



GOVERNMENT OF
WESTERN AUSTRALIA

Department of **Commerce**

Department of **Local Government**

A consumer's guide to buying a pet



australian consumer law



There are many things to consider when bringing a new pet into your home. This publication has been produced to help explain your consumer rights and remedies when buying a pet and the questions to ask a seller before making a purchase. This will help ensure that you are prepared and well informed before purchasing a pet.

A joint publication of the Department of Commerce –
Consumer Protection Division and the
Department of Local Government.

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Thinking of buying a pet?

For many Australians, a pet is an important part of the family. While owning a pet can be rewarding, it is important to remember that pet ownership is a big responsibility. As a pet owner, you will provide all of your pet's requirements – food, exercise, housing, grooming and veterinary care. The RSPCA recommends careful planning, consideration and thorough research on the basics of pet care before buying any new pet. This will give you a clear understanding of your responsibilities as a pet owner and help you decide which type of pet will be suitable for your family and your lifestyle.

Buying a pet and the law

If you decide to go ahead with purchasing a pet, it is important to know your rights, as a consumer, under the law. Buying a pet is no different to buying any other type of good – your purchase is covered by the Australian Consumer Law (ACL) which came into full effect on 1 January 2011. All consumers now have the same protections, and all businesses have the same obligations and responsibilities, across the whole of Australia.

Under the ACL, the purchase of a pet is just like any other purchase made by a consumer – the same protections and recourses apply. For example, when purchasing a good or service, the ACL automatically provides the consumer with certain rights or 'consumer guarantees'.

Sellers are responsible for meeting the consumer guarantees and cannot limit or exclude them from applying, for example, by way of a contract or a set of terms and conditions. The consumer guarantees likely to be relevant to purchasing a pet are outlined on the next page.

Acceptable quality – your pet should be robust and free from defects. In other words, your pet must survive for a reasonable length of time after purchase.

Fit for any specified purpose – the seller guarantees that your pet will be suitable for any purpose they told you about, or which you discussed with the seller. In other words, you relied on the seller's knowledge when deciding whether a certain pet would be suitable.

Accurate description – any description of the pet, for example, in a brochure, website or on a sales card, must be accurate.

Matching any description and 'sample' given or shown - when a consumer buys a pet based on a description or 'sample', the pet purchased will match it (within reason). Bear in mind that in some cases, differences between an animal and the description or 'sample' may not be within a seller's control.

As a consumer, you have rights and the seller may be required to offer you a remedy if a purchase does not meet these guarantees. For more information, see the section of this brochure *'If there is a problem – a consumer's right to a remedy'*. While most consumers would be satisfied with a refund or a replacement to remedy a problem with their product, pets are different as they can be regarded as part of the family, so this option may not be desirable. For this reason, many pet owners may decide not to exercise their rights and, instead, accept or deal with their pet's issues.

Note: Consumer guarantees do not apply to one-off purchases from private sellers. If you are unsure whether your purchase is covered by the ACL, contact Consumer Protection (details are on the back of this brochure).

Shopping for a pet

Consumers generally purchase pets from pet stores, animal shelters, registered breeders or private sellers. A good pet store, rescue group or reputable breeder should have no difficulty in answering the questions and meeting the requests outlined below.

Pet scams

Be cautious if you're looking to buy a pet advertised online as scams are common on classifieds websites. The adverts often claim to have pedigree puppies for sale at a price well below market value (or for free) and offer to ship the puppy to your door from interstate or overseas. These scams usually require that you use wire transfer (electronic fund transfer) as the payment method. In the end, no puppy is supplied and the payment is virtually impossible to trace. If in doubt, contact Consumer Protection or visit www.commerce.wa.gov.au/wascamnet

Buying a puppy

- If you can, visit the puppy in the place where it was born and meet its mother and father too, if he's there. This is the only way to be sure that all the animals are well cared for and housed in good conditions. You can also get some idea of how big the puppy will grow and what its temperament might be like. A good breeder breeds healthy, happy and well socialised dogs and will welcome your visit to the breeding facility.
- Before purchasing a puppy, ensure that it is more than eight weeks of age and has been completely weaned from its mother.
- Ask the seller to provide proof (certification) that the puppy has received the following:

- its first vaccination to protect against parvovirus, distemper and hepatitis;
 - a worming treatment against intestinal worms; and
 - a complete veterinary examination to check for illnesses or hereditary defects that could cause complications later in life.
- If a seller can't provide proof and/or won't give you copies of the certification, we advise that you shop elsewhere. Don't accept excuses such as "I've left the papers behind" or "I'll post them to you later".
 - Get in touch with your local veterinarian for further advice on your pet's health, subsequent vaccinations, worming, nutrition, desexing, microchipping, training and socialisation. You will also need to contact your local government to register your dog - it's an offence to keep an unregistered dog over the age of three months.
 - Check out the RSPCA's publication *Smart Puppy Buyer's Guide*. For more information and to download a copy, visit <http://www.rspca.org.au/news/smart-puppy-buyers-guide.html>



