



Victoria Government Gazette

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Domestic Animals Act 1994

On 30 August 2021 the Minister for Agriculture, the Hon. Mary-Ann Thomas MP, approved new Guidelines and Conditions of Membership for Applicable Organisations as per sections 5A and 5C of the **Domestic Animals Act 1994** as set out below.

Applicable Organisation Guidelines (Guidelines)

These Guidelines provide an overview of the Applicable Organisation scheme under the **Domestic Animals Act 1994** (DA Act). This includes setting out the criteria for applications and approval, as well as the ongoing obligations of an Applicable Organisation once approved and conditions that should apply to their members.

Background

What does it mean to be an Applicable Organisation?

The Minister for Agriculture (the Minister) may approve an applicant organisation as an Applicable Organisation if they are satisfied that the organisation meets the criteria set out in these Guidelines. Similarly, the Minister may renew the approval if they continue to be satisfied of the matters set out in these Guidelines.

Applicable Organisations usually represent dog or cat breeders and are recognised for their high standards of responsible breeding and pet ownership.

To ensure these high standards are maintained, Applicable Organisations are expected to:

- have a Code of Ethics that is compulsory and enforced
- monitor members' compliance with the Code of Ethics and take disciplinary action where any non-compliance is identified
- educate members on their legislative obligations and conditions applying to their activities
- report annually to the Minister on their activities.

Further clarification of these responsibilities and what is required of an Applicable Organisation is provided below in the criteria.

How long can an Applicable Organisation be approved for?

The Minister may approve an Applicable Organisation for a specified time that must not exceed three years. The Minister may approve an organisation for less than three years.

What are the benefits of becoming an Applicable Organisation?

Members of an Applicable Organisation receive a discount on council pet registration and an exemption from mandatory desexing laws for animals registered with the Applicable Organisation.

Applicable Organisation breeding members, where they are keeping 10 or fewer relevant fertile females, are not required to register with council as a domestic animal business (DAB) or comply with the associated Code of Practice for the Operation of Breeding and Rearing Businesses.

How does an organisation become an Applicable Organisation?

The Minister may approve, by notice published in the Government Gazette, that an organisation is an Applicable Organisation if:

1. the organisation has applied to the Minister to be approved as an Applicable Organisation
2. the Minister is satisfied that the organisation meets the criteria set out in these Guidelines
3. the organisation does not represent owners of dogs of a breed that is prohibited from being imported into Australia under the Customs (Prohibited Imports) Regulations 1956 of the Commonwealth.

SPECIAL

What needs to be provided to the Minister by the Organisation when seeking approval as an Applicable Organisation?

An application for approval as an Applicable Organisation must include:

1. a report containing the prescribed details about the organisation and its activities in accordance with regulation 5B of the Domestic Animals Regulations 2015 (DA Regulations)
2. the organisation's Code of Ethics that members must adhere to and details of how the Code is enforced by the organisation
3. the outcome of any disciplinary action taken by the organisation for breaches of the Code of Ethics by members in the preceding year
4. any other information required by the Minister
5. the prescribed application fee.

What is the prescribed application fee for approval as an Applicable Organisation?

In accordance with the DA Regulations, the prescribed fees for approval as an Applicable Organisation are:

- 100 fee units to accompany the initial application
- 50 fee units to accompany an application for renewal.

Fee units are set by the Department of Treasury and Finance and are indexed each financial year. The current value of a fee unit can be accessed via: <https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties>

Criteria for Approval

Applicable Organisation applications will be assessed against the criteria outlined below. The Minister must be satisfied that these criteria have been met for an applicant organisation to obtain approval as an Applicable Organisation. These criteria are not inclusive of all application requirements, and applicant organisations should consult the DA Act (section 5A(3)) and the DA Regulations (regulation 5B) to ensure that they have included all the required information in their report prior to application.

