

## Discussion Paper Response – Dogs NSW

Dogs NSW notes that:

The questions were limited to specific sections – however; DOGS NSW believes that it is very important that ALL areas of concern need to be looked at thoroughly. Consequently, we have responded accordingly and thank you for the consideration.

### Consultation questions

1. Are the definitions provided clear and easily understood?

**RESPONSE:** No

*The definitions are not adequately clear as the proposed definitions do not clearly distinguish between a hobby and commercial breeder.*

*To render the document “fit for purpose” the following definition should be included and or amended-*

## 4 Interpretation - (Animals in Pet Shops)

*pet shop* means any premises used for the conduct of animal trade for which an animal is kept for the purposes of sale, and includes:

- (a) a shop,
- (b) booth or stall at a market, and
- (c) premises used for residential purposes and any associated structures.

**RESPONSE:**

*The proposed definition of “pet shop” is unclear and difficult to understand, for the following reasons:*

*Its fundamental phrase (“any premises used for the conduct of animal trade for which an animal is kept for the purposes of sale”) is dependent upon knowledge of the phrase “animal trade” which requires (1) referring to section 4 of the POCTA Act, (2) clause 25 of the POCTA Regulation 2012, and thereafter (3) Schedule 1 of that Regulation. This is very difficult for an average person. Little, if any, guidance can be had for the interpretation of the post definition of “pet shop” to its use of the phrase “pet shop”; see the High Court decision of *Wacal Developments PL v Realty Developments PL* (1970 8140 CLR 503 at 507; and the NSW Court of Appeal decision of *Tovir Investments PL v Waverley Council* [2014] NSWCA 379 at [20]-[21]. Even if any guidance can be had, then such guidance is impacted upon significantly, detrimentally, by reason of the 3 inclusions in paragraphs (a), (b), and (c) of the proposed definition.*

*Whether the 3 inclusions in paragraphs (a), (b), and (c) are examples or limitations to the phrase being defined is dependent upon the context – see *Cranbrook School v Woollahra Municipal Council*, in which *McCull JA* (with whom *Beazley JA* agreed) held at [44] that “the sense in which ‘includes’ is to be understood turns on its context”.<sup>1</sup> In the present case, the context is difficult to discern given the complexity of the phrase “animal trade”.*

*Inclusion (c) (premises used for residential purposes and any associated structures) does not add anything to the premises sought to be included within the defined term “pet shop” and in fact colour it inappropriately and widens its scope, given the extreme breadth of the inclusion (c) – which includes any type of premises used for residential purposes;*

<sup>1</sup>

*Cranbrook School v Woollahra Municipal Council* (2006) 66 NSWLR 379.

*Inclusion (c) is only tempered through the term “animal trade”*

*Removal of inclusion (c) does not affect the application of the defined term (pet shop) to animal breeding establishments (see schedule 1 of the regulation).*

*However, the term “animal breeding establishments” should be clarified given the elasticity found in the term by the Land and Environment Court in *In Acers v Wollondilly Shire Council* [2014]*

*NSWLEC 1169 (19 June 2014) – see [http://www.austlii.edu.au/cgi-](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWLEC/2014/1169.html?context=0;query=Brown%20AND%20dogs%20AND%20Wollondilly;mask_path=au/cases/nsw/NSWLEC)*

*bin/viewdoc/au/cases/nsw/NSWLEC/2014/1169.html?context=0;query=Brown%20AND%20dogs%20AND%20Wollondilly;mask\_path=au/cases/nsw/NSWLEC.*

*We suggest that:*

*The proposed definition of “pet shop” be limited to its fundamental phrase (“any premises used for the conduct of animal trade for which an animal is kept for the purposes of sale”), together with a note to guide the reader to the definition of “animal trade”; and*

*the term “animal breeding establishment” in Schedule 1 of the Regulation be amended to be limited to a commercial breeding facility having more than 10 breeding bitches with a definition of a breeding bitch as being a fertile bitch over one year and under 8 years of age. We also suggest that the term become consistent in the planning legislation.*

*This clause will in fact render every household or animal welfare situation if holding an animal for sale to be deemed a PET SHOP! This is an over reach of purpose and is not consistent with the recommendations of the Taskforce.*

*The breeding of dogs as a hobby is an ancillary use of a residential house and is nit the primary object of such a residence in contrast to a commercial premise where the prime use is commercial.*

*There is an extremely large and concerning proportion of Standards and Guidelines from Animals in Pet Shops into the Standards and Guidelines in the requirements between both sets of Standards and Guidelines Breeding Dogs and Cats.*

