

# Animal Sale Permits

## *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 cats and dogs.

Under the amended DA Act:

- there are limits on the number of fertile female dogs breeders can keep
- pet shops can only sell cats and dogs sourced from approved sources (i.e. registered shelters, pounds or 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 (operational 1 July 2019)
- offences apply for publishing non-compliant pet sale advertisements.

### Why would I need an animal sale permit?

The PFPS Act introduced the animal sale permit scheme to allow sales to occur in Victoria in places other than a residential premises or registered domestic animal business. Under the scheme, permit applicants must provide appropriate animal welfare and consumer protections.

Without a permit under the DA Act, caged birds, cats, dogs, mice, rabbits, guinea pigs, and reptiles can only be sold from a private residence or the premises of a registered domestic animal business in the course of conducting that business.

### What is the process to obtain an animal sale permit?

An individual may apply for an animal sale permit, either for their own sale, or as a nominated representative on behalf of an organisation.

Applications must be in the approved form and must be submitted to the Minister for Agriculture (the Minister) with the prescribed application fee of \$29\* for not-for-profit organisations or \$173.40\* 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
- 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 1 July 2018. The Minister may choose to waive the fee for not-for-profit organisations.

### 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 sale permit?

There are no limitations on who can apply for an animal sale permit. Any organisation or person wanting to hold an animal sale day at a location other than a private residence or domestic animal business can apply.

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

Yes, if animals are being sold. If CFCNs are holding awareness raising days, then a permit is not required.

### 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' under the DA Act.

## 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 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 as prescribed in the DA Act.

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](mailto:pet.welfare@ecodev.vic.gov.au) or call 136 186.

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1 Spring Street Melbourne Victoria 3000

Telephone (03) 9651 9999

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