Criteria 1: Education of Members	
Legislative requirement	Criteria
An applicant organisation must provide a copy of the education and training material used by the organisation to inform their members that they must comply with the DA Act, the Prevention of Cruelty to Animals Act 1986 (the POCTA Act) and any other laws relating to the keeping of dogs and cats.	<p>Training and education material should clearly communicate to members:</p> <ul style="list-style-type: none"> ● the legislation that they must comply with, including the DA Act, the POCTA Act, and their associated regulations and codes of practice ● the conditions of their membership, the Code of Ethics, and any other internal rules, policies and procedures that must be adhered to ● the need to consult local council in establishing their breeding operations to ensure compliance with any planning scheme requirements. <p>Satisfying this criterion may be further demonstrated by providing copies of the factsheets, information pamphlets, web pages and training manuals that are provided to members to educate them on their responsibilities as breeders and/or pet owners.</p>

<p>An applicant organisation must provide evidence used to demonstrate that each member of the organisation has received and agreed to the conditions of being a member of an Applicable Organisation.</p>	<p>As a minimum, it is expected that membership application forms for Victorian members:</p> <ul style="list-style-type: none"> ● inform and secure the agreement of members to abide by all legislated requirements and conditions of membership ● require members to declare that they have no prior convictions under the DA Act, the POCTA Act, their associated regulations or interstate equivalents ● include a field for a source number that is to be completed by members if they are intending to breed and/or sell dogs or cats, in accordance with the Pet Exchange Register and microchipping requirements. <p>The full conditions of membership contained in these guidelines should be provided as an attachment to the application form for Victorian members.</p>
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Criteria 2: Code of Ethics	
Legislative Requirement	Criteria
<p>An applicant organisation must provide its Code of Ethics. As defined in the DA Regulations, an Applicable Organisation's Code of Ethics specifies the requirements that each member of the organisation must comply with when engaging in the breeding of dogs or cats.</p>	<p>A Code of Ethics should demonstrate how it will achieve welfare outcomes equal to or greater than the Code of Practice for the Operation of Breeding and Rearing Businesses and should include specific guidance on the following:</p> <ul style="list-style-type: none"> ● records to be kept, including records relating to breeding operations and animal health records (including vaccination and parasite control) ● sale of animals, including the sale guarantee ● euthanasia and health management plans ● animal care and management, including nutrition, healthcare, breeding, exercise, enrichment, socialisation, handling and housing ● provision of responsible ownership guidance for new owners ● management of the changing welfare needs of an animal throughout its life and breeding cycle.

Criteria 3: Compliance Monitoring and Enforcement	
Legislative Requirement	Criteria
An applicant organisation must provide details of how the Code of Ethics is enforced.	<p>To demonstrate regulatory and compliance capabilities, applicant organisations should detail their capacity to enforce their Code of Ethics.</p> <p>Satisfying this criterion may include:</p> <ul style="list-style-type: none"> ● detailing the processes and procedures in place for undertaking inspections (either on site or virtually) for breeding members, and any templates that may be used to assess for compliance against the organisation's Code of Ethics ● detailing processes and procedures in place to ensure compliance against the organisation's Code of Ethics for members that do not allow access to their property, such as collecting records and/or photographs.
An applicant organisation must provide a copy of their complaints policy and complaints handling procedure.	<p>A complaints policy and complaints handling procedure should demonstrate that the organisation is able to receive and accurately record the details of complaints, can appropriately assess and check complaints, and has a clear hierarchy or process in place for escalating complaints of a more serious nature.</p> <p>Overall, the procedure should demonstrate the ability of the organisation to respond appropriately and in a timely manner to complaints and issues.</p> <p>Suggested inclusions for a complaints policy and complaints handling procedure are:</p> <ul style="list-style-type: none"> ● a step-by-step process for how a complaint is received or lodged, including the information that is to be reported ● the process for following up on and assessing or fact-checking complaints received by the organisation ● the process for escalating complaints where investigation and/or disciplinary action is required ● the options available to the organisation in responding to a complaint ● the processes for following up with the complainant once the complaint has been resolved.

