

FREQUENTLY ASKED QUESTIONS

What difference will the Breeding Code make?

The purpose of establishing a Code of Practice for the Welfare of Dogs and Cats in Breeding Facilities (draft Breeding Code) is to make sure that the dogs and cats we introduce into our family homes come from healthy and humane conditions. The proposed Breeding Code targets 'puppy farms' and individuals who put profits before the welfare of the dogs and cats they breed for sale.

Who will need to comply with the Breeding Code?

It is proposed that anyone who breeds dogs or cats for sale will be required to comply with the draft Breeding Code.

What is the consultation process?

The proposed Breeding Code is currently subject to a six-week public consultation period, which finishes on Friday 29 May 2015.

Relevant information, including a submission form, is available on the Government's 'Your Say' website at yoursay.sa.gov.au or by calling 08 7111 3452.

The consultation period is the community's opportunity to have their say on the proposed changes. Based on input received from the community, the draft Breeding Code will be revised before being finalised.

What is proposed for implementation?

Once the draft Breeding Code is finalised, it is anticipated that there will be a 12 month implementation period before any new standards come into force.

The Department of Environment, Water and Natural Resources will work with breeders and other parties to support the implementation.

How will the draft Breeding Code be enforced?

It is proposed that the draft Breeding Code will be referenced in Schedule 2 of the *Animal Welfare Regulations 2012*. Therefore, an animal welfare inspector will be able to investigate and take appropriate action, including prosecution, against alleged breaches.

Through an arrangement with the Government, RSPCA SA inspectors have the primary investigation and enforcement responsibility under the *Animal Welfare Act 1985* and all Police Officers are also authorised inspectors.

What is the structure of the draft Breeding code? Why are there standards and guidelines?

It is proposed that the 'standards' in the draft Breeding Code will be enforceable under the *Animal Welfare Act 1985*. This means that if a breeder is found not to comply with a 'standard' they may face penalties. The 'guidelines' set out the best practice for animal care in breeding facilities. The 'guidelines' should be implemented where ever possible to ensure that animals are being raised in optimal conditions, but they are not enforceable so if a breeder does not follow a guideline there is no penalty.

Do the proposals require me to comply with the draft Breeding Code if I am giving a dog(s) or cat(s) away or 'free to a good home'?

No. It is proposed that the draft Breeding Code will not apply to dogs or cats that are bred and given away as the proposed definition of sale does not include 'give away'. It is proposed that the draft Breeding Code will only apply to persons who breed dogs and/or cats and then sell, barter or exchange the puppies and/or kittens.

What if I'm part of a dog or cat rescue organisation, or operate a shelter and we receive pregnant animals?

If any person or organisation receives pregnant dogs and/or cats, and sells their offspring, it is proposed that the draft Breeding Code will apply. Even if you are not selling, bartering or exchanging the dogs or cats and not legally obliged to abide by the draft Breeding Code, the public would expect that your facilities and practices would meet the proposed standards required by the draft Breeding Code.

Are there any exemptions for working, security or other dogs that are not pets?

No. It is proposed that the draft Breeding Code covers all breeding of dogs and/or cats for sale. This is because it is impossible for a breeder to know if a puppy they breed will eventually be a working dog, a pet dog, a security dog or a show dog - even if they are bred for an intended purpose. A person may buy a puppy that was initially bred to be a working dog but is subsequently sold as a family pet.

What if I have to restructure my breeding facilities to meet the new standards?

If you consider that the proposed standards and requirements in the draft Breeding Code are incorrect, unreasonable or unnecessary, it is important that you make a submission to that effect during the consultation period. It is proposed that the new requirements will not be enforced for a period (anticipated to be twelve months) after they have been adopted to give people time to upgrade their facilities and change practices as necessary.

What if I'm a breeder advertising the future availability of puppies or kittens that aren't born or are too young for sale?

If you intend to breed and have puppies or kittens for sale, it is proposed that the draft Breeding Code will apply to you. Whether, or not, the puppies or kittens have actually been born is immaterial.

What is the difference between the Code of Practice for Animals in the Pet Trade and the proposed draft Breeding Code?

The current Code of Practice for the care and management of Animals in the Pet Trade http://www.environment.sa.gov.au/managing-natural-resources/plants-and-animals/Animal_welfare/Codes_of_practice/Animal_welfare_codes_of_practice only applies to the sale of companion animals in pet shops. It does not apply to breeding dogs and cats nor to their sale from private property. It is proposed that the draft Breeding Code applies to anyone who breeds dogs or cats for sale.

What if there is a valid reason why I cannot meet a proposed standard in the draft Breeding Code?

It is proposed that the draft Breeding Code contains a general statutory defence if a failure to comply was the result of acting on advice from a registered veterinarian, was in the welfare interests of the animal, or the interests of other animals in the facility, or is necessary for workplace health and safety reasons.