

Beyond prejudice: The inconvenient truths about puppy farms

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Defining the problem

Puppy farming is not a new phenomenon; but the issues surrounding these large-scale dog-breeding operations have received increased media attention recently as 'puppy farms' have come under greater scrutiny from animal welfare organisations such as the RSPCA. Consistent with this, it appears that the general public now has an increasingly negative view of puppy farms without ever having visited one, or even knowing exactly what one is. This paper attempts to provide a broader perspective to the debate, together with some practical guidelines for those employed in animal management roles.

The term puppy farm is generally applied to large-scale dog breeding operations that typically supply a variety of mixed breeds and crossbreed puppies, primarily to pet shops. For the many people who want a family pet, and are not interested in an impressive pedigree, a puppy farm or a 'back-yard' breeder is more likely than not to be the source of that purchase. This may be an inconvenient truth for some dog owners, given the negative press that puppy farms have received in recent times, but is this bad press wholly justified and what are the facts surrounding the issues?

Puppy farms have been singled out as demons of the dog-breeding world, and this has resulted in a highly emotive debate that has focused on a specific section of the dog breeding community rather than focusing on important issues relating to dog breeding practices in general. It can be argued that this is a form of prejudice, and as such is not helpful in any rational debate. **All dog breeders** should be required to comply with a set of standards and guidelines aimed at delivering good animal management that will in turn deliver good animal welfare and **all dog breeders** ought to be subjected to periodic inspections to ensure compliance with such standards. These guidelines do exist, in various forms, and rather than "reinvent the wheel", it seems prudent to apply the existing standards and guidelines wherever appropriate, and direct resources towards dealing with compliance rather than to expend time and energy on developing new guidelines. In NSW for example "people involved

in the business of breeding dogs" are required to comply with the standards outlined in the Animal Welfare Code of Practice for breeding cats and dogs (2009). The degree to which a dog-breeding establishment complies with these standards can therefore be used as a measure of the quality of its animal management practices, and also provides a mechanism for compliance for local council authorities.

A closer look at puppy farms and dog breeding practices is warranted if we are to gain a better understanding of the issues involved and contribute more effectively to the debate. Some of these issues are highlighted in the case study and personal experience of Dick Murray (below), which also provides a historical perspective. It should be noted that all of the issues raised can be applied equally to **any** dog breeding establishment that is not practicing good animal management, not just 'puppy farms'.

CASE STUDY

by Dick Murray

Approximately 15 years ago, I assisted Council Regulatory Service officers in dealing with an unpleasant situation involving a dog breeder or 'puppy farmer' that had been ongoing and unresolved for several years. The Council file was already 60-70mm thick at the stage I became involved. The initial complaint to the Council was about barking noise. Council officers had visited the property on a number of occasions in an attempt to remedy this situation, but with no success. The occupier had disregarded all attempts at remediation and had failed to comply with their relevant noise abatement directives.

Subsequently, this noncompliance matter was listed to be dealt with in the Magistrate's Court. The Council's approach by then was no longer based on the noise issues, but on an assertion that an excessive number of dogs were being kept on the property. If excess dog numbers could be proven, it was expected that the Council could then withdraw the kennel permit for this person – and thus resolve



the problem. However, the magistrate in summing up this case found in favour of the property owner.

This decision by the court was based on the magistrate's belief that the Council officers involved had not been qualified to reliably tell the age of the dogs – and hence not competent to accurately state how many of the dogs on the property were adult dogs. Despite the shift of Council emphasis from one of barking nuisance to one of land use misuse, this too had hit a snag.

Property inspection

As a consequence of continuing complaints, the same council officers undertook to carry out another property inspection. On this occasion, I was included in the inspection process in the capacity of veterinary expert. The council officers were confident that when the ages of the dogs *could* be established to the satisfaction of the Magistrate, then the case would be settled swiftly in the Council's (and the complainant's) favour.