<p>An applicant organisation must provide a copy of their disciplinary policy and disciplinary hearing procedure.</p>	<p>A disciplinary policy and disciplinary hearing procedure should demonstrate that the organisation is able to take appropriate and proportionate action to manage non-compliance and enforce the Code of Ethics.</p> <p>Suggested inclusions for a disciplinary policy and disciplinary hearing procedure are:</p> <ul style="list-style-type: none"> ● a step-by-step process for how a disciplinary process commences and is undertaken, including what occurs at a disciplinary hearing and how outcomes are communicated ● the spectrum of disciplinary tools and actions that the organisation has available to it for addressing non-compliance ● the processes in place for how the organisation determines the type of disciplinary action that should apply in each instance, depending on the seriousness of the non-compliance ● processes for progressive discipline where repeat non-compliances are observed ● monitoring and evaluation processes for determining the effectiveness of the disciplinary action taken, and whether further measures are required for managing non-compliance.
<p>An applicant organisation must provide a copy of their procedures and protocols for reporting and handling incidents including animal cruelty, dog attacks, and animal diseases.</p>	<p>Procedures and protocols for the reporting and handling of incidents (including animal cruelty, dog attacks, and animal diseases) should demonstrate an understanding of relevant Victorian legislation, namely the DA Act, the POCTA Act and their associated regulations and Codes of Practice. The organisation must also prioritise animal welfare and public safety.</p> <p>The organisation should also demonstrate a willingness to report issues of an illegal or serious nature to the appropriate regulatory authority where enforcement is outside the bounds of its Code of Ethics.</p> <p>Depending on circumstances, relevant referral pathways may include the Department of Jobs Precincts and Regions (the Department), the relevant local council, the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Victoria, Greyhound Racing Victoria (GRV), or Victoria Police.</p>

Ongoing obligations (once approved only)

Below are the ongoing reporting obligations and information sharing expectations for approved Applicable Organisations. The Minister must be satisfied that reporting obligations have been met for an applicant organisation to retain approval as an Applicable Organisation. Applicable Organisations should consult the DA Act (section 5C(2) and 5D) and the DA Regulations (regulation 5C) to ensure that they have included all the required information in their report prior to submission.

Reporting obligations	
Legislative Requirement	Additional Guidance
<p>An approved Applicable Organisation must submit a report to the Minister by 31 July in each year.</p> <p>All annual reporting requirements are listed in detail under regulation 5C of the DA Regulations.</p>	<p>As part of annual reporting requirements, an Applicable Organisation must report information on the number of:</p> <ul style="list-style-type: none"> ● members that conducted breeding, ● dogs or cats, and litters of kittens or puppies, registered with the organisation, ● investigations into breaches of the organisation's Code of Ethics, ● site inspections of members conducted by the organisation, ● events of non-compliance with the organisation's Code of Ethics, including the type of non-compliance, and ● disciplinary or grievance hearings, including number and type of disciplinary actions taken. <p>Reporting on the number of site inspections, the number and type of events of non-compliance, and the number of disciplinary or grievance hearings will demonstrate appropriate standards of self-regulation and provide transparency to the Minister on an organisation's performance in this capacity.</p> <p>The Minister should be provided with confidence that an appropriate number of inspections are occurring, and regularly enough, to appropriately deter and/or detect and address issues of non-compliance.</p> <p>In addition to the above, an Applicable Organisation must also provide:</p> <ul style="list-style-type: none"> ● a copy of the organisation's complaints register detailing the complaints received by the organisation and their responses to those complaints. The complaints register must be maintained by the organisation. ● a copy of the organisation's training program and proposed training calendar for the next year. The purpose of this training is to inform members that they must comply with the DA Act, the POCTA Act and any other laws relating to the keeping of dogs and cats. ● a copy of the organisation's Code of Ethics, including a record of all changes that have been made to it in the previous 12 months.