*Consequently, many are inappropriate when applied in the alternative situation.*

*I.E. HOUSING, TRAINING, SECURITY, OPERATING PROCEDURES, STAFF TRAINING, WRITTEN PROCEDURES, TEMPERATURE CONTRO etc*

***breeding*** means the business of breeding of cats or dogs for fee or reward. (page 6)

**RESPONSE:**

***Breeders are automatically commercial regardless if one breeds one litter or 45 litters.***

- ***Breeders also become “pet shops” under the definition of a pet shop which:***
- ***Includes “premises used for residential purposes and any associated structures”.***
- ***Accordingly, all breeding from 1 litter to 40 litters are treated identically.***
- ***Not applicable to hobby breeders in a residential situation.***

**RECOMMEND:**

***Definition of a Commercial Breeding Facility be considered as follows:***

- ***Commercial breeding facility being over 10 breeding bitches.***
- ***Definition of a breeding bitch –Fertile bitch - Over 1 year and under 8 years of age.***

**dog housing** means any enclosure used to contain a dog and includes a cage, run, or module within a facility, premises or any room forming part of premises.

**RESPONSE:**

*This is a very broad definition and open to misinterpretation by enforcement agencies.*

**RECOMMEND:**

- *That there be a specific definition of an enclosure - currently one exists for an exercise enclosure.*

*The rationale relates to The Housing section in Part 4 where there is a minimum height for all enclosures –is no differentiation between an exercise or holding/housing enclosure. All enclosures descriptions require clarification to avoid misinterpretation by enforcement agencies.*

**facility** means any place, premises or thing used for accommodation or shelter of animals for the purpose of breeding or rearing dogs or cats, or where puppies or kittens are housed as a result of breeding, and includes a vehicle used for the transportation of animals.

**person in charge of a facility, includes:**

- (a) the proprietor of the business that conducts the animal trade of breeding cats or dogs at the facility,
- (b) each person concerned with the management of the facility, and
- (c) any person performing the role of the manager of the facility.

**staff** or **staff member** means a person who works in a facility including the person in charge of a facility, employees or volunteers, whether working full-time or part-time and whether working for fee or reward or not. (page 8).

**RESPONSE:**

*This section automatically results in:*

- *The residence of a hobby breeder becomes a “facility”.*
- *The resident becomes a “proprietor” and under Part 2 – must have a Cert 2 and encouraged to gain a Cert 3 or 4.*
- *Family members become “staff” and as such under Part 2 & 3 must receive ongoing training and after 2 years must hold as a minimum qualification a current Cert II.*

*This highlights the necessity to have a distinction between hobby and commercial breeders. The failure to make such a distinction will result in a total overreach of the regulations and further, will be inconsistent with the taskforce recommendations.*

**RECOMMEND:**

*Include in Definitions/Interpretations the following:*

- *Commercial Breeder* means an owner and/or lessor of more than 10 fertile breeding bitches or queens.
- *Commercial Facility* is a Facility that holds more than ten fertile breeding bitches or queens.
- *Hobby Facility* means any place, premises or thing used for the accommodation of no more than 10 breeding bitches or queens.

## 2. Should there be any additional definitions included?

**RESPONSE: YES**

**RECOMMEND:**

**Include in Definitions/Interpretations the following:**

**ANKC** means Australian National Kennel Council Ltd

**Breeding** means the act of causing a bitch or queen to produce a litter.

**Breeding bitch** means a fertile bitch over 1 year and under 8 years of age.

**Breeding Facility** means any place, premises or thing used for accommodation or shelter of more than 10 breeding

**Breeding Age** means a fertile Bitch or over 12 months of age or a fertile queen over 9 months of age at the time of the first breeding.

**Breeding queen** means a fertile queen over the age of 9 months and under 8 years of age.

**Commercial Breeder** means an owner and/or lessor of more than 10 fertile breeding bitches or queens.

**Commercial Facility** is a Facility that holds more than ten fertile breeding bitches or queens.

**DOGS NSW** is the peak body for purebred registered dogs in NSW. Provides and requires membership training in all matters pertinent to dog breeding, welfare and approval of breeders' prefixes for ANKC registration.

**DOGS NSW Code of Ethics** means the strict breeding and welfare requirements that must be adhered to by all members of Dogs NSW.

**Exercise** means free running in an exercise enclosure where the animal cannot escape. Exercise can also include exercise on a lead outside of the housing area.

**Hobby Facility** means any place, premises or thing used for the accommodation of no more than 10 breeding bitches or queens.