On inspection of the property, I noted the following:

- the front fence of the property was not dog proof and there were dogs loose (with free access to the roadway);
- there were more than 40 dogs being kept, with nearly all being adult dogs;
- about half of the dogs were contained in an inadequately fitted out, small and badly maintained enclosure. The dogs in this enclosure were overcrowded while the rest were being kept outside on dirt, chained to car wrecks, old rainwater tanks, and various types of farm machinery and so on;
- there were wallaby carcasses scattered around the property in varying stages of decomposition and consumption. All these carcasses were for the dogs to eat. They were smothered in blowflies and appeared to have been dead for many days;
- the neighbour's residence was approximately 10-20 metres from the dividing fence line and chained dogs were located right up to that fence line;
- the property was overgrown with long grass and weeds. It had all kinds of discarded junk lying about.

Further investigation

It should be noted that at the time of the inspection, the barking noise monitors commonly used today were not available. Today, the primary "noise" complaint in such a case could be readily resolved by recording ambient sounds and then applying bark noise standards to prove the noise offence.

It should also be noted that the Animal Management Officer training at Certificate IV level that is readily available now, was not available then either. Today, AMOs undergoing formal training could be taught in about five minutes how to age puppies by dentition and be deemed competent to do so.

On the basis of the observations I made during the property inspection, this dog-breeding establishment was an unacceptable situation by any reasonable person's standards. There seemed (at least to me) to be a whole *package* of additional compliance issues that could have been (but weren't) used to expedite the process. These (additional) issues might have included all of the following:

- **Routine dog** regulations to do with the keeping of any dogs regarding dog registrations and the provision of adequate property fencing;
- **Health and hygiene** regulations to do with the dirt, dust, dung, dead wallabies, blow flies, maggots, etc;
- **Weeds and vermin** regulations to do with the overgrown allotment - junk yard conditions;
- **Building** regulations to do with there being an inadequate, partially roofed dog compound
- **Environmental** regulations to do with noise, smell and proximity to existing neighbouring residences
- **Land use** regulations associated with fencing / town planning / residential zoning and permitted land use

I have to say that I felt indeed sorry for the neighbours. That dog breeding setup was, by any reasonable standard, an unacceptable shambles.

It seemed pretty clear to me that the case was about much more than just a matter of barking nuisance. It involved a whole range of concurrent regulatory issues and perhaps all the available remedial regulatory

"tools" had not come together as strongly enough to permanently resolve this problem as they might have done – right from the beginning in this case.

So, what about puppy farming?

It might be a much better idea to call this business of breeding dogs what it really is, ie. "dog breeding" – and why not call the people who do it "dog breeders"?

The term "puppy farming" is an example of "loaded language". In other words, it is a manner of speaking that is intentionally weighted for biased interpretation. In this case, the intended bias values are negative ones. In the States, these businesses are called

“puppy mills” and the connotation is the same. Such language has no place in matters of governance that should, on the contrary, bear *only* the hallmarks of uncompromised *objectivity*. As such, the term “puppy farming” is unhelpful.

There are always going to be some dog breeders who do the right thing and maintain good standards, and others that do not. The central problem in attempting to resolve the “bad” breeder situation lies in where to draw the line between what is “good” and what is “bad” dog breeding practice. Though we may clearly understand the intent, these terms are *subjective* and without technical (legal) definition. Promoting good and eliminating bad may be a nice idea (and a useful statement of broad intent), but it has no merit in a legal or regulatory sense.

The key

From an Animal Management perspective, it is important to remember that the primary focus of Local Government is *not* an animal welfare focus. The obligatory focus of councils (with respect to animal ownership) is directed at community care and management through the minimisation of public nuisance and public risk. This does *not* suggest for a minute however, that Local Government is not interested in animal welfare but it does say that animal welfare is not the jurisdiction of Local Government.

