

# Foster Carers

## 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.

### I am a foster carer. What does the PFPS Act mean for me?

The PFPS Act recognises the integral role foster carers, community foster care networks, and rescue organisations play in the management of lost, stray and abandoned dogs and cats in the Victorian community.

Individual foster carers may apply to their local council to become a *registered foster carer* as part of a voluntary scheme implemented through the PFPS Act. Council cannot force an foster carer to enrol in the scheme as it is not mandatory. Registration is valid for one year and council may set the registration fee. Foster carers who choose to enrol in the scheme receive:

- a reduced registration rate of \$8 for each dog and \$8 for each cat they foster during the first 12 months the animal is in their care\*
- the ability to use pet shops as a means of providing additional community exposure to dogs six months of age or older, and cats eight weeks of age or older.

For community foster care networks volunteers, the PFPS Act does not require you to change the way you work or interact with your network.

\*Fees are current as at 1 July 2018.

## How does voluntarily enrolling as a foster carer reduce the costs of fostering?

Under Victorian law, foster carers are required to register all animals (over three months of age) housed at their premises with the local council; even if the animal is only with them temporarily.

The cost of registering a dog or cat can be more than \$100 if a dog or cat is entire. The Government recognises the vital role that foster carers play in the community and is supporting foster carers by reducing this cost of registration.

## I am a foster carer and I don't currently register the dogs and cats I foster. What advice do you have?

The registration of dogs and cats in Victoria is mandatory. If you need information about what your legal responsibilities are, you can download a copy of the Guide for Victorian Community Foster Care Networks and Rescue groups from the Department of Jobs, Precincts and Regions website found [here](#).

## I am a volunteer for a Community Foster Care Network (CFCN). Do I enrol with the council as a foster carer or is this done by the CFCN?

Registration as a foster carer is not compulsory.

CFCNs do not register as organisations with local councils. Nor is a CFCN able to register a person as a foster carer on their behalf, or provide a 'blanket' registration for network volunteers. CFCNs often have volunteers that reside in different municipalities across Victoria.

If they choose to, individual foster carers, including those volunteering with a CFNC, can voluntarily enrol with the local council in which they reside and receive the reduced registration rate for cats and dogs in their care.

## I am a member of a rescue group. Do I enrol with the council as a foster carer or does my rescue group do this?

Registration as a foster carer is not compulsory.

Rescue groups do not register as organisations with the local council. Nor is a rescue group able to register a person as a foster carer on their behalf, or provide a 'blanket' registration for volunteers. Rescue groups often have volunteers that reside in different municipalities across Victoria.

If they choose to, individual foster carers can voluntarily enrol with the local council in which they reside and receive the reduced registration rate for cats and dogs in their care.

## Does the PFPS Act change the status of CFCNs?

No. The PFPS Act does not change the status of CFCNs.

Under the PFPS Act, a CFCN can now participate in adoption days outside of a registered domestic animal business or private residence by having a nominated representative apply to the Minister for Agriculture (Minister) for an animal sale permit. Prior to the PFPS Act, animal sales could not be conducted from outside of these premises.

## **CFCNs sometimes hold adoption days at pet shops. Can CFCNs sell their rescued animals through a pet shop?**

A CFCN cannot directly supply cats and dogs to a pet shop. However, an individual CFCN member may supply cats and dogs to a pet shop, if they are enrolled in the foster carer scheme.

Alternatively, a nominated representative from a CFCN may apply for an animal sale permit to hold an adoption day at any venue, including pet shops.

## **Do all foster carers within a CFCN need to be registered? Does it change what a CFCN can do?**

No. Each individual foster carer can choose to enrol with their local council. This does not affect any CFCN status or the ability to apply for an animal sale permit. Nor does it change the ownership of the animal.

## **What is the process for a CFCN to obtain an animal sale permit?**

An organisation cannot apply for an animal sale permit, however an individual can apply as a nominated representative of an organisation. CFCNs that intend to hold an animal sale event, such as an adoption day, can apply for an animal sale permit from the Minister.

The application must be in the form approved by the Minister, and be accompanied by the prescribed application fee of \$29 for not-for-profit organisations\*.

In exceptional circumstances, the Minister may waive the application fee for not-for-profit organisations.

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 animal sale event. 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.

## **Will I have to pay a fee to enrol as a foster carer with my local council?**

The PFPS Act creates the power for councils to set an administrative fee for enrolling foster carers. Each council will need to determine whether they will utilise this power to set a fee.

### **If I voluntarily enrol as a foster carer with my local council, do I still need an 'excess animal permit'?**

Maybe. Local councils place limits on the number of dogs or cats a resident can have. This is part of the local planning scheme and differs between councils and between property types (e.g. residential zone vs farming zone).

Even if you are voluntarily enrolled as a foster carer with your local council, you may still need an 'excess animal permit' if the number of dogs or cats on your property (whether permanently or temporarily) exceeds the allowable limit.

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.

### **Can local council refuse my application to voluntarily enrol as a foster carer?**

Yes. Local council have the right to refuse your application to be a voluntarily enrolled foster carer.