**Night Facility**- means any cage, portable crate, pen, kennel or suitable box to aid in minimizing nuisance to the neighbourhood, community or wildlife overnight. The animal must be able to stand up and turn around easily.

**Operating Procedures** means procedures developed to maximise the health, wealth and care of animals within a fit for purpose facility. Facility procedures will vary according to the type of facility i.e. Commercial, Pet Shop, Rescue, Working Dog.

**Pet Shop** means any premises used for the conduct of animal trade for which an animal is kept for the purposes of sale and includes:

(a) a shop

(b) temporary holding facilities such as a booth or stall at a market.

**Training Organisation** – means an organisation providing specialised training in the breeding, housing and welfare of dogs and/or cats, including that provided by the relevant peak body (DOGSNSW) or a training provider recognised by the State Government.

**Written procedures** mean the procedures developed under these Standards that are in place for the Pet Shops, Commercial Breeding Facilities and large-scale rescue groups.

### **Question 3. What improvements could be made?**

**RESPONSE:**

**There should a clear separation between Pet Shops and breeding facilities. Equally there should be a clear separation between Commercial and Hobby Breeder situations and their requirements.**

## 5 Responsibilities and Competency of Staff.

### Question 4. Are the qualifications or competencies required for breeding staff adequate?

5.3(b) from the date that is 2 years after the commencement of these Standards, holds as a minimum qualification, a current Certificate II in Animal Studies or higher formal qualification, or equivalent competencies that have been formally assessed by a registered training organisation.

#### **RESPONSE:**

**NO - they are appropriate for Pet Shops only.**

**Irrelevant to actual breeding situations. Not applicable to hobby breeders in a residential situation.**

- This of great concern for our breeders and the traditional breeders of “working dogs” many of whom are older and already have prior knowledge built through generations of experience.
- The Cert 2 does not cover any dog breeding specific issues such as those covered within the Dogs NSW members education course.
- Certificate 2- Covers basic animal handling and care as well as basic nursing.
- The entire proposed Breeding dogs and Cat Standards and Guidelines 2017 and the Animals in Pet Shops; Parts 2 & 3- have been organised around the requirement requiring of Certificate 2 in Animal Studies, that should ideally progress to a Cert 3 and 4 for Senior position holder.
- No unit covers any breeding issues.
- Cert 3 and 4 only cover minimal issues involved with breeding.
- **Not applicable to hobby breeders in a residential situation.**

(5.4) A staff member must **not** carry out an activity in any of the animal welfare matters for breeding cats and dogs unless:

(c) the staff member has received proper and adequate on-the-job training in, and has experience of, that area, or

(d) the staff member is supervised by another staff member who has received proper and adequate on-the-job training in, and has experience of, that area.

#### **RESPONSE:**

- **Severely limits who can and cannot carry out any activity listed under 5.5.**
- **After 2 years anyone working either in a hobby situation a commercial facility or a Pet Shop MUST hold a Certificate 2 as a minimum.**
- **This is extremely open definition, rendering virtually anyone liable under this restriction.**
- **Not applicable to hobby breeders in a residential situation.**

### Question 5. Does the phased in period of two years provide sufficient time for breeding staff to meet the minimum staff training requirements.?

#### **RESPONSE:**

**No - Not applicable to hobby breeders in a residential situation. Severally limits anyone who could be employed in any Facility, Hobby or Working Dog Situations.**

**Question 6.** What improvements could be made?

**Response:**

- *Training should be targeted towards responsible breeding practices for both Dogs and Cats – for e.g. as supplied by the MEPP of Dogs NSW.*
- *Training should recognise prior learning.*
- *Additional training must target breeding and welfare practices for Dogs and Cats.*

## 6 Required numbers of staff

**Question 7.** Are the required numbers of breeding staff fit for purpose?

**RESPONSE:**

*These are for Commercial Facilities, Pet Shops and larger Rescue Groups.*

**Question 8** What improvements could be made?

**RESPONSE:**

*Minimum one staff member per twenty animals would be insufficient to comply with handling requirements in litter situations.*

## 7 Staff training register

**Question 9.** Are the requirements of the training register adequate?

**RESPONSE:**

*This presupposes the implementation of the requirement for Cert II and that all “family members and friends” must have qualifications to assist with any care.*

**Question 10.** Should there be additional information required to be kept in the training register?

**RECOMMEND:**

*No additional information but there should also be made available suitable electronic files as well as a written booklet/document that non-electronically based people can readily use.*

