

Community Foster Care Networks

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 registered 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.

What does the PFPS Act mean for CFCNs?

The PFPS Act creates a new animal sale permit system that CFCNs can utilise to hold adoption days outside of a registered domestic animal business (DAB) or private residence.

Is there a registration scheme for CFCNs, similar to that being introduced for individual foster carers?

The Government has not introduced an enrolment scheme for CFCNs under the PFPS Act.

Does the status of CFCNs change?

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

Do CFCN volunteers need to be registered? Will it change what a CFCN can do?

No. An individual foster carer may choose to enrol with their local council. Registration will not affect any CFCN status or arrangements with their volunteers.

I am responsible for a CFCN. I often take in large numbers of dogs that I look after 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.

Will CFCNs be able to sell their rescued cats or dogs through a pet shop?

No. CFCNs cannot sell or give away cats or dogs to be rehomed through a pet shop. Registered pet shops can only source cats and dogs from an approved source.

An approved source is defined as a shelter, pound or registered foster carer.

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

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 outside of these premises.

The application must be in the form approved by the Minister and accompanied by the prescribed application fee of \$29 for not-for-profit organisations (fee current as at 1 July 2018).

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.

For an animal sale permit application form, or further details on the application process, visit <http://agriculture.vic.gov.au/pets/registration-legislation-and-permits/animal-sale-permits>.



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 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 will be 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.

When do CFCNs need to use source numbers for advertising?

From 1 July 2019, it will be an offence to advertise a dog or cat for sale unless the advert includes the animal's microchip number and the source number generated by the Pet Exchange Register.

Offences apply to both the person selling the pet, along with the publisher that publishes a non-compliant advertisement.

These offences make it harder for illegal breeders to sell their animals through online sales.

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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