

3 June 2008

Mr Paul Archer
Death Row Pets
PO Box 292
FRENCHS FOREST NSW 1640

Dear Mr Archer,

Animals (Regulation of Sale) Bill 2007

Our position in opposition to the proposed bill does not arise out of support for the pet shop industry or an interest in keeping the number of unwanted pets high.

The Australian Veterinary Association is made up of respected veterinarians who care deeply about the welfare of animals, like the vets who have taken care of your own family pets.

The association's opposition is outlined in detail in the attached paper. This paper has been sent to all association members in New South Wales. In short, we don't believe the bill will achieve its very laudable objectives, and may well make the situation worse by driving pet owners to unregulated backyard breeders and rescue organisations.

Instead, we are calling for increased regulation of all sources of pets, including shelters, pounds and animal rescuers as well as pet shops. Increased resources for animal management at the local government level will also have an impact.

The AVA makes ongoing efforts to address the number of unwanted pets. These include lobbying state and local governments across the country for changes to laws, policies and practices that are detrimental to the welfare of companion animals and the communities they live in. We do this by providing expert advice based on scientific evidence like that outlined in the attached paper, and out of a real concern for animal welfare.

The AVA and veterinarians are at the forefront of education for socially responsible pet ownership through programs in schools such as PetPEP and SPOT. Our ongoing media relations activities also stress these important messages.

The AVA is supporting Victoria's *Who's for cats?* campaign as well as the work of the AVA Centre for Companion Animals in the Community and the Australian Companion Animal Council. The AVA is also actively contributing to the development of the Australian Animal Welfare Strategy. The strategy

will provide a framework for standardised legislation across jurisdictions to improve animal welfare across all sectors, including for companion animals.

Perhaps most importantly of all, every day Australian veterinarians educate pet owners and breeders, treat the animals they come in contact with (often without being paid) and are active in their communities for a better deal for companion animals.

All these are how the profession is practically addressing the problem of unwanted pets.

We strongly support increased regulation of all sources of pets, including pet shops. However the proposed bill is not based on scientific evidence, and may well make the problem worse.

Yours sincerely,

Dr Nigel Scott
President, NSW Division
Australian Veterinary Association



Centre for Companion Animals in the Community

Unit 40, 6 Herbert Street, St. Leonards NSW 2065

Phone: (02) 9431 5000 Fax: (02) 9437 9068

Email: info@uamnet.au Website: www.uamnet.au

Key Concerns regarding the Proposed Bill

A Summary

Our concerns regarding the proposed Bill have been realised through scientific research and founded on years of experience and expertise.

1. There is an alarming lack of scientific evidence to support the proposed Bill

There is no evidence to show that pet shop purchased animals are any more likely to be euthanased or are any less well-loved or cared for than those pets acquired from other sources.

2. The proposed Bill is based on flawed logic

Prohibiting people from purchasing animals from a highly visible source that can be readily regulated is counter intuitive. Instead, the introduction of "best practice" pet shop sales legislation has shown to significantly improve animal welfare.

3. There are practical difficulties with the proposed Bill

Preventing the sale of animals through print and electronic media is both costly and impossible to enforce. Similarly, animals shifted from location to location on a daily basis will suffer stress and subsequent related illnesses.

4. The proposed Bill will cause unintended negative outcomes

Restrictions on the breeding and advertising of animals will create serious ramifications across many sectors of our society. It will affect the already vulnerable rural sector, the regular pet owner, and the health of cats and dogs across Australia.

5. Pet ownership in Australia is becoming increasingly socially responsible

95% of owned dogs and cats never require the services of a welfare shelter or pound. Research shows that Australian pet owners are becoming more socially responsible. Why should they be punished for this?

Introductory Comments

All animal practitioners work hard to prevent the death of healthy animals.

Vets and vet nurses, dog and cat breeders, and pound and shelter workers, along with the pet shop industry, wholeheartedly support the prevention of unnecessary pet euthanasia.

However, the sale of animals through pet shops and other avenues is just one factor that may impact on their welfare.

The proposed bill focuses on the acquisition of dogs and cats through pet shops, when in reality the percentage of dogs and cats purchased is very low, less in fact, than 15% of all dog and cat acquisitions.

Significantly, no data is available to demonstrate that an animal sourced from a pet shop is any more likely to be surrendered than an animal acquired by other means.

There is evidence however, that clearly shows that dogs and cats acquired through pet shops are less likely to be lost than those from other sources, including shelters.

Before legislating the ban of pet shop sales, rigorous scientific research needs to be undertaken; research that clearly demonstrates the true impact of pet shop sales on animal welfare.

1. There is an alarming lack of scientific evidence to support the proposed Bill

There is no evidence that companion animals purchased from pet shops are any more likely to be euthanased than animals sourced from elsewhere.

- *The percentage of dogs and cats acquired through pet shops is actually very low.*

A Victorian study found that just 8% of cats and just 11% of dogs are obtained from pet shops¹.

By comparison, the same studies revealed that the number of dogs obtained from breeders was 22% and 30%. More cats were purchased from welfare shelters (13% and 22%). (See appendix 1 for details).

¹ Toukhatsi SR, Coleman GJ and Bennett PB (2005) "Final Report for the project: Community attitudes and behaviours towards cats". Animal Welfare Science Centre, Dept Psychology, Monash University, for the Bureau of Animal Welfare, Victoria.

There is no evidence to suggest that animals purchased from pet shops are any less loved or any less well cared for than animals from other sources.

