

A Consumer's guide to buying a pet

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

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

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 ownership is a big responsibility. As an 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 care before buying any pet. This will also help you decide which type of pet will be suitable for your family and your lifestyle.

Buying a pet and the law

It is important to know your rights, under the law and as a consumer, buying a pet is no different to buying any other type of good – your purchase is covered by the Australian Consumer Law (ACL). All consumers have the same protections, and all businesses have the same obligations and responsibilities, under the ACL.

When purchasing goods or services, the ACL automatically provides certain rights or 'consumer guarantees'. Sellers are responsible for meeting consumer guarantees and cannot limit or exclude them from applying, for example, by way of a contract or a set of terms and conditions.

Acceptable quality – your pet should be robust and free from defects and it 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 a description given or shown – when a consumer buys a pet based on a description, the pet purchased will match it (within reason). In some cases, differences between an animal and the description may not be within a seller's control. You have rights and a seller may be required to offer a remedy if a purchase does not meet the guarantees.

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.

In addition to consumer guarantees

Sellers of dogs and cats must ensure these pets (regardless of age) are micro chipped before ownership is transferred to you. Within seven days, a seller must notify the microchip database company and your local government where the pet will be registered.

While most consumers would be satisfied with a refund or a replacement to a problem with a 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 owners may decide not to exercise their rights and, instead, accept or deal with their pet's issues.

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 sometimes 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.scamnet.wa.gov.au

Shopping for a pet

Generally, pets are purchased from pet stores, animal shelters, registered breeders or private sellers. A good pet store, rescue group or reputable breeder should have no difficulty with requests or answering any questions you may have. If purebred or registered breeder' are included in the description, you can check with [DogsWest](#) or [CatsWA](#) to verify these claims. If you wish to become a breeder, you must apply for a permit.

If possible, visit the pet in the place where it was born and meet its mother and father. This is the only way to be sure that your new companion has been well cared for and housed in good conditions. You can also get an idea of how big the pet will grow and 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. Before purchasing a pet, ensure that it is more than eight weeks of age (some pet ages may vary) and has been completely weaned from its mother. Ask the seller to provide proof (certification) that your new companion has received the following:

- its first vaccination;
- a worming treatment;
- a complete veterinary examination; and
- a microchip.

If a seller can't provide proof or 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".

Dogs over the age of three months must be registered with your local government. Your local veterinarian can advise on your pet's, subsequent vaccinations, worming, nutrition, desexing, micro chipping, training and socialisation. Check out the RSPCA's publication [Smart Puppy Buyer's Guide](#).



Cats must be sterilised by a seller before the pet is transferred to the new owner. Alternatively, a seller must give a voucher to the new owner to enable the cat to be sterilised at a later date by a veterinarian at no cost to the owner. Cats six months of age or over must be registered with the local government.

It is an offence to keep unregistered animals and penalties apply under the *Dog Act 1976* and *Cat Act 2011* for a failure to comply with these requirements.

Birds can hide signs of illness up to the point of being severely ill and it can be difficult to assess their health just by looking at them. Birds should be purchased from a reputable seller and the only way to be sure it has been well cared for and housed in good conditions is to visit the place where the bird was born. 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. The [Department of Biodiversity, Conservation and Attraction's](#) website lists any licences or permits required.



Rabbits need to have a first vaccination to protect against calicivirus, if the rabbit is older than 12 week of age. Before purchasing a rabbit, ask for proof (documentation) that it has been given:

- a complete veterinary examination; and – its first vaccination.



Buying from a pet shop

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.
- Ask where the animals were sourced and undertake research to check it is accurate.

If there is a problem

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 purchase, they must uphold that guarantee. Your entitled remedy will depend on the issue and whether the problem can be classified as major or minor. A major problem is when you would not have bought a pet knowing the nature and extent of a problem prior to purchase; such as, if an animal had a terminal or serious 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 with your pet corrected; such as, a 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 you both agree to, but if the disagreement continues, Consumer Protection can provide advice and help to resolve the dispute.

Your local veterinarian can advise on all pet's ongoing health, nutrition and care.

For more information

Contact [Consumer Protection](#) for your rights as a consumer under the Australian Consumer Law, the [Department of Local Government, Sport and Cultural Industries](#), your local veterinarian or the [RSPCA](#). Contact your [local council](#) about stray or lost animals and report animal cruelty or neglect, [to RSPCA cruelty hotline](#) on 1300 CRUELTY (278 3589).

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



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