11. What improvements could be made?

**RESPONSE:**

*Training should always be commensurate to the type size of the facility involved.*

## Part 3 Quality management systems.

### 8 Directory of information about dogs and cats

12. Are the requirements of the Animal Directory adequate?

**RESPONSE: NO**

*Directory of information about dogs and cats – Maintaining an electronic record disadvantages those who are not computer literate.*

• *Under (n) microchip number of the dam and sire – it is not always possible to get this (imported semen, chilled semen from interstate etc) and miss-mating situations in pet owners back yard.*

*Questionable – what this data will prove unless it is regarding backyard or commercial cross breeders.*

• *There is no generational requirement for the collection of data.*

• *Many of the other points are excessive and applicable to commercial establishments only.*

• *Not applicable to hobby breeders in a residential situation.*

**RECOMMEND:** *Electronic files should be made available as well as a written booklet/document that computer literate people can readily use.*

13. Should there be additional information required to be kept in the Animal Directory?

**RESPONSE: NO**

*No additional information. The amount of information required under 8 is excessive for a “Hobby Breeder” situation and the requirements are more suitable for Commercial situations.*

14. What improvements could be made?

**RESPONSE:**

*Generational data must be established and maintained to ensure compliance with degrees of inbreeding.*

## 12 Written operating procedures

15. Are the procedural documents required to be kept fit for purpose?

**RESPONSE:**

*Table 1 written procedures for a facility.*

- *Requires 20 different procedures to be written up and available to staff (and presumably inspectors) which includes the person in charge of the facility must read and sign that they have read, understood and will follow the written procedures.*
  - *May as well produce a book to cover this, vast overkill, impossible and unreasonable to apply in hobby situations.*
  - *The word enclosure is widely used and can refer to either a holding pen, kennel house, indoor holding or an outside yard. It would be of value to have the word defined more clearly in the definition section.*
  - *“Enclosures” is an area where the minimum heights are already a problem – Table 2.*
  - *Many pet owners and breeders have night kennels/crates to keep their dogs in at night and not annoy neighbours or have their dogs vocalising due to possums and other wildlife. By day, these dogs are out in large running yards/enclosures, where there are usually no problems complying with the requirements for exercise etc.*
  - *Not applicable to hobby breeders in a residential situation.*
- **RECOMMEND:** *Provision for NIGHT HOLDING ENCLOSURE that is an area where dogs are enclosed at night to prevent disturbance and for protection of wildlife.*

16. Should there be any additional procedural documents required to be kept?

**RESPONSE:** *No*

17. What improvements could be made?

**RESPONSE:**

*These documents should only be applied by large commercial or pet shop enterprises.*



## Part 4 Dog and cat housing standards

### 13 Construction standards for dog and cat housing

18. Are the design and construction standards fit for purpose?

**RESPONSE:**

- *Construction standards – mostly commercially based requirements few of which would apply to hobby breeders.*
- *Guidelines 13 (4) Noise from barking dogs – especially at night time. Under point 2 and 3 of this subsection, refers to dog placement to avoid unnecessary arousal and limiting external stimulation – reinforces the need for the ability to have night kennelling/crates for dogs.*

19. What improvements could be made?

**RESPONSE:**

- *Remains unchanged from the Codes and the one areas that we would strongly suggest requires thoughtful revision as there are ongoing **major issues** with this table.*
- *Floor areas and width of runs is adequate*
- *The area of concern relates to:*
- ***minimum heights** of fences - be they indoor or outdoor.*
- *Only one minimum height regardless of the size of the dog being 180cm (6 foot high).*
- *Totally impractical for Toy and Small breeds and is an area which creates the most contention when there is an inspection. Is being applied arbitrary and beyond the realms that common sense dictates.*

**RECOMMEND:**

**Strongly propose the following height divisions-**

**Puppies +/- Bitch minimum height 100cm, width 120cm.**

- **Toy to Small breeds < 30 cm height at the shoulder – minimum fence height 100cm.**
- **Small to Medium breeds <40cm height at the shoulder - minimum fence height 100cm.**
- **Medium to Giant >40cm - <60cm at height at shoulder – minimum fence height 150cm.**
- **Giant >60cm height at shoulder – minimum fence height 180cm.**
- **Are proposed minimums, not maximums, some breeders may have higher fencing for certain breeds, especially for outdoor areas.**

*Many pet owners and breeders have night kennels/crates to keep their dogs in at night and not annoy neighbours or have their dogs vocalising due to possums and other wildlife. By day, these dogs are out in large running yards/enclosures, where there are usually no problems complying with the requirements for exercise etc.*

