD), s 43E(2).

<sup>11</sup> *Ibid* s 43Y.

<sup>12</sup> *Animal Care and Protection Act 2001* (QLD), s 15(3); *Animal Care and Protection Regulation 2012* (QLD), Sch. 3A.

<sup>13</sup> *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.<sup>14</sup> Buyers must be provided with certain information such as the animal's vaccination history and microchip number, and the breeder's details.<sup>15</sup> The *South Australian Standards and Guidelines for Breeding and Trading Companion Animals (2017)* contain standards that apply to breeding cats and dogs.<sup>16</sup> The standards stipulate that a female dog must not have more than 5 litters over her lifetime. A female cat is limited to 8 litters, and to no more than 2 litters in 12 months.

In **Tasmania** it is an offence for a person to breed cats unless the person is a registered breeder.<sup>17</sup> A female breeding dog must not have more than 2 litters in 18 months.<sup>18</sup> 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.<sup>19</sup>

In **NSW** breeders and pet shops must comply with the *Animal Welfare Code of Practice—Breeding dogs and cats (2021)*.<sup>20</sup> 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).<sup>21</sup> In 2018 the NSW Department of Primary Industries released draft 'Standards and Guidelines for Pet Shops and Breeders (dogs and cats)' for public consultation.<sup>22</sup> In October 2020 the NSW Government announced a Puppy Factory Taskforce within the RSPCA.<sup>23</sup> In October 2021 the Hon Emma Hurst MLC (Animal Justice Party NSW) introduced the Companion Animals Amendment (Puppy Farms) Bill 2021 as a Private Members Bill in the Upper House.<sup>24</sup> In November 2021 the Government released a consultation paper on 'Licensing and regulating cat and dog breeders'.<sup>25</sup>

In **Western Australia** the *Dog Amendment (Stop Puppy Farming) Act 2021* was passed by the WA Parliament in December 2021. When the changes take effect they will 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' (s26L). Pet shops will only be able to sell 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'.<sup>26</sup> In **South Australia** it is mandatory to desex cats and dogs, with limited exceptions such as for registered breeders.<sup>27</sup> In **NSW**, a cat who is 4 months or older must be desexed unless the keeper holds an annual permit.<sup>28</sup> In **Tasmania** cats over 6 months old must be desexed, unless certain exemptions apply.<sup>29</sup> Other State and Territory governments require desexing of declared dangerous and restricted dogs.<sup>30</sup> At the Council level in some jurisdictions such as **Victoria**, registration of dogs and cats may be refused if the animal is not desexed.<sup>31</sup> **Queensland** allows reduced registration fees for dogs who have been desexed.<sup>32</sup> **Western Australia** will require keepers to desex their dog by the time the dog is 2 years old unless the keeper holds an exemption.<sup>33</sup>

## 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.

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<sup>14</sup> *Dog and Cat Management Act 1995* (SA), s 69(1).

<sup>15</sup> *Ibid* s 71(1).

<sup>16</sup> Chapter 10.

<sup>17</sup> *Cat Management Act 2009* (TAS), s 29.

<sup>18</sup> *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.

<sup>19</sup> *Animal Welfare (Dogs) Regulations 2016* (TAS), clause 5(5).

<sup>20</sup> *Prevention of Cruelty to Animals Regulation 2012* (NSW), s 26(3).

<sup>21</sup> *Animal Welfare Code of Practice – Breeding of Dogs and Cats (2021)*, 10.1.1.10 and 10.1.1.11.

<sup>22</sup> <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>.

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

<sup>24</sup> <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3885>.

<sup>25</sup> <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-welfare-reform/regulating-cat-and-dog-breeders-consultation-paper>.

<sup>26</sup> *Domestic Animals Act 2000* (ACT) s 74(1) and (2).

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

<sup>28</sup> *Companion Animals Act 1998* (NSW) s 11B(1).

<sup>29</sup> *Cat Management Act 2009* (TAS), s14.

<sup>30</sup> *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), s 56, *Dog Act 1976* (WA) s 33GB, *Dog Control Act 2000* (TAS) s 32A.

<sup>31</sup> *Domestic Animals Act 1994* (VIC) s 10A.

<sup>32</sup> *Animal Management (Cats and Dogs) Act 2008* (QLD) s 52; *Dog Act 1976* (WA) s 15(3)(d).

<sup>33</sup> *Dog Act 1976* (WA) s25E (uncommenced).