



Victoria Government Gazette

No. S 291 Thursday 21 June 2018
By Authority of Victorian Government Printer

Domestic Animals Act 1994 LEGISLATIVE INSTRUMENT

Amendment of Business Code of Practice –
Code of Practice for the Operation of Breeding and Rearing Businesses 2014

I, Jaala Pulford, Minister for Agriculture, and Minister responsible for the administration of the **Domestic Animals Act 1994**, in accordance with section 59 of that Act, make the following amendments to the Code of Practice for the Operation of Breeding and Rearing Businesses 2014:

Dated 12 June 2018

JAALA PULFORD
Minister for Agriculture

PART 1 – PRELIMINARY

1. **Objective**

The objective of this instrument is to amend the business code of practice known as the Code of Practice for the Operation of Breeding and Rearing Businesses 2014.

2. **Authorising provision**

This instrument is made under section 59 of the **Domestic Animals Act 1994** (the Act).

3. **Commencement**

This instrument comes into operation on the day that it is published in the Government Gazette.

4. **Definitions**

In this legislative instrument –

Code means the Code of Practice for the Operation of Breeding and Rearing Businesses 2014 published in Government Gazette No. S 403 on 30 October 2014 pp.1–52, as amended by the legislative instrument published in the Government Gazette No. S 185 dated 30 June 2015, pp.1–2.

Note: A consolidated copy of the Code is available at – <http://agriculture.vic.gov.au/pets/domestic-animal-businesses/breeding-and-rearing-businesses/code-of-practice-for-the-operation-of-breeding-and-rearing-businesses-revision-1>

PART 2 – AMENDMENTS TO INTRODUCTION

5. **Introduction**

For clause 1 of the Code, under the heading ‘Introduction’, **substitute** –

‘This Code of Practice (the Code) is made under section 59 of Division 4 of Part 4 of the **Domestic Animals Act 1994** (‘the Act’).

The purpose of the code is to specify the minimum standards of accommodation, management, breeding and care that are appropriate to the physical and behavioural needs of dogs and cats housed in businesses operating as breeding or rearing domestic animal businesses.

The code is to be observed by the proprietor, operations manager and all other staff of a breeding or rearing business, including all persons involved in the sale of an animal. All businesses must comply with state and local government legislation and permits.

Compliance with the Code is mandatory for –

- (a) an enterprise that carries out the breeding of dogs or cats to sell, where –
- 11 or more fertile female dogs are kept on the premises;
 - 11 or more fertile female cats are kept on the premises;

SPECIAL

- the proprietor of the enterprise is not a recreational breeder and the enterprise has between 3 and 10 fertile female dogs or between 3 and 10 fertile female cats; and
- (b) the proprietor of an enterprise that is run for profit or sale or for a fee or exchange of services and carries out the rearing or keeping of dogs or cats.

Dog breeders with 3–5 fertile breeding dogs (males and females), who are not recreational breeders, must comply with sections 1, 2, 3, 4, 5 and section 6, parts 6(1)–6(5)(d).

Dog breeders with 6 or more fertile breeding dogs (males and females), or members of an applicable organisation with 11 or more fertile females, must comply with sections 1, 2, 3, 4, 5 and 6, parts 6(1)–6(5)(c) and 6(5)(e).

Working and guardian dog breeders with 3 or more fertile female working dogs must comply with sections 1, 2, 3, 4, 5 and section 6, parts 6(1)–6(3) and 6(6).

Cat breeders with 3–5 fertile breeding cats (males and females) who are not recreational breeders, must comply with sections 1, 2, 3, 4, 5 and 7 parts 7(1)–7(5)(c).

Cat breeders with 6 or more fertile breeding cats (males and females), or members of an applicable organisation with 11 or more fertile females, must comply with sections 1, 2, 3, 4, 5 and 7 parts 7(1)–7(5)(b) and 7(5)(d).

Dog and cat rearers must comply with the relevant parts of sections 1, 2, 3, 4, 5, 6, and 7.

Greyhound (boarding, training and breeding) businesses are exempt from this Code but must comply with any relevant Greyhound Code of Practice.

Breeders and rearers must be aware of their responsibilities under the Act, the **Prevention of Cruelty to Animals Act 1986** and Regulations and Codes and under those Acts and any other relevant legislation and codes of practice relating to the breeding, rearing and sale of dogs and cats, including town planning, waste disposal and related matters.’.