### **Is the number of animals I can foster limited under the scheme?**

The PFPS Act limits the number of animals a person can provide foster care to at any given time. But the scheme does not limit the total number of animals you can foster within a given year.

Under the provisions of the PFPS Act any foster carer must not care for more than five adult equivalent dogs or cats or combination of dogs and cats (in addition to their own pets) at any given time.

Should a foster carer wish to care for more than five foster animals, they will need to register their premises as a domestic animal business shelter and comply with the mandatory Code of Practice for the Management of Dogs and Cats in Shelters and Pounds (Revision 1).

### **What is an adult equivalent?**

An adult equivalent is:

- a dog or cat 16 weeks or older, or
- a litter of puppies/kittens between 8 and 16 weeks of age, or
- a mother and her litter up to the age of 8 weeks.

### **Why is foster care being limited to five animals?**

It has been difficult for enforcement agencies to determine at what point a foster carer with a large number of animals needs to become a registered animal shelter.

During the development of the Code of Practice for the Operation of Breeding and Rearing Businesses 2014, breeding and veterinary experts were consulted to determine what number of breeding animals could be cared for in a household situation without the need for purpose built kennels or catteries. These experts recommended five adult animals as the limit. This limit was adopted in the code of practice.

A similar principle applies to foster carers. While foster care animals are not being bred with, they often require intensive behavioural or medical care and rehabilitation.

In addition, many foster carers have their own pets that live within their household. To ensure a foster carer's home is not overwhelmed with high-care animals, and that all the animals in foster care are given sufficient space and care, the PFPS Act limits foster carers to five adult equivalent animals at any given time. This number does not include permanent pets owned by the foster carer that are fully registered with council.

### **I have more than five adult equivalent foster animals in my care. What should I do?**

You have two options. The first is to try and find another foster carer/s to take on some of your foster animals.

The second option is to register your premises as a shelter with your local council and ensure you comply with the Code of Practice for the Management of Dogs and Cats in Shelters and Pounds (Revision 1).

### **I am a rescuer. I often take in large numbers of dogs that I shelter until I can find foster carers to help rehabilitate them. Do I need to register as a shelter?**

Technically, if you have more than five adult equivalent animals in your care at any given time, you must register your premises as a shelter with your local council.

However, if you use your premises as a transit premises where the animals are delivered for the foster carers' collection within 24-48 hours, and you do not house more than five foster animals for more than 24-48 hours, you may not need to register as a shelter.

You should speak to your local council about how your rescue organisation works and determine the best option for you.

### **I am a foster carer and I do not want to enrol with my local council. Am I still limited to five adult animals in my care?**

Yes. The new definition limits anyone providing foster care, not just those who voluntarily enrol with their local council.

### **Does registration as a shelter have tax implications?**

Domestic animal business registration is not a business registration related to the Australian taxation system.

The term 'domestic animal business' is a unique name used in the DA Act to describe a business activity. For all intents and purposes, a domestic animal business registration is like a licensing system.

### **What is involved in registering as a shelter with the local council?**

All shelters must be registered annually with their local council and comply with the mandatory Code of Practice for the Management of Dogs and Cats in Shelters and Pounds (Revision 1). A fee applies for registration. The fee is set individually by each local council.

Local councils will require an inspection of your premises prior to registration each year. You can contact the animal management / local laws section of your council for further details.

More information about the responsibilities of domestic animal businesses, as defined under the DA Act, is available on the [shelter and pounds webpage](#).

### **When will I need to register my premises as a shelter if I have more than five foster care animals?**

The PFPS Act commenced on 10 April 2018. Council registrations are due on this date each year. You should speak to your local council regarding the registration process.

### **How long does my registration last?**

A shelter registration lasts for a single year from 11 April to 10 April.

You cannot register your premises for more than a year at a time, but you can register your premises part way through a year.

### **Can local council refuse my application as a shelter?**

The DA Act provides that council 'may' register a premise as a shelter. If you have appropriate planning approval and if you are compliant with the Code of Practice for the Management of Dogs and Cats in Shelters and Pounds (Revision 1) it is unlikely that your council will refuse your application to be registered as a domestic animal business.

However, if your application was refused, under the DA Act you have the right to seek review of that decision in the Victorian Civil and Administrative Tribunal (VCAT).

### **I am a foster carer who occasionally breeds from my pet dog. How does the proposed legislation affect me?**

If you have one or two fertile females as pets, then there is no issue if you occasionally breed from them.

You can still voluntarily enrol as a foster carer with your council, and the animals will not count towards your five animal limit.

If you have 3 or more fertile females as pets however, your occasional breeding requires you to register as a breeding domestic animal business or recreational breeder. This would prevent you from registering as a shelter and must be disclosed when voluntarily enrolling with your local council as a foster carer.

These restrictions are designed to close the supply chain for breeders. That is, they prevent a breeder from registering a breeding business on one premises, opening a shelter on another and distributing their puppies/kittens through the shelter into a pet shop, either owned by them or someone else.

### **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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