- *Not applicable to hobby breeders in a residential situation.*

**RECOMMEND:**

***Provision for NIGHT HOLDING ENCLOSURE that is an area where dogs are enclosed at night to prevent disturbance and for protection of wildlife also at part 13.4.***

## 14 Lighting of dog and cat housing

20. Are the lighting standards fit for purpose?

**RESPONSE:**

*14-16 Standards – are the same as for Pet Shops and are commercially based.*

21. What improvements could be made?

**RESPONSE:**

*Include the following:*

*Dog housing and cat housing must have a shaded area when exposed to sunlight.*

## 16 Temperature of dog and cat housing

22. Are the temperature standards fit for purpose?

**RESPONSE:**

- *14-16 Standards – are the same as for Pet Shops and are commercially based.*
- *16.3 Temperature of any room must not exceed 30°C and must not fall below 15°C.*
- *Not possible in most of homes.*
- *Temperatures in colder areas often drop below 10°C with little or no trouble to most dogs or cats provided there is a small nest area (especially with cats).*
- *Temperatures in hotter areas can often exceed 35-40°C and provided there is very good ventilation and shade and every effort is made to ensure the comfort of the animals concerned.*
- *Stopping dogs from overexercising in the heat is a must for brachycephalic breeds.*
- *Very young puppies and kittens and aged cats and dogs require far better temperature control over all.*
- *This section has been borrowed from the Pet Shop requirements and is the requirement for reptiles.*
- *Not applicable to hobby breeders in a residential situation.*

23. What improvements could be made?

**RESPONSE:**

*Include the following:*

- *Dogs and cats must be protected from extremes of temperature.*

*Remove:*

- *Temperature of any room must not exceed 30°C and must not fall below 15°C.*

**NOTE: NO QUESTIONS ASKED ON THE 17 AND 18.**

**17 Minimum housing requirements for dogs**

**RESPONSE:**

- *Remains unchanged from the Codes and the one areas that we would strongly suggest requires thoughtful revision as there are ongoing **major issues** with this table.*
- *Floor areas and width of runs is adequate*
- *The area of concern relates to:*
- ***minimum heights** of fences - be they indoor or outdoor.*
- *Only one minimum height regardless of the size of the dog being 180cm (6 foot high).*
- *Totally impractical for Toy and Small breeds and is an area which creates the most contention when there is an inspection. Is being applied arbitrary and beyond the realms that common sense dictates.*

**RECOMMEND:**

**Strongly propose the following height divisions-**

**Toy to Small breeds < 30 cm height at the shoulder – minimum fence height 100cm.**

**Small to Medium breeds <40cm height at the shoulder - minimum fence height 100cm**

**Medium to Giant >40cm - <60cm height at shoulder – minimum fence height 150cm.**

**Giant Breeds > 60cms at height of shoulder minimum fence height 180cm.**

**-Are proposed minimums, not maximums, some breeders may have higher fencing for certain breeds, especially for outdoor areas.**

**19 Exercise enclosures for dogs**

24. Are the requirements for exercise enclosures for dogs fit for purpose?

**RESPONSE:**

**NO**

- **19. (a) minimum size of 10 metres by 4 metres for off lead and free running areas is not possible in many backyards these days and does not consider flats, small backyards, size of the dogs etc.**
- **Not applicable to hobby breeders in a residential situation and does not take into account other forms of exercise.**

24. What improvements could be made?

**RESPONSE:**

**Should only be applicable in commercial situations.**

## 20 Dog and cat treatment room

**NOTE NO QUESTIONS ASKED ON 21.**

26. Are the requirements for an animal treatment room and isolation facility fit for purpose?

27. What improvements could be made?

### **RESPONSE:**

- **BOTH** aimed at **commercial** establishments.
- **Identical** to requirements for Pet Shop Draft.
- Sleeping area requirements some dogs refuse to have raised sleeping areas and are most destructive towards them.
- **Not applicable to hobby breeders in a residential situation.**

## 22 Group housing

29. Are the requirements for group housing fit for purpose?

30. What improvements could be made?

### **RESPONSE:**

- **No more than 4 dogs. This would only apply to Commercial establishments but not the average hobby breeder**
- **Not applicable to hobby breeders or a mixed pet household.**

**NOTE NO QUESTIONS ASKED ON 26,27,28.**

## **Division 3 Security of dog and cat housing**

**26 Design of dog and cat housing for security purposes, 27 Barriers between dog or cat and exterior of facility, 28 Emergency management**

### **RESPONSE:**

**All are aimed at commercial establishments and predominately out of the pet shop codes. Not applicable to hobby breeders in a residential situation.**

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## Part 5 Management of dog and cat care

### 29 General standards for the care of dogs and cats

32. Are the requirements for the general standards for dog and cat care fit for purpose?

**RESPONSE:**

*Largely identical to the Pet shop standards and are commercially based.*

#### 29 General standards for the care of dogs and cats

(2) The person in charge of the facility must ensure that staff exercise dogs for at least 20 minutes daily, whether on or off lead, except under the written advice of a veterinary practitioner.

