



# A guide to consumer rights when buying a pet

***A joint publication of the Department of Mines, Industry Regulation and Safety – Consumer Protection Division and the Department of Local Government, Sport and Cultural Industries.***

**This guide explains your rights under consumer law when buying a pet and highlights key questions to ask a seller.**

## **Thinking of buying a pet?**

While owning a pet can be rewarding, it is a big responsibility. For your pet's lifetime you will provide for all of its needs including food, exercise, housing, socialisation, grooming, companionship and veterinary care. The RSPCA recommends careful planning, consideration and thorough research on the basics of care before buying any pet.

You should also seek information on any likely health risks for your chosen type or breed of pet.

## **Your legal rights when buying a pet**

Generally, pets are purchased from pet shops, professional breeders or private sellers, or adopted from animal shelters or rescues.

Under the Australian Consumer Law (ACL), buying a pet from a pet shop or professional breeder is the same as buying any other product. You're protected by a basic set of consumer guarantees to ensure you get what you paid for. Consumer guarantees state products must:

- match descriptions made by the seller and in advertising;
- do all the things you would normally expect them to do;
- look acceptable; and
- be safe, lasting and have no defects.

When buying a pet, this means it should be free from any significant health issues and live for a reasonable length of time after purchase. If you buy a pet based on a specific description, it must match the description and be suitable for any purpose discussed with or by the seller.

When adopting a pet from an animal shelter or rescue, some consumer guarantees may apply but only in very limited circumstances due to the often unknown history of the pet.

Consumer guarantees do not apply to one-off purchases from private sellers. A professional breeder would be considered a private seller if they normally breed dogs or cats to show, not to sell, but undertake the occasional sale of puppies or kittens from a litter.

If you are unsure whether your pet purchase is covered by the ACL, contact Consumer Protection.

## **Shopping for a pet**

A good pet shop, rescue group or reputable breeder should have no difficulty with requests or answering any questions you may have. In fact, they will likely have questions for you to ensure the pet is going to the right home.

If possible, visit the pet in the place it was born and meet its parents. This is the only way to be sure your new companion has been well cared for. You can also get an idea of how big the pet will grow and what its temperament might be like. A responsible breeder breeds healthy, happy and well-socialised animals and will welcome your visit to the premises where breeding animals are kept.



Ask the seller to provide proof (certification) that your new companion has received appropriate vaccinations and veterinary checks. For pet-specific details, visit [commerce.wa.gov.au/consumer-protection/buying-pet](https://commerce.wa.gov.au/consumer-protection/buying-pet). If a seller can't provide proof, you should shop elsewhere.

### Buying from a pet shop

The welfare of pets in pet shops is very important. An animal's length of life 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, watch for the following:

- The animals should have suitable housing and the pet shop must be clean and hygienic. Waste should be removed throughout the day and cages and pens holding animals cleaned out daily.
- 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.
- The area where the animals are kept should be monitored to ensure adequate ventilation and non-extreme temperatures.
- Ask where the animals were sourced and undertake research to check this information is accurate.

### Animal welfare concerns

If you encounter animals being bred or kept in unacceptable circumstances, the best way you can help them, and stop animal suffering, is to report it to the RSPCA immediately. This includes if you see sick, injured or diseased animals at pet shops, animal shelters, breeders or private sellers. Report animal cruelty or neglect to the RSPCA hotline on 1300 CRUELTY (1300 278 3589).



### Looking for a pet online

While the internet can be a great way to research a new pet, you should avoid buying a pet online. If you buy a pet over the internet without meeting them first, you could inadvertently be supporting puppy farms or poor breeding practices, or fall victim to a scam.



### Online pet scams

Pet scams are common on classifieds websites. The adverts often claim to have pedigree puppies for sale at a price below market value (or for free) and offer to ship the puppy to your door from interstate or overseas. These scams usually require you to make payment through a bank transfer. In the end, no puppy is supplied and the payment is virtually impossible to trace. If in doubt, contact Consumer Protection or visit [scamnet.wa.gov.au](https://scamnet.wa.gov.au).

### Your rights if something goes wrong

If you have purchased a pet that fails to meet any of the consumer guarantees, you may have consumer rights. Generally you are not entitled to a remedy if you change your mind about a pet or if the problem is due to something beyond the seller's control. However, if the seller provided an additional warranty or made promises about quality, condition, performance or characteristics of the pet, they must uphold the guarantees.

The remedy you're entitled to will depend on whether the problem is major or minor. A major problem is one that would have stopped you from buying the pet if you'd known about it in advance, such as a serious genetic or terminal health issue. In this case, you have the right to choose which remedy the seller will provide.

This will either be to:

- have the problem fixed, such as veterinary treatment and/or medication;
- exchange your pet for another one; or
- return your pet for a refund.

For minor problems, the seller can choose which remedy they will provide. You should attempt to negotiate an outcome that you both agree to, but if a disagreement continues, Consumer Protection can provide advice and assistance.

While most consumers would be satisfied with a refund or replacement for a problem product, pets can be different as they are often regarded as part of the family. For this reason, many pet owners decide not to exercise their rights and, instead, accept or deal with their pet's issues.

Thorough research and due diligence when purchasing your pet is important because it can minimise the chances of something going wrong.

### For more information contact

- Consumer Protection on 1300 304 054 or [consumerprotection.wa.gov.au](http://consumerprotection.wa.gov.au) for your rights under the Australian Consumer Law.
- Department of Local Government, Sport and Cultural Industries on 1800 199 090 or [dlgsc.wa.gov.au](http://dlgsc.wa.gov.au) for laws regarding cats and dogs.
- Department of Biodiversity, Conservation and Attractions' Licences and Authorities [dpaw.wa.gov.au](http://dpaw.wa.gov.au) to learn which species of birds, reptiles and amphibians can be kept as pets and whether a licence is required.
- Your local council [mycouncil.wa.gov.au](http://mycouncil.wa.gov.au) regarding stray or lost animals.
- RSPCA [rspcawa.asn.au](http://rspcawa.asn.au) for pet ownership info.
- Your local veterinarian for advice on healthcare and training for pets.

The *Animal Welfare Act 2002*, the *Cat Act 2011* and the *Dog Act 1976*, govern the welfare of animals and birds and provide for registration, ownership and control of dogs and cats in Western Australia.



**Disclaimer** – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

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