

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

Animal Sale Permits

What is the *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017*?

The *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017* (PFPS Act) introduces 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
- the role of foster carers is clearer
- 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 does the PFPS Act have to do with animal sale permits?

Currently, under the DA Act, caged birds, cats, dogs, mice, rabbits, guinea pigs, and reptiles can only be sold from a private residence or a registered pet shop. The Act requires that a 'pet shop' must be located in a permanent location, and open not less than five days a week (excluding public holidays).

The PFPS Act introduces an animal sale permit, approved by the Minister, to allow sales to occur in Victoria where animal welfare and consumer protections are in place.

What is the process to obtain an animal sale permit?

An organisation or person that intends to hold an animal sale needs to apply to the Minister for a permit. The application must be in the form approved by the Minister, and be accompanied by the prescribed application fee of \$28* for not-for-profit organisations or \$170* for all other applications.

The application must include:

- a copy of an agreement entered into between a veterinary practitioner and the applicant confirming that the veterinary practitioner will attend the sale if required
- information regarding the animal accommodation at the place of the proposed sale

- sale guarantee/s to be offered to purchasers
- the animal care policies and procedures that must be in place, including veterinary support and emergency management and evacuation plans.

The Minister may issue a permit authorising the applicant to sell animals, specifying the type of animals, the location and time of the sale.

Prior to the event, the Minister must give a copy of the permit, including any conditions imposed on the permit, to the local council.

*Note, fees stated are current as at 10 April 2018.

Can an animal sale permit be refused?

Yes. The Minister can refuse an animal sale permit if:

- the applicant does not meet the prescribed criteria, or
- the Minister believes on reasonable grounds that to issue the permit would be inconsistent with the purpose of the DA Act, or
- the applicant has been found guilty of an offence against the DA Act, *Prevention of Cruelty to Animals Act 1986* or the law of another State or Territory of the Commonwealth that corresponds to this legislation.

What conditions can be placed on an animal sale permit?

All animal sale permits are subject to the following conditions:

- the permit holder must ensure that all animals have access to clean drinking water at all times in a container that cannot be tipped over easily
- the permit holder must ensure that all animals have adequate protection from adverse weather at all times
- the permit holder must ensure that the sale guarantee is honoured.

The Minister may impose any other conditions on an animal sale permit related to the application requirements.

Who can apply for an Animal Sales Permit?

Any organisation or person wanting to hold an adoption day outside of a pet store or private residence is able to apply for an animal sale permit. Animal sale permits are not limited to domestic animal businesses or voluntarily registered foster carers.

If a Community Foster Care Network (CFCN) is having an adoption day at a pet shop, is an animal sale permit needed?

Yes.

Do bird clubs need an animal sale permit to hold a public sale or a meeting where birds are traded?

An animal sale permit is only required if the organisation is not a 'declared bird organisation'.

What other issues should I be aware of?

The Minister must notify the relevant council of the sale before it commences.

Animal sale permit holders must allow council or RSPCA (Victoria) authorised officers to access the sale venue, for the purposes of inspecting it before or during the sale.

A council or RSPCA (Victoria) authorised officer may close a sale event down at any time if they reasonably believe that the welfare of any animal to be sold at the sale is at risk.

The holder of an animal sale permit must submit a report to the Minister no later than 28 days after the sale. This report must include details of the sale event.

Offences relating to non-compliance with animal sale permits apply.

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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