Buying a kitten

- If you can, visit the kitten in the place where it was born and meet its mother and father too, if he's there. This is the only way to be sure that all the animals are well cared for and housed in good conditions. You can also get some idea what its temperament might be like. A good breeder breeds healthy, happy and well socialised animals and will welcome your visit to the breeding facility.
- When buying a kitten, ensure that it is more than eight weeks of age and has been completely weaned from its mother.
- Ask the seller to provide proof (certification) that the kitten has been given:
 - its first vaccination to protect against feline enteritis and upper respiratory tract infection/ cat flu;
 - a worming treatment; and
 - a complete veterinary examination.
- Get in touch with your local veterinarian for further advice on your pet's health, subsequent vaccinations, worming, nutrition, desexing, microchipping, training and socialisation.





Buying a bird

- As birds can hide signs of illness up to the point of being severely ill, it can be difficult to assess their health just by looking at them. Therefore, it's important that consumers only purchase birds from a reputable seller.
- It is recommended that birds are vet checked, especially if you are introducing a new bird to an existing aviary, or if the bird will be kept in close contact with the family. If you decide to have a bird vet checked, the examination should look for signs of illness or medical conditions such as:
 - mite infections;
 - worm infestation; and
 - Avian Gastric Fungus/Megabacteria.
- When selecting a bird, ensure that it has a full set of feathers and is able to feed itself.
- Get in touch with your local veterinarian for advice on your pet's health, nutrition and care.

Buying a rabbit






- Ensure the rabbit is more than eight weeks old and has been completely weaned from its mother.
- Before purchasing a rabbit, ask the seller to provide proof (documentation) that it has been given:
 - a complete veterinary examination to check for illnesses such as myxomatosis or defects such as bad teeth, that could cause complications later in life; and
 - its first vaccination to protect against calicivirus, if the rabbit is older than 12 weeks of age.

Get in touch with your local veterinarian for advice on your pet's health, nutrition and care.



Animals in pet shops

The welfare of pets in pet shops is very important. An animal's long term health can be compromised if health, desexing and vaccinations are not handled correctly. To determine whether a pet shop is taking the necessary steps to ensure optimal care and welfare of its animals, look out for the following:

-  The animals should have suitable housing and the pet shop must be clean and hygienic at all times. Waste should be removed throughout the day and cages and pens holding animals must be cleaned out daily.
-  The area where the animals are kept should be monitored to ensure adequate ventilation and non-extreme temperatures.
-  Fresh, cool water should be available to the animals at all times. Puppies and kittens should be fed a minimum of two to three times daily, depending on their age.
-  No animals suspected of being sick, injured or diseased should be for sale - they should be away from public contact and the other animals until fully recovered.
-  Puppies between the age of three and 16 weeks must be adequately socialised with other dogs as well as humans (adults and children) to help ensure that they become well adjusted pets.

If there is a problem - a consumer's right to a remedy

If you have purchased a pet and something goes wrong, you may have rights against the seller if they failed to meet one or more of the consumer guarantees.

Generally you are not entitled to a remedy if you change your mind about a purchase or if the problem is due to something beyond the seller's control. However, if the seller provided an 'express' warranty or an additional promise about the quality, condition, performance or characteristics of the item purchased, they must uphold that guarantee.

Your entitled remedy will depend on the issue and whether the problem can be classified as major or minor. Effectively, a major problem is when you wouldn't have bought the pet if you had known the nature and extent of the problem prior to purchase; for example, an animal has a terminal or serious health issue. In this case, the consumer has the right to choose which remedy the seller will provide. This will either be to:

- have the problem with your pet corrected for example, with veterinary treatment and/or medication;
- return your pet to the seller and have it replaced with another one; or
- return your pet to the seller and have your money refunded.

When the problem is minor, the seller can choose which remedy they will provide.

It is recommended that you attempt to negotiate an outcome that both you and the seller can agree to. If there continues to be a disagreement, Consumer Protection can provide advice and help you resolve the dispute.



For more information

For more information on your rights as a consumer under the Australian Consumer Law, contact the Consumer Protection Division of the Department of Commerce or refer to the Consumer Protection website – details are on the back of this brochure.

For information on the *Animal Welfare Act 2002* and the *Dog Act 1976* which, respectively, govern the welfare of animals and provides for the registration, ownership and control of dogs in Western Australia, contact the Department of Local Government.

The Department of Local Government

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Office: (08) 9217 1500
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Email: info@dlg.wa.gov.au
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Responsible dog ownership:
[www.dlg.wa.gov.au/Content/Community/
DogOwnership/Default.aspx](http://www.dlg.wa.gov.au/Content/Community/DogOwnership/Default.aspx)





For further information about animals and pets, contact your local veterinarian or the RSPCA.

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Department of Commerce

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Administration: (08) 9282 0777

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Regional offices

Goldfields/Esperance (08) 9026 3250

Great Southern (08) 9842 8366

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This publication is available on request in other formats to assist people with special needs.