

Commercial Dog Breeders

Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017

Background

The *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017* (PFPS Act) introduced a range of amendments to the *Domestic Animals Act 1994* (DA Act). These amendments deliver on the Government's election commitment to reform the dog breeding and pet shop industries in Victoria and better regulate the sale of dogs and cats.

Under the amended DA Act:

- there are limits on the number of fertile female dogs breeders can keep
- pet shops can only sell dogs and cats sourced from shelters, pounds or enrolled foster carers
- a voluntary foster carer scheme is established
- there are new definitions for 'recreational breeders' and 'microbreeders'
- the definition of 'farm working dogs' is clarified
- an animal sale permit system is established
- traceability of cats and dogs is improved through the establishment of the Pet Exchange Register
- offences apply for publishing non-compliant pet sale advertisements.

What is a commercial dog breeder?

Changes introduced through the PFPS Act limit the number of dogs allowed on a single rateable property. Breeders are able to have up to 10 fertile females with council approval alone.

To hold 11 to 50 fertile female dogs, breeders must attain approval from the Minister for Agriculture. Businesses with this approval are defined as an 'approved commercial dog breeder'.

How do I become an approved commercial dog breeder?

Businesses must first apply to their local council for registration as a Domestic Animal Business (DAB). To be a DAB, a business must:

- satisfy planning permit requirements and receive a planning permit, if required
- receive an excess animal permit from their local council, if required
- register as a DAB with their local council in accordance with the Act and local council requirements
- comply with the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* (revision 2015).

Following registration as a DAB, businesses must apply to the Minister for Agriculture to obtain commercial dog breeding approval.

Applications must be in the required form, and accompanied by the application fee of \$2,890*.

Businesses will then be subject to an audit and inspection by departmental authorised officers which will be considered by Victoria's Chief Veterinary Officer. On recommendation from the Chief Veterinary Officer, the Minister may then give approval to operate.

Businesses with more than 50 fertile female dogs will not be allowed to operate after 10 April 2020.

*Note, fees stated are current as at 1 July 2018.

How long does commercial breeding approval last?

Commercial dog breeding approval may be granted for one year in the first year of operation, and for up to three years for each subsequent request for approval.

What extra mechanisms are in place to ensure the welfare of dogs in an approved commercial breeding establishment?

Amongst other things, commercial breeding establishments will be required to:

- undergo audits by departmental authorised officers
- receive final approval from the Minister for Agriculture following a recommendation from the Chief Veterinary Officer
- provide annual reports to the Minister for Agriculture
- ensure all staff have the appropriate qualifications.

I have over 10 fertile females. Do I have to apply to be a commercial dog breeder?

There is no requirement to immediately reduce the number of dogs on your property if you have over 10 relevant fertile females.

Breeders have until 10 April 2020 to naturally reduce the numbers down to 10 relevant fertile females with council approval alone.

Under the transitional provisions, if a breeder has over 10 relevant fertile females, they must not acquire any new relevant fertile female dog. Further, upon each year's registration, a breeder must not have any new relevant fertile females on their property, that have not been there for the previous 12 months.

From 10 April 2020, you cannot have more than 10 relevant fertile females on your property, without first receiving commercial dog breeder approval.

Will approved commercial dog breeders be on the new Pet Exchange Register?

Yes, but not until 1 July 2019. The PFPS Act established the new Pet Exchange Register (the Register). The Register comes into operation on 1 July 2019 and all DABs will automatically be included on it.

Commercial breeders will be supplied with a source number from the Register that will be required in all advertisements.

Members of the public will be able to access limited information on the Register, regarding advertisers of cats and dogs. This will enable prospective purchasers to determine if a seller is a legitimate breeder.

As a commercial breeder, do I use my source number or my DAB number in online advertisements of pet sales?

From 10 April 2018 to 30 June 2019, commercial breeders must include the dog's microchip number, their DAB number and relevant local council name in all advertisements.

After 1 July 2019, it will be an offence to advertise a dog or cat for sale unless the advert includes its microchip number and the source number generated by the Register.

Offences apply to both the person selling the pet, along with the publisher that publishes a non-compliant advertisement.

I am an approved commercial breeder, will I be able to sell dogs to pet shops?

The PFPS Act created an offence for a breeder to sell cats or dogs to, or through, a pet shop.

Pet shops must source cats or dogs from approved sources only. These sources include pounds, animal shelters or foster carers that are registered with their local council.

All cats for sale must be at least eight weeks of age.

Dogs must be at least six months of age if sourced from a registered foster carer, or at least eight weeks of age if sourced from a registered pound or shelter.

Can I be both a commercial breeder and own a pet shop?

The PFPS Act prohibits the co-registration of breeding, shelter, pound and pet shop DABs on a single rateable property or by the same person in Victoria.

This prevents breeders establishing a supply chain to funnel puppies and kittens into a pet shop. It stops a breeder setting up a breeding establishment in one municipality, an illegitimate shelter in a second, and a pet shop (to on-sell animals from the shelter) in a third.

Timeframes

Existing dog breeding businesses will have until 10 April 2020 to reduce their fertile female dog numbers to 10 or less (or 50 or less, if an approved commercial breeder) by not replacing retiring dogs.

Changes to the operation of pet shops, as described above, came into operation on 1 July 2018.

The Register, and associated advertising requirements, will become mandatory from 1 July 2019.

For more information

Visit <http://www.animalwelfare.vic.gov.au> or email pet.welfare@ecodev.vic.gov.au or call 136 186.

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