6. Definitions in the Code

In section 1(1) of the Code –

- (a) **insert** the following definitions –
 - ‘**commercial dog breeder** means a person who holds a commercial dog breeder approval under section 58AA of the Act;
 - ‘**farm working dog** means a dog that herds, droves, protects, tends or works stock on land used solely or primarily for primary production;
 - ‘**primary production** means the maintenance of animals or poultry for the purpose of selling them or their natural increase or bodily produce;
 - ‘**recreational breeder means** –
 - (a) a person who carries out the breeding of dogs to sell, who is a member of an applicable organisation, if the person has no more than 10 fertile female dogs; or
 - (b) a person who carries out the breeding of cats to sell, who is a member of an applicable organisation, if the person has no more than 10 fertile female cats;’;
- (b) for the definition of **guardian dog substitute** –
 - ‘**guardian dog** means dogs predominantly used for guarding livestock, but does not include a farm working dog;’;
- (c) for the definition of **proprietor substitute** –
 - ‘**proprietor** in relation to a domestic animal business means the owner or occupier of the premises at which the business is conducted;’;
- (d) for the definition of **working dog substitute** –
 - ‘**working dog** means a dog used for working livestock that is not a farm working dog;’.

PART 3 – AMENDMENTS TO STAFFING**7. Proprietor**

For the note at the end of section 2(1) of the Code, **substitute** –

‘Notes:

1. Under section 58AF(5) of the Act, it is a condition of a commercial dog breeder approval that the manager of the domestic animal business and any employees must have the prescribed qualifications or training.
2. Under regulation 48F(1) of the Domestic Animals Regulations 2015 the prescribed qualifications and training for a manager are a Certificate IV in Companion Animal Services (or equivalent) issued by a post-secondary education provider within the meaning of the **Education and Training Reform Act 2006** or a minimum of 5 years experience working in animal husbandry.
3. For any given business, the proprietor may act as operations manager and animal attendant. Similarly, the operations manager can act as an animal attendant at any time. That is, provided they have the prescribed qualifications or training for a particular position, they can undertake the duties of that position.
4. Under section 54(2)(c) of the Act, a Council may refuse to register a domestic animal business that is proposed to be conducted on premises where the proprietor, person who conducts the business or person applying for registration proposes to conduct another domestic animal business that is a pet shop, pound, animal shelter or breeding domestic animal business.
5. Under section 54(3A) of the Act, a Council must refuse to register, renew or transfer the registration of a premises on which a domestic animal business is or is proposed to be conducted that is an animal shelter, a pet shop or a pound if a relevant person in relation to the domestic animal business is a relevant person in relation to a breeding domestic animal business (wherever situated).
6. Under section 54(3B) of the Act, a Council must refuse to register, renew or transfer the registration of a premises on which a domestic animal business is or is proposed to be conducted that is a breeding domestic animal business if a relevant person in relation to that domestic animal business is a relevant person in relation to an animal shelter, a pet shop or a pound (wherever situated).
7. Under section 54A of the Act there are further provisions requiring that a Council must refuse to register, renew registration or transfer registration of premises for certain domestic animal businesses if they are co-located on the same rateable property as certain other types of domestic animal businesses, For example, a premises on which it is proposed to conduct a breeding domestic animal business cannot be registered on the same rateable property as a premises on which a pet shop or animal shelter is proposed to be registered.’

8. Operations manager

At the end of section 2(2) of the Code, **insert** –

‘Notes:

1. Under section 58AF(5) of the Act, it is a condition of a commercial dog breeder approval that the manager of the domestic animal business and any employees must have the prescribed qualifications or training.
2. Under regulation 48F(1) of the Domestic Animals Regulations 2015 the prescribed qualifications and training for a manager are a Certificate IV in Companion Animal Services (or equivalent) issued by a post-secondary education provider within the meaning of the **Education and Training Reform Act 2006** or a minimum of 5 years experience working in animal husbandry.’

9. Animal attendants

At the end of section 2(4) of the Code, **insert**–

‘Notes:

1. Under section 58AF(5) of the Act, it is a condition of a commercial dog breeder approval that the manager of the domestic animal business and any employees must have the prescribed qualifications or training.
2. Under regulation 48F(2) of the Domestic Animals Regulations 2015 the prescribed qualifications and training for an employee with animal husbandry duties or responsibilities are satisfactory completion of the Breeding Dogs and Cats in Victoria e-learning course conducted by the Department.’.

PART 4 – FACILITY OPERATION**10. Euthanasia**

- (1) In the note at the end of section 3(4) of the Code, **omit** the sentence, ‘A template emergency euthanasia certificate is available on the DEDJTR website at www.depi.vic.gov.au/breedingcode’.
- (2) In the note following the first paragraph of section 3(5), for ‘on the DEDJTR website at www.depi.vic.gov.au/breedingcode’ **substitute** ‘at www.vic.gov.au/pets’.
- (3) In section 3(4) of the Code, for the last sentence, **substitute** –
‘Puppies and kittens 8 weeks and under requiring euthanasia must be euthanased by a veterinary practitioner.’.

