

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

FAQs for Cat Applicable Organisation members 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 pet 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 member of a cat applicable organisation, what does this Bill mean for me?

The key change introduced by the Bill is that members of cat applicable organisations with three to nine fertile female cats used for breeding, will no longer be exempt from registering as a domestic animal business with their local council.

Under the proposed legislation, a breeder will be defined as any person who owns three or more fertile female cats and breeds and sells kittens, and any person who owns a fertile female dog and breeds and sells puppies.

Recreational breeders

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*.

Recreational breeders will have until 10 April 2018 to become compliant with the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* and register with their local council.

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

What is a domestic animal business / recreational breeder registration?

A domestic animal business / recreational breeder registration is the registration of a premises, with local council, to undertake a specific type of activity such as breeding, boarding, training etc.

A domestic animal business / recreational breeder is **not** required to be registered as a business with the Australian Tax Office or have an Australian Business Number (ABN).

Does registration have tax implications?

Domestic animal business / recreational breeder registration is **not** a business registration related to the Australian taxation system.

What is involved in registering as a domestic animal business / recreational breeder with the local council?

All breeding domestic animal businesses (and recreational breeders from April 2018) must be registered annually with their local council and comply with the mandatory *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* (Code).

Local councils may ask to inspect your cat breeding facilities prior to registration each year.

You can contact the animal management / local laws section of your council for further details.

A copy of the Code, and more information about the responsibilities of domestic animal business proprietors, as defined under the Act, is available at <http://agriculture.vic.gov.au/pets/domestic-animal-businesses/breeding-and-rearing-businesses>

Does it cost money to register as a domestic animal business / recreational breeder?

Yes. A fee will apply for registration. The fee is set individually by each local council.

When will I need to register my premises under this new law?

The commencement date for this legislation is 10 April 2017.

However, all individuals who meet the definition of a recreational breeder will continue to have an exemption from registration with local council and compliance with the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* until 10 April 2018.

How long does my registration last?

Domestic animal business / recreational breeder registration only lasts for a single year from 11 April to 10 April. You cannot register for more than a year, but you can register part way through a year.

Can council refuse my application as a domestic animal business or recreational breeder?

Local councils have limited ability to refuse a domestic animal business registration under the *Domestic Animals Act 1994*. There are no grounds for refusal on the basis that breeding is a 'discouraged activity.'

The Minister for Agriculture will also work with the Minister for Planning to develop planning guidelines that exempt recreational breeders from requiring planning permission for building kennel and cattery facilities, where certain conditions can be met.

If I only breed from three or more cats every few years, will I need to register as a domestic animal business annually?

No, individuals who only breed occasionally will only need to register in the years that they intend to breed three or more cats.

Will compliance with the Code make it more difficult for me to breed my cats?

Management practices will be no more stringent than those you have already been complying with under your organisation's code of conduct/ethics. It has always been a requirement for applicable organisations to ensure their code of conduct/ethics meets or exceeds the minimum standards for the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014*.

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

The *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* is divided into two business sizes, small and large.

Small breeders have up to 5 fertile adult cats, and/or up to 5 fertile adult dogs. If you have 5 or fewer cats that you breed with, the Code allows them to be housed within your home and there is no requirement to build a cattery.

For larger breeders (6 or more fertile adult cats) you are required to construct housing for them, but the Code does not prohibit this housing being attached to your home and providing access to your home.

The Code also does not prohibit individuals wishing to allow pregnant cats or dogs from giving birth within a home, so long as the area provided for the animal meets the space, bedding and hygiene requirements of the Code.

For a copy of the Code please visit <http://agriculture.vic.gov.au/pets/domestic-animal-businesses/breeding-and-rearing-businesses>

I have fertile female cats that I show with, but I don't breed. Will I have to register as a domestic animal business?

No. Unless you breed to sell you will not be required to register.

Will applicable organisation members lose their reduced registration rate for entire animals?

No. Applicable organisation members will still be entitled to reduced council registration fees, and their animals will still be exempted from local compulsory desexing orders.

What are the requirements for an applicable organisation?

One of the conditions of applicable organisation status is that the organisation is required to have a code of conduct/ethics that meets or exceeds the minimum standards required by Victorian legislation.

In the case of breeders and rearers, the minimum standard is the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014*.

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.

Does my organisation's code of conduct/ethics meet or exceed the minimum standards required under Victorian legislation?

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) has been working with all applicable organisations for the past four years to ensure that applicable organisations are aware of the minimum standards expected under Victorian legislation.

If your code of conduct/ethics does not meet the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* you will need work towards compliance. You can contact your local council for support in this matter.

If you have concerns about your organisation's code of conduct/ethics please contact your organisation.

Were applicable organisations consulted in the drafting of the Code of Practice?

Yes. The *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* was reviewed in 2013, and representatives from all applicable organisations were consulted.

In some cases, representatives from both dog and cat applicable organisations were consulted with on multiple occasions, and their input strongly influenced the content of the Code.

How are the proposed changes for applicable organisations going to shut down illegal puppy farms?

Ensuring that all breeders with one or more fertile dogs or three or more fertile cats register as a domestic animal business enables the community to easily differentiate between illegal and legal breeders. This will support enforcement agencies in identifying and closing down illegal breeding and illegal brokering businesses.

In addition, the community will be provided with assurances that all dogs and cats bred in domestic animal businesses are done so under standards of care that meet community expectations.

Upon passage of the Bill into legislation, the government will undertake an education campaign to help the community identify legal breeders to purchase their pets from, thereby shutting down the supply chain for illegal breeders.

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

No. While the Bill limits dog breeding businesses to a maximum of 10 fertile females, there will be no limits on the maximum number of fertile female cats.

These differences are due to the fact that 'kitten farms' are not nearly as common as 'puppy farms'. Many pet cats are obtained from the stray cat population or as a result of accidental breeding. Subsequently, there is less of a market for large scale cat breeding establishments.

However, all exemptions for applicable organisation members have been removed to better ensure standardised care for purpose bred cats across Victoria.

I have three queens that I breed with that live at three separate premises. They only return to my house for queening and rearing the kittens. Am I a domestic animal business?

Yes. You are a breeder/rearer and must register as a domestic animal business and comply with the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014*. However, the residents of the other premises where the cats are housed will need to register them with their local council and inform them of the arrangement.

I rear kittens to adulthood for another person, do I need to register?

Yes. A person who rears kittens to adulthood for exchange of money or services is considered a rearer under the *Domestic Animals Act 1994* and must register as a domestic animal business and comply with the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014*.

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

The proposed legislation does not prevent you from being associated with a rescue group or a foster care organisation, or even from supporting a shelter.

It prevents a registered breeder from registering as a shelter or a pet shop in Victoria.

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.

What is staying the same?

This legislation will not change:

- the number of cats you are allowed to keep on your premises under council planning bylaws;
- reduced registration rates for applicable organisation members; and
- the applicable organisation member exemption from local compulsory desexing orders.

In addition, the requirements under the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* have not changed nor has the requirement for your organisation to have a binding code of conduct/ethics that meets or exceeds this code of practice.

For more information

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

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1 Spring Street Melbourne Victoria 3000

Telephone (03) 9651 9999

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