

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

## FAQs for DOGS Victoria 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 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'<sup>1</sup> to register as breeders with council will be removed.

<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.

### I am a DOGS Victoria member, what does this Bill mean for me?

The key change introduced by the Bill is that DOGS Victoria members with fewer than 10 fertile female dogs used for breeding, will no longer be exempt from registering as a breeder with their local council.

Under the proposed legislation, 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.

#### 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 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 dog 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.

**If I only breed from one dog every few years, will I need to register as a recreational breeder annually?**

No. Individuals who only breed occasionally will only need to register in the years that they intend to breed.

**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.

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

Management practices should 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 dogs live in my house, they are my pets. Will I have to build kennels 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.

A small business is a business with up to five fertile dogs. If you have five or fewer dogs that you breed with, the Code allows them to be housed within your home and there is no requirement to build kennels.

For larger breeders (6 or more fertile adult dogs) 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 dogs that I show with, but I don't breed. Will I have to register as a breeder?**

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 DOGS Victoria's code of conduct/ethics meet or exceed the minimum standards required under Victorian legislation?**

The government has been working with DOGS Victoria for the past four years to ensure that the organisation is aware of the minimum standards expected under Victorian legislation.

If DOGS Victoria's 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 DOGS Victoria's code of conduct/ethics please contact DOGS Victoria.

**Was DOGS Victoria 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 DOGS Victoria were consulted 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 register with council 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 from registered breeders have had 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 dogs I can have?**

Yes. Changes introduced through the Bill will limit dog breeding businesses to a maximum of 10 fertile females. 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.

### **I have two bitches that I breed with that live at two separate premises. They only return to my house to whelp and to rear the puppies. Am I a recreational breeder?**

Yes. From April 2018, you must register with your local council and comply with the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014*. In addition, the residents of the other premises where the dogs are housed will need to register them with their local council and inform them of the arrangement.

### **I rear puppies to adulthood for another person, so do I need to register?**

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

### **I have possession of a dog I do not own while she is whelping and I keep the puppies to sell. What do I register as?**

You will need to register as a recreational breeder by April 2018. While you are technically not breeding the dog, you will be whelping the dog and raising the puppies until they are sold, so you will need to comply with the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014*.

**I have possession of a dog I do not own while she is whelping and afterwards I return the puppies to the owner of the dog to sell. Do I need to register as a recreational breeder?**

Yes. You will need to register with council as a recreational breeder by April 2018. While you are technically not breeding the dog, you will be whelping the dog and raising the puppies until they are weaned, so you will need to comply with the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014*.

**I have possession of a dog I do not own while she is pregnant. She returns to her owner for whelping. Do I need to register as a recreational breeder?**

No. You do not need to register as a recreational breeder, but you will need to register that an entire female dog lives at your premises. If your council has a mandatory desexing order, and the dog is not registered with an applicable organisation, you may have to desex her.

**I own an entire dog that services females. Do I need to register as a recreational breeder?**

No. The definition of a recreational breeder only relates to fertile females that are being bred with for the purpose of selling puppies.

However, it is advisable for you to obtain a copy of *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* and ensure you are familiar with the minimum standards of management for breeding males.

**If my dog accidentally becomes pregnant, do I need to register as a recreational breeder?**

Possibly. If your dog becomes accidentally pregnant and you intend to “give away” the puppies, you will not be required to register as a recreational breeder.

However, if you ask for ‘donations’ of money, goods, or services towards veterinary care, vaccination and microchipping in exchange for a puppy, you will be considered to be selling and you will need to register with council.

**I am a breeder who is associated with a rescue/foster care organisation, so 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 premise, opening a shelter on another and distributing their puppies through the shelter into a pet shop, either owned by them or someone else.



## How will the changes impact on breeders who also rescue?

Breeders who also rescue dogs are not affected by the Bill, as long as the rescuer (foster carer) is not caring for more than five adult equivalent dogs, cats or combination of dogs and cats.

## What is staying the same?

This legislation will not change:

- the number of dogs you are allowed to keep on your premises under council planning bylaws, except if you have in excess of 10 fertile female dogs;
- 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](http://www.vic.gov.au/pets) or call 136 186.

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