



Department of
**Primary Industries and
Regional Development**

Submission to Public Consultation Process on Stop Puppy Farming Consultation Paper August 2018

**Department of Primary Industries and Regional Development,
Western Australia**

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Introduction

This paper is the submission of the Department of Primary Industries and Regional Development (the Department) in response to the Stop Puppy Farming Consultation Paper (the Consultation Paper), published by the Department of Local Government, Sport and Cultural Industries (DLGSC) in May 2018.

The Department strongly supports the State Government's initiative to Stop Puppy Farming, and has been represented on the Stop Puppy Farming Implementation Group since its inception. As part of its support for the Stop Puppy Farming initiative, the Department is drafting Western Australian Standards and Guidelines for Dog Health and Welfare, which will be directly relevant to the pillar of the Stop Puppy Farming Initiative known as Mandatory Standards for Dog Breeding.

The Department decided that it would not provide a point by point response to the Stop Puppy Farming Supplementary questionnaire, as many of the questions address topics that are not within our legal authority under the *Animal Welfare Act 2002* (the Animal Welfare Act) or expertise.

The Royal Society for the Prevention of Cruelty to Animals Western Australia (RSPCA WA) is responsible for the implementation of the Animal Welfare Act in relation to dogs and other companion animals. The Department considers that the RSPCA WA is best placed to comment on operational questions about the management of dogs.

Animal Welfare Regulation in Western Australia

The Department is responsible for assisting the Minister for Agriculture and Food in the administration of the Animal Welfare Act. This Act primarily addresses the prevention of cruelty to animals and, for legal reasons, the implementation of animal welfare standards is not within scope. In October 2017, with the goal of giving legal effect to national standards and guidelines for the welfare of livestock, the Minister for Agriculture and Food introduced a Bill to amend the Animal Welfare Act. Consideration of this Bill continues according to the parliamentary processes of the Western Australian Government. The Minister for Agriculture and Food has also announced that a comprehensive review of the Animal Welfare Act will be undertaken in the short term, but a starting date for this review has not yet been established.

The approach to enforcement of the Animal Welfare Act is addressed in a Memorandum of Understanding (MOU) between the Department and the RSPCA WA, which sets out respective roles and responsibilities. Under the MOU and related Grant Agreement, the RSPCA WA maintains a cruelty reporting hotline and is the primary responder to reports of cruelty to animals. The Department's Livestock Compliance Unit has the primary responsibility for enforcement of the Animal Welfare Act in relation to commercial livestock and the RSPCA WA takes the lead on companion animals (including dogs) and non-commercial livestock. The Department is not involved in the monitoring or enforcement of dog welfare.

Mandatory Standards for Dog Breeding

The Department is drafting Standards and Guidelines for the Health and Welfare of Dogs in Western Australia (Dog Standards and Guidelines) with the intention that the standards could be made mandatory in future, depending on the amendment of the Animal Welfare Act. The guidelines represent good practices; they do not represent mandatory requirements.

The Dog Standards and Guidelines are currently being drafted by a Writing Group comprising veterinarians and other subject matter experts. Once the drafting process is complete and the Companion Animal Welfare Advisory Group convened by the Department has approved the draft document, it will be provided to stakeholders for review and comment. It is intended that consultation commence in December 2018, with a view to finalising the Dog Standards and Guidelines by October 2019.

Some elements of the Dog Standards and Guidelines could be given legal effect under the *Dog Act 1976* – for example, as these relate to the granting of a licence to a dog breeder. In addition, subject to amendment and the drafting of appropriate regulations, elements of the Dog Standards and Guidelines that are within scope of the amended legislation could be given legal effect under the Animal Welfare Act.

Transitioning Pet Shops to Adoption Centres

The sale of dogs and other animals through pet shops raises issues in relation to animal health and welfare, and consumer protection. Poor conditions of transport and holding of dogs in pet shops and other premises can be a significant source of welfare problems. Some of the most serious problems arise in connection with puppy farming.

The draft Dog Standards and Guidelines will propose minimum requirements for the welfare of dogs during transport and sale. Standards for pet shops and other businesses producing and selling puppies are also under consideration.

The enforcement of standards in relation to commercial premises is normally the responsibility of the licencing body. If it is decided to establish new regulatory requirements for businesses, it is recommended that feasibility and cost be the subject of a regulatory impact assessment, in keeping with the State Government's policies on the introduction of new statutory requirements.

The RSPCA WA operates major animal shelters in the State and is well placed to comment on the proposal to transition pet shops to adoption centres.

Mandatory Dog De-sexing for Non-Breeding Dogs

The Department does not have a specific position on this element of the Stop Puppy Farming initiative. From the perspective of good regulatory practice, we recommend that policies be based on scientific evidence, taking into account the risks and benefits to animal welfare. The cost and benefit to the community should be assessed, as well as the feasibility of implementing mandatory de-sexing throughout the State, having

regard to the particular issues that arise in metropolitan, rural and remote areas. Given the central role of veterinarians, the views of the profession should be sought, including the practicability of implementing mandatory de-sexing in areas with poor access to veterinary services. As a significant number of dogs may be de-sexed in animal shelters, it is also important to also consider the views of local government authorities and charities who operate shelters.

Centralised Registration System

The implementation of a Centralised Registration System (CRS) for dogs offers significant benefits in terms of improved capacity to identify and trace the movements of dogs. If implemented effectively, this initiative should make it easier for a person buying a puppy to obtain information on the breeder and his/her capacity to satisfy the purchaser's requirements in relation to health and welfare of the puppy.

The Department has extensive experience with animal registration databases through the implementation in Western Australia of a mandatory program for the identification and movement of livestock. This is a component of the National Livestock Identification System (NLIS) and includes a national database located in Sydney. The security of personal data, such as the name and address of a property owner, is a sensitive matter and subject to strict control. Access to data in the NLIS database is restricted to members/producers with a NLIS account. Property identification data are limited to the business and property name, and location details limited to the town, State, and post code. Producers can only see and edit their own data.

Effective monitoring and enforcement is essential to ensure compliance with animal and property registration requirements. Regular audits are needed to verify data. Inter-operability between databases contributes to efficiency and effectiveness in implementing and maintaining requirements.

Conclusion

The Department will continue working closely with the DLGSC to support the State Government Stop Puppy Farming initiative.

Important disclaimer

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