- *Animals purchased from pet shops are less likely to be lost (7.64%) than animals microchipped at vets (9.74%), welfare shelters (15.25%) and other sources (15.25%)² (see Appendix 2 for data).*

Substantial evidence must be undertaken to prove the proposed Bill's hypothesis – that animals bought from pet shops are:

- a) Not well cared for; and
- b) More likely to be abandoned in pounds and shelters.

Until this research is undertaken, the proposed Bill will have little impact on the number of animals currently entering and being euthanased in pounds and shelters.

2. The proposed Bill is based on flawed logic

- *Codes of practice can be readily enforced given the high visibility of pet shops*

It is counter intuitive to prohibit the purchase of animals from a source that is highly visible and therefore readily managed and regulated.

Detailed below is a case study that demonstrates the successful introduction of the Victorian Government's Pet Shop legislation.

Case Study

Following extensive research the Victorian Government introduced sound measures to manage the sales of animals in 2005.

The legislation now requires that:

- All pet shops be registered with the Bureau of Animal Welfare
- All pet shops be audited annually
- Pet shop code of practice³ compliance is mandatory

Pet shops are also audited against the Pet Industry Association of Australia's Code of Practice and QA programme.

Amongst other things, the Victorian BAW Code requires that:

- All dogs and cats be microchipped
- A guarantee period be included

These laws can be readily enforced and are largely self funded through pet shop registration charges.

² R Walduck *Pers comm.* October 2007 See appendix 2 for data

³ Victorian Pet shop Code of Practice

<http://www.dpi.vic.gov.au/dpi/nreninf.nsf/LinkView/FA312704A6A69311CA256C16002202D54E532A5FF42FDB794A256DEA0027A696>

If a pet shop breaches the code, their registration can be revoked or they can be banned from selling pets.

Sales of pets through markets have also been mostly banned (unless the market is open continuously for 5 days or more).

The Victorian legislation provides an excellent model for sensible management of sales of pets.

- *Given the high cost of pet shop animal purchase, impulse buying is a rarity.*

Pet shop puppies and kittens sell at twice the price of those purchased from a shelter. A puppy from a pet shop retails at \$500 upwards and a kitten anywhere from \$250 upward. This would suggest that "impulse purchasing" at a pet shop is rare.

If however, impulse purchasing is of primary concern, then a "cooling off" period could be mandated. Prospective owners would pay a deposit, and the store be required to provide information on socially responsible pet care. After (say) five days, the prospective owners could collect the animal and be allowed the guaranteed return period.

3. There are practical difficulties with the proposed Bill

The proposed Bill will create situations that are untenable in the long term. Difficulties that will create stress in animals and be extremely costly in legislative enforcement.

- *Animal welfare is at stake with the proposed Bill requiring all pet shop animals be under the guardianship of shelters and returned to a shelter each night.*

It is an unworkable proposal that will create undue stress and subsequent serious stress-related illness as animals move on a daily basis between locations.

- *Preventing sales of animals via print and electronic media will be ineffective, costly to the government and drive pet sales "underground".*

In the majority of cases a vendor's contact detail is via mobile telephone, making it impossible to determine the vendor's resident municipality. This subsequently makes the local authorities' job very difficult to carry out successfully.

Enforcement therefore, would need to be carried out at a state level and/or by a new authority at considerable expense.

Such prevention of sales will more than likely drive pet sales 'underground', creating a far worse situation than currently exists.

4. The proposed Bill will cause unintended negative outcomes

- *Restrictions on the breeding and advertising of dogs will effectively ban farm-bred working dogs.*

The proposed laws will prevent farmers from breeding working dogs and selling them unless they are a registered breeder or will advertise and via a vet or shelter. This is an untenable situation given that it is a sector of the Australian community already undergoing significant hardship.

- *The requirements within the proposed Bill mean that only pure bred cats and dogs would be available for sale in NSW*

The Bill seeks to restrict breeding of dogs and cats to those that belong to just three organisations - the Royal NSW Canine Council (Dogs NSW), the NSW Cat Fanciers Association Inc and the Waratah State Cat Alliance.

Such limited specifications will severely limit access to crossbred dogs and cats and their hybrid vigour. Pure bred dogs and cats are more likely to suffer from inherited genetic disorders than cross breeds, and it is both unfair and unrealistic to create an environment distinguished by a lack of choice.

- *The proposed Bill also appears to support an inappropriate if not unlawful restriction of trade.*

If such limitations were introduced then breeders should be registered with the government rather than with breed organisations. This would allow for the inclusion of cross bred dog and cat breeders.

5. Pet ownership in Australia is becoming increasingly socially responsible

- *Less than 5% of owned dogs and cats ever need the services of a welfare shelter or pound⁴.*

Regardless of where pets are obtained, the vast majority of owners consider their pets to be part of the family. Consequently they are becoming more socially responsible in their care of them.

- *The majority of Australians (63%) own pets.*

Australian pet owners should be able to acquire a suitable pet freely and confidently from a well managed, ethically run source. This includes pet shops.

- *Pet owners are healthier and happier than non-pet owners.*

⁴ Heady, B., (2007) "Socially responsible Pet ownership in Australia; A Decade of Progress", *National People and Pets Survey 2006*

Limiting a person's right to purchase animals from pet shops will subsequently limit their ability to enjoy benefits provided by pets.

FINAL POINTS TO CONSIDER

- Australia has amongst the highest pet ownership levels per capita in the world
- Two thirds of Australian households own pets
- More than half of all Australian households own a dog and/or a cat
- 80% of Australians have owned a pet at some point in their lives
- Pet owners are healthier and happier than non-pet owners