

# Improving the welfare of breeding dogs and cats

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

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

### Breeding industry reforms

In Victoria, dog breeding businesses range in size from 3 to 300 fertile female dogs. The Victorian community has expressed concerns for the welfare of dogs in large-scale commercial breeding establishments.

Changes introduced through the Bill will limit dog breeding businesses to a maximum of 10 fertile females, from 10 April 2020.

There will also be changes to the definition of dog and cat breeders. A breeder will be defined as any person who owns a fertile female dog and breeds and sells puppies, and any person who owns three or more fertile female cats and breeds and sells kittens. The definition does not include a person whose dog has an accidental pregnancy and who gives the puppies away.

The legislation introduces a definition of 'recreational breeder', to recognise the difference between hobby and larger breeders of both dogs and cats.

Recreational breeders are:

- applicable organisation members who have
  - 9 or fewer fertile female dogs; or
  - between 3 and 9 fertile female cats; and
  - where all the fertile female dogs or cats kept by the member are registered with the applicable organisation; and
- individuals who are not members of an applicable organisation, with one or two fertile female dogs.

'Recreational breeders' will not be called domestic animal businesses; but will be required to register with local government and comply with the mandatory *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* (Code).

Recreational breeders will have until 10 April 2018 to become compliant with the Code and register with their local council.

The Act and the Code will be amended in 2017 to reflect the inclusion of recreational breeders.

All breeding domestic animal businesses (and recreational breeders from April 2018) must be registered annually with their local council and comply with the Code.

The Code allows individuals with fewer than six adult dogs or cats to keep them within the home environment, without building kennels or catteries.

The Code sets standards for the health care and socialisation of animals, and requirements for keeping business records. These provisions safeguard the welfare of puppies and kittens bred in Victoria, and improve the likelihood of them becoming well-adjusted pets. Provisions in the Code also protect consumers through sales guarantees, and encourage purchasers to identify whether the breeding business they are buying from is legal.

### Pet shop industry reforms

The Bill creates an offence for a breeder to sell cats or dogs to or through a pet shop. Pet shops will only be able to sell dogs, cats, puppies or kittens that have been sourced from a registered pound, animal shelter or registered foster carer.

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

Pet shops will no longer be a convenient outlet for illegal dog or cat breeders. Dog breeders keeping more than ten fertile females and only able to sell directly, rather than through a pet shop, will risk exposing their illegal activity.

### Online pet sales

The Bill makes it an offence to publish advertisements online for the sale of dogs or cats unless the advert includes the animals' microchip or domestic animal business numbers and local council names.

It was already an offence for individuals to place an advertisement to sell their dog, cat, puppy or kitten without including a microchip or domestic animal business number. This new offence will apply to publishers (such as classified websites) making it harder for illegal breeders to sell their animals through online sales.

During 2017, the government will undertake an education campaign to help consumers identify legally registered breeders. Consumers will be encouraged to check the validity of a domestic animal business' number with the local council before they buy a puppy or kitten.

### 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 breeders' animals into the community.

The Bill has included 'rearing' in the definition of domestic animal business, to clarify that anyone holding a puppy or kitten for sale, including puppy and kitten brokers, will have to register with their local council and comply with the Act and the Code.

### Ban on co-registration of businesses

The Bill prohibits the co-registration of breeding, shelter, pound and pet shop domestic animal businesses on a single rateable property or by the same person in Victoria.

This prevents illegal breeders establishing a supply chain to funnel puppies and kittens into a pet shop. It stops an illegal breeder setting up a breeding establishment in one municipality, an illegitimate shelter in a second, and a pet shop – to on-sell animals from the shelter - in a third.

### Domestic Animal Business Register

The Act regulates domestic animal businesses by ensuring they register premises with local councils. All 79 councils in Victoria currently keep individual registers of businesses.

The Bill will establish a central Victorian Domestic Animal Business Register (the Register).

This will make it easier for councils to determine if they should approve or renew a domestic animal business application, or whether it will breach restrictions on co-registration.

Centralising the data will reduce costs for local councils who will no longer have to maintain individual domestic animal business databases.

The Register will be developed and maintained by the Department of Economic Development, Jobs, Transport and Resources.

Only authorised personnel will be able to access the database. This will include specific officers authorised under the Act who require information in the database so they can investigate breeding businesses that may be operating unlawfully.

### Foster care

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

The Bill limits foster care to a maximum of five dogs or cats (with a litter under 16 weeks of age counting as a single animal) per premises. This does not include permanent pets that are fully registered with council. Foster carers will be required to comply with local planning laws and may require an excess animal permit.

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

If a registered foster carer wishes to care for more than five dogs or cats or a combination of more than five dogs and cats at any one time, he or she would be required to register their premises as a domestic animal business (animal shelter). This requirement recognises that, for animal welfare reasons, there is a limit to the number of dogs and cats that can be properly cared for in a household environment.

The Bill also introduces a voluntary scheme where foster carers may apply to their local council for registration. Those individuals that choose to register will be 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 8 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. In return, registered foster carers will be required to meet minimum vaccination, worming, desexing and record-keeping requirements.

These changes will be made by introducing new regulations under the Bill. Once they are registered, foster carers will become another source of animals for community adoption.

## Other amendments

The Bill introduces a number of other amendments, such as:

- removing exemptions for members of ‘applicable organisations’<sup>1</sup> to register with local councils as breeders.;
- increasing the annual levy on domestic animal business registrations from \$10 to \$20;
- introducing an Animal Sale Permit approved by the Minister to allow one-off sales of large numbers of animals where animal welfare and consumer protections are adequately guarded (such as pet adoption days).

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<sup>1</sup> ‘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.

## Timeframes

Existing dog breeding businesses will have until 10 April 2020 to reduce their fertile female dog numbers to 10 by not replacing retiring dogs. This recognises the economic and social contribution the dog breeding industry makes to our community. The 10 fertile female limit will apply to new dog breeding businesses from 10 April 2017.

Recreational breeders will have until April 2018 to register with their local council and comply with the Code.

All other amendments to the Act contained in the Bill will commence during 2017.

## For more information

Visit [www.vic.gov.au/pets](http://www.vic.gov.au/pets) or call 136 186.

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