<p>An Applicable Organisation must give relevant information to the Secretary within 7 days after the organisation makes a decision to disqualify, cancel, suspend or not renew the membership the membership of a recreational breeder, or a recreational breeder resigns from the organisation.</p>	<p>Reporting to the Secretary of the Department of Jobs, Precincts and Regions of any changes to a recreational breeder's membership status is for the purpose of keeping and maintaining the information register (as defined in section 68M of the DA Act). It also allows the Department to inform councils of these changes.</p> <p>It is expected that the relevant information is received by the Department within 7 days after a final decision is made, being 7 days after any grace period.</p>
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Information sharing	
Legislative Requirement	Additional Guidance
<p>The DA Act requires that a person must not refuse, without reasonable excuse, to comply with a lawful direction from an authorised officer.</p> <p>This requirement applies to all persons, including Applicable Organisations and their members.</p>	<p>If an Applicable Organisation is approached by an authorised officer to assist with an investigation into a potential breach of the DA Act or the DA Regulations, the Applicable Organisation and its employees are legally obliged to assist within the timeframe advised by the authorised officer. Non-compliance with a direction may be considered as hindering or obstructing an investigation, and result in legal action against the organisation.</p> <p>This may include providing information relevant to a member or members of an Applicable Organisation, such as contact details, the details of any registered dogs or cats under the membership, and any other information that the organisation considers relevant to an investigation. Further information on the enforcement powers of an authorised officer may be found in Part 7 of the DA Act.</p> <p>While there are no compulsory reporting requirements under the DA Act or the DA Regulations, if an Applicable Organisation does detect an offence against the DA Act and/or POCTA Act or associated regulations during their compliance monitoring and enforcement activities, the organisation should report the offence to the appropriate regulatory authority.</p> <p>Further, it is recommended that if, during their membership with the Applicable Organisation, a member is found guilty of an offence under the DA Act, the POCTA Act, their associated regulations or interstate equivalents, the Applicable Organisation terminates their membership.</p>

Membership of an Applicable Organisation

Being a member of an Applicable Organisation

Conditions of membership for existing and prospective Victorian Applicable Organisation members are included below. These outline specific expectations and requirements associated with being an Applicable Organisation member in Victoria and are the minimum conditions which must be met to continue to receive the benefits associated with membership.

Victorian members (whether for a new applicant organisation or existing approved Applicable Organisation) must be informed of the requirements associated with their membership. Under

regulation 5B(j), prior to approval being granted, evidence must be provided to demonstrate that each member of an applicant organisation has received and agreed to the conditions of being a Victorian Applicable Organisation member. It is recommended that the Applicable Organisation membership conditions are provided as an attachment to the organisation's membership application and renewal forms.

Applicable Organisation membership conditions
Legislative requirements
<ol style="list-style-type: none"> 1. Comply with all legislative requirements at all times, including the Domestic Animals Act 1994, the Prevention of Cruelty to Animals Act 1986, and their associated regulations and Codes of Practice applying to the welfare, keeping, breeding and management of dogs and cats. Any breaches should be reported to the Applicable Organisation. 2. Be familiar with and comply with the Code of Practice for the Responsible Breeding of Animals with Heritable Defects that Cause Disease. 3. Be familiar with and comply with the Code of Practice for the Tethering of Animals, ensuring cats, puppies and pregnant, whelping and lactating bitches are never tethered, and that any tethering maintains the safety and welfare of the animal. 4. Register and microchip dogs and cats over three months of age with the local council, including animals that are for sale. 5. By 10 April each year, renew local council registrations of all dogs and cats that are still being kept.
Accommodation / Housing
<ol style="list-style-type: none"> 6. Provide housing that prevents escape and guarantees the health, safety and welfare of animals, including protection from adverse environmental conditions and extreme weather. 7. Provide protection from disease, injury and distress. 8. Always provide adequate ventilation and sufficient space for animals to stand and move freely, including during transportation. 9. Ensure no part of a pen/cage floor area is made from suspended wire. 10. Ensure pens/cages are not stacked on top of one another.
Animal health
<ol style="list-style-type: none"> 11. Provide prompt veterinary treatment to ill or injured animals. 12. Keep good levels of cleanliness and hygiene in premises where animals are kept. 13. Make every effort to control pests such as fleas, ticks, etc. 14. Treat animals regularly for internal and external parasites and vaccinate against common diseases. 15. Provide sufficient exercise to maintain animals' health and fitness. 16. Provide animals with a safe, balanced and complete diet and serve the food in clean containers. 17. Ensure animals have access to plenty of clean water in clean containers.
Banned procedures (ear cropping (dog)), tail docking (dog), debarking (dog), declawing (cat))
<ol style="list-style-type: none"> 18. Do not allow any banned procedures to be carried out on any animals. 19. Do not show or exhibit any animal that has undergone a banned procedure.
Breeding
<ol style="list-style-type: none"> 20. Ensure only healthy animals are used for breeding. 21. Keep proper records of all breeding activities and ensure these records are available for inspection by any person authorised by the organisation.

