

General information

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 will be improved through the establishment of the Pet Exchange Register
- offences apply for publishing non-compliant pet sale advertisements.

Breeding industry reforms

Currently in Victoria, dog breeding businesses range in size from 3 to around 150 fertile female dogs. The Victorian

community has expressed concerns for the welfare of dogs in large-scale commercial breeding establishments.

Changes in the PFPS Act limit dog breeding businesses registered with councils to a maximum of 10 fertile female dogs, from 10 April 2020. Commercial breeders approved by the Minister for Agriculture (Minister) may have a maximum of 50 fertile female dogs.

Owners with one or two fertile female cats or dogs will be defined as 'microbreeders'. As with current practice, microbreeders will not have to register as a breeder with their local council.

Breeders with 3-10 fertile female dogs or 3 or more fertile female cats (and who are not members of an Applicable Organisation) are required to register with their local council as a Domestic Animal Business (DAB) and comply with the mandatory *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* (revision 2015) (the Code).

Breeders with 11-50 fertile female dogs are defined as a 'commercial dog breeder'. They must be registered as a DAB before applying to the Minister for commercial dog breeder approval. These businesses will be subject to audits and inspections by departmental authorised officers, which will be considered by Victoria's Chief Veterinary Officer. All businesses must comply with the Code.

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

Applicable Organisation members and recreational breeders

Members of Applicable Organisations with up to 10 fertile female cats or dogs, do not need to register with their local council as a DAB or comply with the Code. Instead, they will come under the new definition of a 'recreational breeder'.

Recreational breeders must comply with their organisation's rules and codes.

Recreational breeders will be enrolled on the Pet Exchange Register, and will be issued with a source number that must be included in all pet sale advertisements.

The Pet Exchange Register

On 1 July 2019, the PFPS Act establishes a new register, to be known as the Pet Exchange Register (the Register). All DABs, microbreeders, recreational breeders and members of the public who are selling or giving away cats or dogs will be required to enrol.

Once enrolled, a source number will be generated. The source number will enhance traceability of cats and dogs.

The DA Act regulates DABs by ensuring they register premises with local councils. All 79 councils in Victoria currently keep individual registers of DABs. Councils will be responsible for uploading and updating the details of DABs, with others required to self-enrol on the Register.

The Register will also make it easier for councils to determine if they should approve or renew a DAB application, or whether it will breach restrictions on co-registration.

Only authorised personnel will be able to access full details on the Register in the course of their duties. This will include specific officers authorised under the DA Act who require information in the Register so they can investigate breeding businesses that may be operating unlawfully.

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 supplier.

Animal Welfare Victoria will work with stakeholders to develop the Register and will be responsible for maintaining it.

Pet shop industry reforms

The PFPS Act creates an offence for a breeder to sell cats or dogs to, or through, a pet shop. Pet shops can only sell cats and dogs sourced from approved sources, being registered pounds, animal shelters or foster carers.

These provisions promote the rehoming of animals through pet shops. Buyers often find it easier to get to pet shops than to pounds and shelters. This will increase the prospects of rehoming pets.

Pet shops can no longer sell cats or dogs obtained from breeders. Registered breeders will only be able to sell directly to the public, rather than through a pet shop.

Online pet sales

Currently, domestic animal businesses advertising cats and dogs online are required to list the animal's microchip number, their business registration number and their local council. Anyone who is not a registered domestic animal business advertising a cat or dog must only list the animal's microchip number.

From 1 July 2019, all adverts for cats or dogs will be required to list the animal's microchip number and the source number generated by the Register.

From 1 July 2019, if the above advertising requirements are not met, offences apply to both the person selling the pet, along with the publisher that publishes a non-compliant advertisement.

During this year and next, the government will undertake an education campaign to help consumers identify legally registered breeders. Consumers will be encouraged to check the validity of a breeder or individual's source number before they buy a puppy, kitten, cat or dog.

Puppy and kitten brokers

Brokers buy puppies and kittens from breeders in Victoria or interstate, or act as a breeder's agent. They then sell the breeders' puppies and kittens into the community.

The PFPS Act includes 'rearing' in the definition of a DAB, to clarify that anyone holding a puppy or kitten for sale, including brokers, must register with their local council and comply with the DA Act and the Code.

Ban on co-registration of businesses

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, a shelter in a second, and a pet shop (to on-sell animals from the shelter) in a third.

Foster care

The PFPS Act defines foster care as the short-term care of stray, abandoned or unwanted cats or dogs on one premises (including premises involved in a community foster care network), for the purpose of finding them new homes.

The PFPS Act introduces a voluntary initiative where foster carers may enrol with their local council under the foster carer scheme. Those individuals that choose to enrol are entitled to a reduced registration rate for the animals in their care, along with access to pet shops to rehome their dogs over six months of age, and cats over eight weeks of age.

The reduced rate for animals in foster care will save foster carers money for the first 12 months that the animal is in their care.

The PFPS Act limits foster care to a maximum of five cats or dogs (with a litter under 16 weeks of age counting as a single animal) per premises. This does not include permanent pets owned by the foster carer that are registered with council.

This limit prevents welfare problems associated with caring for large numbers of animals without appropriate facilities, staff and procedures. It also limits risks to the community of inappropriately or insufficiently rehabilitated animals being rehomed.

If a foster carer wishes to care for more than five cats or dogs or a combination of more than five cats and dogs at any one time, they are to register their premises as a DAB (animal shelter). This requirement recognises that, for animal welfare reasons, larger numbers of cats and dogs in a household environment require additional facilities and care.

Community Foster Care Networks

The PFPS Act does not change the status of CFCNs. Unlike voluntarily enrolled foster carers, CFCNs cannot supply animals through a pet shop, unless they are also registered with council as an animal shelter or foster carer.

However, CFCNs can apply for an animal sale permit and run adoption days. Adoption days will need to be held at appropriate venue, which may include, for example, a pet shop.

CFCNs will need to self-enrol on the Register. Minimal information is required for CFCNs to enrol on the Register.

Farm working dogs

Primary producers are entitled to register their dogs with local council as 'farm working dogs' and are eligible for a reduced registration fee. A dog registered with council as a farm working dog does not count towards a property's fertile female limit for breeding purposes.

Other amendments

The PFPS Act includes a number of other amendments, such as:

- increases to the payments for domestic animal business registrations from \$10 to \$20 made by councils to the Treasurer
- the animal sale permit scheme to allow sales where animal welfare and consumer protections are in place (such as pet adoption days)
- creating a scheme for the Minister to declare bird organisations and to allow Victorian bird clubs to conduct bird sales after notifying the departmental Secretary.

Timeframes

Existing dog breeding businesses have until 10 April 2020 to reduce their fertile female dog numbers to 50 or less by not replacing retiring dogs.

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

All other amendments to the DA Act contained in the PFPS Act commenced on 10 April 2018 or 1 July 2018.

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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