**RECOMMEND:**

*Should be a minimum of 30 minutes twice per day.*

**29.12 Must ensure that every puppy or kitten receives at least 5 minutes direct handling daily from 1 week of age.**

**RECOMMEND:**

*Strongly suggest this is moved to **3 weeks of age** as some bitches become very stressed by people handling their puppies at an early age. By 3 weeks of age puppies can see and hear and are far more responsive to handling and bitches are much more relaxed about it.*

33. Are the Appendices meaningful and easily understood?

**RESPONSE:**

**ATTACHMENT ONE -  
ATTACHMENT TWO -**

**NO, INCOMPREHENSIBLE.  
RATHER LIMITED.**

34 What improvements could be made?

**RESPONSE:**

- *Offered suggestions under 32*
- *The appendices should be simplified and made readily understandable by the average member of the public.*

## Part 6 Health standards for dogs and cats

### 30 Food and water requirements

**RESPONSE:** *All direct from the Pet Shop standards and are largely commercially based.*

35. Are the food and water requirements fit for purpose?

#### **30 Food and water requirements**

(3) Cats must not be fed a purely vegetarian diet.

**RECOMMEND:** *Dogs and Cats must not be fed a purely vegetarian diet.*

36. What improvements could be made?

(4) Staff must offer food to dogs and cats that are less than four months of age a minimum of three times a day from three weeks of age.

**RESPONSE:**

*The frequency of feeding is of great concern.*

• **RECOMMEND:** *this is reduced to 3 months of age*

And the following is added:

• **Puppies over 4 months of age can reduce to once or twice daily feeding in larger breeds. Smaller individuals/breeds may need to stay on 2-3 x daily for several months.**

(5) *Staff must offer food to dogs and cats that are more than four months of age a minimum of two times a day.*

Amend to read:

***Most larger dog breeds can be fed once a day from 8-9 months of age. Very small animals, sick and elderly dogs, require more frequent feeding. Older kittens and adult cats usually are fed twice daily. Lactating bitches and queens require to be fed a minimum of 2-3 x daily.***

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## 31 Cleanliness and hygiene requirements

37. Are the cleanliness and hygiene requirements fit for purpose?  
38. What improvements could be made?

**RESPONSE:**

• *This section broadly applies to commercial facilities and not applicable to hobby breeders in a residential situation.*

*Largely adopted from the Pet Shop Standards – Not applicable to Dogs Breeders in Residential a situation.*

## 32 Requirements when transporting dogs or cats

39. Are the transport requirements fit for purpose?  
40. What improvements could be made?

**RESPONSE:**

• *Largely for Commercial Transporting*

*Largely taken directly for The Pet shop standards.*

• *“every 2 hours, provide all dogs and cats with an opportunity to drink water, eat, stretch, urinate and defecate.*

• *it not practical especially in relation to cats will result in them escaping all over the highways.*

• *Similarly, with dogs, disturbing them every 2 hours, especially if moving them from airconditioned environment into very hot conditions outside can be catastrophic for some brachycephalic animals.*

• *This section broadly applies to commercial facilities and Not applicable to hobby breeders in a residential situation.*

• *RECOMMEND: Time be moved out to 4 hours minimum for dogs, cats could be longer or not mentioned in this section.*

## Part 6 Health standards for dogs and cats

### 33 Monitoring health status of dogs and cats

41. Are the requirements for monitoring the health status of dogs and cats fit for purpose?

**RESPONSE:** *No, commercially based.*

42. What improvements could be made?

**RESPONSE:**

*No, dogs and cats should be inspected at least twice per day. All basically commercial establishment orientated and not generally applicable to the hobby breeders in a residential situation. 33 to 36 inclusively are identical to the requirements for Pet Shops.*

### 34 Arrangements with a veterinary practitioner

43. Are the requirements for arrangements with a veterinary practitioner fit for purpose?

44. What improvements could be made?

**RESPONSE:**

*They are commercially based. Agree that it is important that 24 hour veterinary services are available for emergency situations.*