PART 5 – SALE OF ANIMALS**11. Sale of animals**

In section 5 of the Code –

- (a) under the heading ‘Sale of animals’, **omit** the Note; and
- (b) after the paragraph ending with the words ‘grooming, training and veterinary care.’, **insert** –

‘Notes:

1. It is recommended that breeders obtain a signature on the microchip transfer form from the purchaser and submit the form on behalf of themselves and the purchaser. This will ensure that microchips are transferred into the new owner’s name promptly. A photocopy of the signed form should be provided to the purchaser.
2. On and from 1 July 2018, under section 63AAC of the Act, a person (including a breeding or rearing business) must not sell, give away or provide a dog or cat that is not from an approved source to the proprietor of a pet shop, or agent of a proprietor, or cause or allow such sale, giving away or provision. An ‘approved source’ means an animal shelter or pound registered under section 47 of the Act or a registered foster carer.’.

PART 6 – MANAGEMENT OF DOGS**12. Breeding**

In section 6(3)(a) of the Code, for the first paragraph **substitute** –

‘All breeders must comply with the *Code of Practice for the Responsible Breeding of Animals with Heritable Defects that cause Disease, 2009* made under the **Prevention of Cruelty to Animals Act 1986**.’.

13. Socialisation and handling

In section 6(4)(b) of the code, before Table (2) **insert** –

‘Note:

For the purposes of section 58AC(2) of the Act, a copy of the exercise, enrichment, socialisation and handling policy must be submitted by an applicant in their application to the Minister for a commercial dog breeder approval. Regulation 48A of the Domestic Animals Regulations 2015 sets out the other prescribed requirements for such an application.’

14. Working and guardian dogs

In section 6(6) of the Code, for the second paragraph, **substitute** –

‘Housing and shelter for guardian dogs (other than whelping and lactating dogs) must be in accordance with the *Guardian Dogs: Best Practice Manual for the use of Livestock Guarding Dogs, 2010* <https://www.pestsmart.org.au/guardian-dogs/>.’

Note:

A farmer is not conducting a domestic animal business with respect to any relevant fertile female dog the farmer keeps that meets the farm working dog definition.’

15. Socialisation and handling for puppies

In section 6(6)(b) of the Code, for the second paragraph, **substitute** –

‘Guardian dogs are exempt from the requirements for socialisation and handling, but must be reared and trained in accordance with the *Guardian Dogs: Best Practice Manual for the use of Livestock Guarding Dogs, 2010* <https://www.pestsmart.org.au/guardian-dogs/>.’

16. Housing for working and guardian dogs

In section 6(6)(c) of the Code, for the second paragraph, **substitute** –

‘Housing and shelter for guardian dogs (other than whelping and lactating dogs) must be in accordance with the *Guardian Dogs: Best Practice Manual for the use of Livestock Guarding Dogs, 2010* <https://www.pestsmart.org.au/guardian-dogs/>.’

PART 7 – MANAGEMENT OF CATS**17. Heritable defects**

In section 7(3)(a) of the Code, for the first paragraph **substitute** –

‘All breeders must comply with the *Code of Practice for the Responsible Breeding of Animals with Heritable Defects that cause Disease, 2009* made under the **Prevention of Cruelty to Animals Act 1986**.’

18. Table of incorporated material

At the end of the Code, **insert** –

‘Table of Incorporated Material

| Provision of Instrument | Title of incorporated, applied or adopted document | Matter in applied, adopted or incorporated document |
|--|---|--|
| Clause 12 (Amends section 6(3)(a) of the Code of Practice for the Operation of Breeding and Rearing Businesses 2014) | <i>Code of Practice for the Responsible Breeding of Animals with Heritable Defects that cause Disease, 2009, published by the Department of Primary Industries Victoria</i> | The whole |

| Provision of Instrument | Title of incorporated, applied or adopted document | Matter in applied, adopted or incorporated document |
|--|---|---|
| Clause 14 (Amends section 6(6) of the Code of Practice for the Operation of Breeding and Rearing Businesses 2014) | <i>Guardian Dogs: Best Practice Manual for the use of Livestock Guarding Dogs published by the Invasive Animals Cooperative Research Centre, 2010</i> | The whole |
| Clause 15 (Amends section 6(6)(b) of the Code of Practice for the Operation of Breeding and Rearing Businesses 2014) | <i>Guardian Dogs: Best Practice Manual for the use of Livestock Guarding Dogs published by the Invasive Animals Cooperative Research Centre, 2010</i> | The whole |
| Clause 16 (Amends section 6(6)(c) of the Code of Practice for the Operation of Breeding and Rearing Businesses 2014) | <i>Guardian Dogs: Best Practice Manual for the use of Livestock Guarding Dogs published by the Invasive Animals Cooperative Research Centre, 2010</i> | The whole |
| Clause 17 (Amends section 7(3) of the Code of Practice for the Operation of Breeding and Rearing Businesses 2014) | <i>Code of Practice for the Responsible Breeding of Animals with Heritable Defects that cause Disease, 2009, published by the Department of Primary Industries Victoria</i> | The whole |

This page was left blank intentionally

bluestar  **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2018

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order**Retail &
Mail Sales****Victoria Government Gazette**

Ground Floor, Building 8,
658 Church Street,
Richmond 3121
DX 106 Melbourne

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

email

gazette@bluestargroup.com.au

Price Code A