Code of Ethics
22. Follow the Applicable Organisation's approved Code of Ethics at all times.
23. Where reasonable, allow inspections of breeding premises by the Applicable Organisation to ensure compliance with the Applicable Organisation's Code of Ethics.
24. Keep accurate records of all animals (both kept and sold) and breeding operations, as specified in the Code of Ethics, for a minimum of 5 years.
Collars
25. Use of collars must be compliant with the Prevention of Cruelty to Animals Regulations 2019, which prohibits pronged collars, while electronic collars may only be used as specified.
Dog working & environmental conditions (not applicable to cat organisations)
26. Ensure dogs are not pushed beyond their natural abilities by administering drugs or medications to enhance performance.
27. Do not work dogs in conditions that may result in them suffering from negative health issues such as hypothermia, hyperthermia or dehydration.
Dog training (not applicable to cat organisations)
28. Ensure dogs are not trained or worked beyond their willingness and capabilities.
29. Ensure all training methods used are humane and do not cause undue fear, distress or pain.
Domestic animal businesses
30. If you have more than 10 relevant fertile females, register as a domestic animal business with the local council in which the business premises is located and apply to the Minister for Agriculture for commercial dog breeder approval.
Euthanasia
31. Ensure animals that must be destroyed are euthanised in a humane manner (i.e. by barbiturate overdose) by a suitably authorised person.
32. Ensure animals are not euthanised using blunt force trauma.
Hereditary disease
33. Take legitimate action to reduce the incidence of hereditary diseases.
Information sharing
34. Note that an authorised officer may ask for membership details and any other relevant information held by an Applicable Organisation, and this information is legally required be shared with said authorised officer to assist in regulatory activities.
35. Note that membership status may be shared with authorised officers of the council and/or RSPCA as well as the Secretary of the Department of Jobs, Precincts and Regions (i.e. the Department) after notification of a change in status resulting from resignation, disqualification, suspension or cancellation.

Sale of animals

36. Ensure no animal leaves the seller before 8 weeks of age.
37. Ensure dogs and cats sold or given away are implanted with a microchip by an authorised implanter, where information recorded on the microchip record must include the breeder's source number, and accompanied by a signed transfer of ownership form. Breeders are recommended to have the new owner fill out the transfer of ownership form on purchase and to send the form directly to the relevant Animal Registry Service.
38. Ensure dog and cat advertisements, for sale or for free, include each animal's full microchip number and the seller's source number, as well as the number of the council registered domestic animal business (DAB) where applicable.
39. Ensure dogs and cats sold have current vaccinations, with a valid certificate to be provided to the new owner.
40. Provide purchasers of desexed animals with a copy of the desexing certificate.
41. Provide new owners with literature about feeding, desexing, parasite control, health, housing, responsible pet ownership, current legislation regarding registration, training and socialisation of dogs, and vaccination.
42. Ensure all dogs and cats sold are accompanied with a breeder health declaration.
43. Accept a returned animal and refund 75% of the purchase price within three days of sale for any reason not supported by a veterinary practitioner.
44. Accept an animal returned within 21 days of sale and refund 100% of the purchase price if accompanied by a veterinary practitioner statement that the animal is unacceptable for health reasons.
45. Refund 100% of the purchase price where an animal is diagnosed with, suffering from, dies of, or is euthanised because of a physical defect or disease that is traceable to the point of sale within three years of purchase where the owner provides supporting statements from a veterinary practitioner.
46. Ensure animals sold or given away are in the best possible state of health.
47. Do not allow animals to be used as donations or prizes.

Transport

48. Transport animals in a safe and secure manner.
49. Do not transport animals in the boot of a sedan type car.
50. Tether or cage animals appropriately when on the back of a ute or trailer.
51. Provide animals with adequate ventilation and temperature control when travelling.

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