

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

Dogs Victoria Members

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 be able to 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.

I am a Dogs Victoria member, what does this PFPS Act mean for me?

Dogs Victoria members with up to 10 fertile females continue to be exempt from registering with council as a Domestic Animal Business, and do not have to comply with the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* (revision 2015) (the Code).

There is a new category of breeders, known as recreational breeders. Recreational breeders are members of Applicable Organisations who keep up to 10 fertile females. The PFPS Act enables Applicable Organisations to continue to regulate their own members under codes of ethics/practice.

Dogs Victoria members must include a microchip number and a source number from the Pet Exchange Register (the Register) in all pet sale advertisements (from 1 July 2019). Offences also apply for using false or misleading numbers.

Dogs Victoria members are held to equivalent welfare standards for breeding and rearing practices as other breeders through the Dogs Victoria Code of Ethics and other Dogs Victoria rules.

What is involved in being a recreational breeder?

Recreational breeders (with up to 10 fertile female dogs) are members of Dogs Victoria and have no more than 2 fertile female dogs not registered with Dogs Victoria.

Recreational breeders are required to comply with Dogs Victoria's regulations, codes, policies and procedures.

Being a recreational breeder does not require registration as a domestic animal business with council, nor does it require compliance with the Code.

Recreational breeders must self-enrol on the Register. The Register will issue recreational breeders with a source number that must be included in all pet sale advertisements, along with microchip numbers.

Do Applicable Organisation members still need to comply with local council planning rules?

Yes, nothing in the PFPS Act changes the requirement to obtain the necessary planning approvals from local councils.

You should contact your local council's planning department for more information about the number of animals you are allowed to keep under your local planning scheme.

My dogs live in my house, they are my pets. Will I have to build kennels and make them live outside?

If you are a Dogs Victoria member, this will only be necessary if you have 11-50 fertile female dogs (i.e. if you are an approved commercial dog breeder).

I have fertile female dogs that I show, but I don't breed. Will I have to register as a recreational breeder?

No. Unless you breed and advertise the puppies or dogs, you will not be required to enrol on the Register as a recreational breeder.

Do Dogs Victoria members lose their reduced registration rate for entire animals?

No. All Applicable Organisation members (whether enrolled as a recreational breeder or not), that have their animals registered with the organisation, remain entitled to reduced council registration fees, and their animals remain exempted from local compulsory desexing orders.

What are the requirements for an Applicable Organisation?

The primary conditions of Applicable Organisation status is that the organisation has a code of conduct/ethics that meets or exceeds the minimum standards required by Victorian legislation and that is binding on its members.

In the case of breeders and rearers, the minimum standard is the Code.

A second condition of Applicable Organisation status is that the organisation enforces their code of conduct/ethics, and provides sufficient communication and education with their members to ensure that they can comply with relevant Victorian legislation.

On 31 May 2017, Dogs Victoria's status as an Applicable Organisation was extended for a further two years.

Will there be a limit on the maximum number of breeding dogs I can have?

Yes. Changes introduced through the PFPS Act limit dog breeders to a maximum of 10 fertile females. A 'commercial breeder approval' can be sought from the Minister for Agriculture in exceptional circumstances for up to 50 fertile female dogs.

Existing dog breeding businesses will have until 10 April 2020 to reduce their fertile female dog numbers to no more than 10 (or 50 or less, if an approved commercial breeder) by not replacing retiring dogs.

Refer to the FAQ – Commercial Dog Breeders for further information.

I am a breeder who is associated with a rescue/foster care organisation, how does the PFPS Act affect me?

The PFPS Act does not prevent you from being associated with a rescue group, foster care organisation, or shelter.

It does prevent a registered breeder from also registering as a foster carer, shelter, pound or a pet shop in Victoria.

These restrictions are designed to close the supply chain for illegal breeders; that is, to prevent an unscrupulous breeder from registering a breeding business on one premise, opening a shelter on another and distributing their puppies through the shelter into a pet shop, either owned by them or someone else.

How do the changes impact on breeders who also rescue?

Breeders who also rescue dogs are able to foster up to five adult equivalent dogs or combination of dogs and cats, at any given time.

When registering with your local council as a foster carer for the purposes of discounted dog or cat registration, you must disclose your breeding business. Any fostered dog or cat will not be exempt from council desexing orders.

Will my working dogs be categorised as farm working dogs?

People are entitled to register their dogs with local council as 'farm working dogs' if they meet the criteria. The definition of a farm working dog has been clarified to include a dog (or dog in training) that herds, droves, protects, tends or works stock on land used solely or primarily for primary production.

If your working dog does not meet this definition, it cannot be registered as a farm working dog.

A dog registered with council as a farm working dog will not count towards a property's fertile female limit for breeding purposes.

What is the Pet Exchange Register?

The Register will allow members of the public to access limited information about domestic animal businesses, recreational breeders, microbreeders and other advertisers. It will enable prospective purchasers to determine if a seller is a legitimate supplier and provide improved traceability and visibility for authorities.

What information do I need to include when I enrol on the Pet Exchange Register?

You'll need the following information when you enrol on the Register:

- your name (personal or business)
- contact details – address, phone number and email address
- address at which you carry out breeding
- council name
- details about your dogs
- your source number (when renewing)
- the name of your applicable organisation and membership number, and if known date of last inspection
- findings of guilt or court orders under relevant laws.

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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