### 35 Veterinary treatment of dogs and cats

45. Are the requirements for veterinary treatment of animals fit for purpose?

46. What improvements could be made?

**RESPONSE:** *Adequate.*

### 37 Control of parasites

47. Are the requirements for pest and parasite control fit for purpose?

48. What improvements could be made?

**RESPONSE:**

- *Parasite control should be fit for purpose.*
- *The Pest control is more applicable to commercial facilities.*

### 38 Isolation of infectious dogs and cats.

**RESPONSE:** *Applicable to commercial facilities.*



## Part 7 Transfer of ownership

### 39 Requirements for dogs and cats to be sold

**RESPONSE:** *We have many areas of concern.*

**RECOMMEND:**

*Should include normal full disclosure.*

*It is impossible know whether all (or any) animals are physically or psychologically diseased at time of sale?*

*Time limits should apply (even with veterinarian consent.)*

49. Are the requirements for dogs and cats to be sold fit for purpose?

50. What improvements could be made?

**Response:** *Are not fit for purpose. See recommendations above.*

### 40 Guarantees and returns.

**NOTE NO QUESTIONS ASKED ON THIS ITEM.**

Are the requirements fit for purpose?

**RESPONSE:** NO

- **Serious over reach beyond Consumer Law and is inconsistent with Consumer Law.**
- *There are no applicable time limits contained therein hence no protection for the breeder.*
- *No ability to request a second opinion or right to be informed prior to a euthanasia of an animal that they have bred that may be subject to a refund due to an allegation of heredity disease.*
- *Therefore, denies the Breeder the opportunity to further investigate such allegations.*
- *A blatant denial of Procedural Fairness.*

**RECOMMEND:** That as in the same area of The Pet Shop Standards 36.3 a 6-month time limit is applicable, be adopted.

What improvements could be made.

*See recommendation above.*

#### 41 Consideration of conditions at proposed new home?

51. Are the considerations of conditions at a proposed new home fit for purpose?  
52. What improvements could be made?

**RESPONSE: NO**

*Not fit for purpose. People selling animals cannot always ensure that prospective buyers are matched to suitable dogs and cats. As their behavior both human and animal may become quite different than those displayed at time of sale. This is impossible for the breeder to police.*

#### 42 Information and advice to new owners

53. Are the requirements for information and advice to new owners fit for purpose?  
54. What improvements could be made?

**53 RESPONSE: NO**

**54 See the following recommendation.**

**RESPONSE:**

- *Under 42. (2) (a)-(r) several books would be needed to cover the all details outlined.*
  - *Especially considering (g) and (h).*
  - *Simply not practical and can be dangerous for individuals to be developing this type of material without some supervision by knowledgeable practitioners in various competencies.*
  - *Totally impractical to achieve within the parameters set out.*
- **RECOMMEND:** *This whole section be considerably reduced to the basics that could be achievable by an individual.*

## Part 8 Breeding and rearing

### 43 Special requirements for mating dogs and cats

55. Are the special requirements for mating dogs and cats fit for purpose?  
56. What improvements could be made?

**RESPONSE:** *Are not fit for purpose. See following recommendations.*

**RECOMMEND:**

**Amend to: 43 (a) bitches and queens should not be mated during their first oestrus cycle. With the addition of - Bitches, especially in the larger breeds, should not be mated under 12 months of age. Response:** *In most cross bred populations- no records are kept, nor are required to be kept under this legislation apart from the names and microchip numbers of the parents. No generational data.*

*And*

**RECOMMEND Strongly: To replace (e) with:**

**First degree inbreeding - father daughter, mother son, full brother and sister should not occur. RECOMMEND Strongly: That the following be added- That all commercial enterprises are required to maintain generational data to cover this concern.**

**Rationale: Second degree inbreeding may be required in some more numerically restricted breeds.**

*(f) an animal known or suspected of having a heritable disease or defect is not used for breeding,*

*And*

**Massive problem area** – ANKC members health test, and are informed how to minimise inherited diseases (that are known about at the time). Whilst commercial cross breed breeders are not required to health test, nor display any desire to do so, just get a veterinary inspection prior to breeding. Every animal (including humans) carry a minimum of 7 inherited defects, if this was to be applied, nothing including humans could be bred from.

