

Domestic Animals Amendment (Puppy Farm and Pet Shops) Bill 2016

FAQs for Foster Carers November 2016

What is the *Domestic Animals Amendment (Puppy Farm and Pet Shops) Bill 2016*?

The *Domestic Animals Amendment (Puppy Farm and Pet Shops) Bill 2016* (Bill) introduces a range of amendments to the *Domestic Animals Act 1994* (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 online sale of dogs and cats.

Under the amended Act:

- limits on the number of fertile female animals dog breeders can keep will apply
- pet shops will only be able to sell dogs and cats sourced from shelters and pounds
- the role of foster carers will be clearer
- councils will have a better source of information for regulating domestic animal businesses
- exemptions for members of 'applicable organisations'¹ to register as breeders with council will be removed.

¹ 'Applicable organisation' means an organisation that is declared by the Minister under the Act. These organisations produce an annual report and have a code of ethics that requires responsible pet ownership.

I am a foster carer. What does this Bill mean for me?

This Bill 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.

The Bill creates a voluntary registration scheme for foster carers. Foster carers who choose to register with the local council will receive:

- a reduced registration rate of \$7 for each dog they foster during the first 12 months the dog is in their care;
- a reduced registration rate of \$4 for each cat they foster during the first 12 months the cat is in their care; and
- the ability to use pet shops as a means of providing additional community exposure to dogs six months of age or older, and cats 8 weeks of age or older.

How will registering as a foster carer reduce the costs of fostering?

Under current Victorian law, foster carers are required to register all animals housed at their premises with the local council, even if the animal is only with them for a short time before being moved to another foster carer or a permanent home.

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 wants to support foster carers by reducing the cost of registration.

I am a foster carer and I don't currently register the dogs and cats I foster care. Am I breaking the law?

Yes. If you need information about what your legal responsibilities are, you should download a copy of Guide for Victorian Community Foster Care Networks and Rescue groups from the Department of Economic Development, Jobs, Transport and Resources website.

http://agriculture.vic.gov.au/_data/assets/pdf_file/0019/313912/Domestic_animal_guidelines.pdf

I am a member of a Community Foster Care Network (CFCN). Do I register with the council as a foster carer or is this done by the CFCN?

CFCNs do not register as organisations with the local council. CFCNs often have members that reside in different municipalities across Victoria.

If they wish to be registered, individual foster carers must register with the local council in which their premises resides.

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

Rescue groups do not register as organisations with the local council. Rescue groups often have members that reside in different municipalities across Victoria.

If they wish to be registered, individual foster carers must register with the local council in which their premises resides.

Will I have to pay a fee to register as a foster carer with my local council?

The Bill creates the power for councils to set an administrative fee for registering foster carers. Some councils may choose to do this. Each council will need to determine whether they will utilise this power.

Will council be able to access my premises if I register as a foster carer?

Yes. Local council will have the power to inspect your premises if you register as a foster carer. BUT, they will not be able to enter your home without your express permission or a warrant signed by a magistrate.

The Bill also allows council to set conditions on registration of a foster carer. Local council may decide to include conditions relating to inspections of your premises.

Will the local council be able to ask me for my records as a registered foster carer?

The Bill requires registered foster carers to keep records about where their foster animals came from and who they are moved on to.

In addition, registered foster carers will have to make sure all their foster animals are desexed, microchipped, and vaccinated before they are rehomed to their permanent home.

Your local council may wish to inspect these records from time-to-time.

Can local council refuse my application to register as a foster carer?

Yes. Local council have the right to refuse your application to be a registered foster carer, but they cannot stop you from fostering if you wish to do so.

Will the number of animals I can foster be limited under the registration scheme?

The scheme does not limit the total number of animals you can foster within a given year. BUT the Bill does introduce a limit on the number of animals any given foster carer can provide foster care to at any given time.

Under the provisions of the Bill any foster carer must NOT care for more than five adult equivalent dogs or cats or combination of dogs and cats 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 shelter and comply with the mandatory *Code of Practice for the Operation of Shelters and Pounds*.

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* several breeding and veterinary experts were consulted to determine what number of breeding animals could be properly 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 many 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 bill will limit foster carers to five adult equivalent animals at any given time.

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.

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 register with my local council. Am I still limited to five adult animals in my care?

Yes. The new definition limits all foster carers not just those who register 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 by the *Domestic Animals Act 1994* to describe an 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 Operation of Shelters and Pounds*. A fee will apply 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 *Domestic Animals Act 1994*, is available at:

<http://agriculture.vic.gov.au/pets/domestic-animal-businesses/shelters-and-pounds>

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

The commencement date for this legislation is 10 April 2017. So by 11 April 2017 you will need to have registered your premises with local council.

How long does my registration last?

A shelter registration only lasts for a single year from 11 April to 10 April. You cannot register your premises for more than a year, but you can register your premises part way through a year.

Can local council refuse my application as a shelter?

The *Domestic Animals Act 1994* 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 Operation Shelters and Pounds* 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 *Domestic Animals Act 1994* 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?

The proposed legislation does not prevent you from being a foster carer, but if you register your premises some years as a breeding domestic animal business, it will prevent you from registering as a shelter and a council may decide not to register you as a foster carer.

Essentially, as a person who from time-to-time will need to be registered as a breeder, you will not be able to register your premises as a shelter and it will be up to local council discretion whether you can be registered as a foster carer. However, you will be able to continue to foster up to five adult equivalent animals at any given time, even if you are not a registered foster carer.

These restrictions are designed to close the supply chain for illegal breeders; that is, they prevent an unscrupulous 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

Contact your local council, visit www.vic.gov.au/pets or call 136 186.



Authorised by the Department of Economic Development,
Jobs, Transport and Resources

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ISBN 978-1-925532-57-9 (Online)