The Animal Management services that are provided for the community by local authorities involve three things: Local laws, the factual findings of specifically trained council officers, and the application of established remedial measures when required. This reality is of great moment (in the context of this discussion) in that this is an entirely *objective* process. While “*subjective*” won’t ever cut it, no matter how passionate the views, “*objective*” can!

Anecdotally, there is an important perception in Animal Management circles that, where animal control and regulation issues *are* effectively addressed by Local Government regulatory measures, a range of animal welfare issues tend to *spontaneously* resolve as a direct (default) consequence of this intervention. If routine *general* regulatory services together with specific Animal Management services can be focussed in an effective way, it can be made impossible for bad breeders to operate. And hence, another positive animal welfare outcome can be delivered by Local Government.

Summary

It is worth noting that the Magistrate in court after that *second* (successful) property inspection case did not even ask if I had actually looked in the mouth of any of the dogs in question. The emphasis in

evidence was entirely focussed on my qualifications, how I had kept notes of my observations and what I thought. Perhaps the mandatory training of Animal Management Officers to Cert IV standard is a first priority for getting better outcomes for councils. With training comes qualification, and with qualification comes credibility of competence.

- There may in fact be no need to have dog breeders registers as such, provided the *facilities used* for breeding of dogs are of a high and properly controlled standard.
- There may also be no need to even register dog breeding *businesses* when any person selling dogs must mandatorily have a registered business name and an ABN could be required to cover any such enterprise.
- Then, if all newly acquired dogs were required to be both micro-chipped (to link with their new owner) *and* registered to link with the relevant council database *at the point of acquisition*, the whole system could be completely controllable with already existing procedures and capabilities.

Why would any State Government or Local Authority wish to get tangled up in new animal welfare oriented legislation that is intended to prevent bad dog breeding when all the necessary regulatory processes are already available under existing jurisdictions?

- The full range of regulatory functions available may need better coordination and sharper focus for this specific problem.
- The overall process may require more professionalism, greater consistency and improved resourcing,
- But the mechanisms are probably all there – already in place and available if the effort is made.

Concluding remarks

A few lessons from the above personal experience could be useful for Animal Management Officers when they are required to deal with issues concerning a dog breeding establishment.

- An objective and thorough approach is more likely to be effective in gaining compliance with regulations and for dispute resolution
- Standards and guidelines aimed at delivering good animal management are also likely to deliver good animal welfare, and should be applied to all sectors of the dog breeding industry

It might be an inconvenient truth for some that many puppies originate from puppy farms. It should be noted, however, that there are other types of dog

breeding establishments and that some of these also do not comply with good animal management at times (including registered pure-bred dog breeders). It is possible that these operations may be overlooked in the singular pursuit of puppy farms. Perhaps this is another inconvenient truth?

About the authors

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Wendy has a PhD in canine nutrition and a long career with animals – from animal technician to zookeeper, track rider, and veterinary nurse. She leads a successful canine research program at UNE and manages the canine research facility where she has been conducting non-invasive dog research since 1997 by ‘borrowing’ privately-owned dogs. After many years as a research fellow, Wendy transitioned to a lecturer’s position in 2010 and her current teaching portfolio includes Wild Dog Ecology, Working Canines, and Animals in Society.

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Dick Murray currently holds the office of President of the Australian Institute of Animal Management. Dick was a 1973 BVSc graduate of UQ and an MSC graduate of JCU. He has been a North Queensland veterinary (companion animal) practitioner with a deep interest in animal management for about 40 years now. For work done in this field of endeavour he has been awarded a Medal of the Order of Australia, an Australian Veterinary Association's Meritorious Service Award, an AVA Gilruth Prize and Fellowship of the AVA.

The conference at which this paper was presented will be the 20th national annual Animal Management conference of a consecutive sequence of conferences that commenced in Brisbane in 1992. Dick has been centrally involved with all of these conferences and will willingly admit that all of the intervening years have been a continuous learning curve about the subject of Animal Management.

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