**RECOMMEND Strongly- That (f) is replaced with:**

**Where an animal is known or suspected of having an inherited disease or defect, every effort is made to minimise the disease or defect in the progeny/offspring. Severely affected individuals should not be bred from.**

**RECOMMEND: Strongly –**

**That the following from the Guidelines be adopted into the Standards-(1) Breeding practices should ensure that both breeding dogs and cats and the offspring they produce are as physically and psychologically healthy as possible. Dog and cat breeders have a responsibility to ensure that their breeding dogs and cats maintain the best quality of life as possible, and litters should only be produced with a reasonable expectation of finding homes where they are both wanted and appreciated and are offered a similarly good quality of life. (2) Where a heritable disease is recognised in a breed and where there is screening procedures or a test for that disease in the case of a stud cat or dog or bitch or queen should: (a) have a current official evaluation or test result for**

*the dog or cat for such hereditary disease; (b) provide the official evaluation or test result to the owners where the dog or cat is to be mated to an animal not owned by the breeding facility; (c) provide the official evaluation or test result of both the sire and dam to the new owners of any puppy or kitten; (d) endeavour to ensure that the genetic make-up of both sire and dam will not result in an increase in the frequency or severity of known inherited disorders.*

*RE (3) Breeding practices should avoid breeding exaggerated features that compromise welfare, for example marked brachycephaly that causes breathing distress.*

**RECOMMEND: Strongly-**

*It is considered that this is an extremely subjective and dangerous statement that could be interpreted by compliance agents with no real knowledge of a particular breed. Of the utmost concern is the danger of this section of the guidelines being enforced to subjugate the breeding of particular breeds thereby enforcing their extinction.*

**FOR NOTING: IMPOSSIBLE TO MONITOR IN A CONSISTENT MANNER AND IS AN OVER REACH.**

#### **44 Frequency of breeding**

57. Are the requirements for frequency of breeding fit for purpose?

58. What **RESPONSE:** t improvements could be made?

**57. Reasonable**

**58. Recommendations as listed below listed below.**

**RECOMMEND:**

*44. (2) Be increased to listed age of 6 years – as when only having a litter a year (dogs) and not mating at first oestrus, is virtually impossible produce 6 litters under 6 years of age.44. (3) Be amended to: Must arrange for the bitch or queen to be desexed as soon as breeding has stopped, or after a maximum of 6 litters.*

#### **45 Special requirements for pregnant dogs and cats.**

**NOTE NO QUESTIONS ASKED ON THIS ITEM.**

What improvements could be made?

*Although no questions are asked on this item we recommend*

*That the words “bitches and queens” be added as follow: The person in charge of the facility must ensure bitches and queens in the latter stages of pregnancy are provided with additional access to water and a balanced and complete diet at frequent intervals, in accordance with the relevant written procedure.*

#### 46 Special requirements for birthing

59. Are the special requirements for birthing fit for purpose?  
60. What improvements could be made?

59. *Reasonable*

60. *RECOMMEND: Increase the monitoring intervals to 2 hourly.*

#### **RECOMMEND:**

*That 46.7 be reworded as follows - must be provided with additional care and socialisation.*

#### 47 Special requirements for lactating bitches and queens

**NOTE NO QUESTIONS ASKED ON THIS ITEM.**

*Although no questions are asked on this item it is recommended-*

- **That in 47. (c) reduce the time be reduced to 6 weeks.**
- **The nutritional stress on the bitch particularly with large litters is massive.**
- **Reword second part to ...except where it is in the best interest of the puppies or kittens, or for their mother. Add -Any lactating bitch or queen that is failing to cope with her litter should receive immediate veterinary attention.**

#### 49 Weaning puppies and kittens

61. Are the requirements for weaning puppies and kittens fit for purpose?  
62. What improvements could be made?

61. *Adequate*

62. *See following recommendation.*

#### **RECOMMEND:**

*That an extra point be added after 49 (c)*

**49.(d) Puppies and kittens should be regularly wormed from 2-3 weeks of age with the appropriate wormer for round and hookworm, given at the correct weight dosage according to the manufacturers recommendations. They should be wormed at least every 2 weeks until 6-8 weeks of age.**

## Part 9 Humane destruction

### 52 Who may perform humane destruction

63. Are the requirements for who may perform humane destruction fit for purpose?  
64. What improvements could be made?

- 63.**     *Adequate*  
**64.**     *See following recommendations*

**RECOMMEND:**

*This section is aimed at commercial enterprises.*

*The word destruction should NOT be used and replaced with Euthanasia.*

*May prove to be impossible in remote country regions.*

*Rearrange the sequence of events as follows: i.e. Give the reason in the first instance.53, 52, 51, 50*