



Western Australia

Dog Amendment (Stop Puppy Farming) Act 2021

As at 22 Dec 2021

No. 29 of 2021

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Dog Amendment (Stop Puppy Farming) Act 2021

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Western Australia

Dog Amendment (Stop Puppy Farming) Act 2021

No. 29 of 2021

An Act —

- **to amend the *Dog Act 1976* to provide for matters relating to the sterilisation and breeding of dogs and the supply of dogs to and by relevant pet shop businesses; and**
- **to amend the *Dog Act 1976* and the *Cat Act 2011* to provide for a centralised registration system; and**
- **to make other amendments to the *Dog Act 1976* and the *Cat Act 2011*.**

[Assented to 22 December 2021]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Dog Amendment (Stop Puppy Farming) Act 2021*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) Part 2 (other than Divisions 3 to 5) — on the day after that day;
- (c) Part 2 Division 4 —
 - (i) if the *TAB (Disposal) Act 2019* section 120 comes into operation on or before the day on which section 23 comes into operation under paragraph (e) — immediately after section 23 comes into operation; or
 - (ii) otherwise — on the day on which the *TAB (Disposal) Act 2019* section 120 comes into operation;
- (d) Part 2 Division 5 —
 - (i) if the *TAB (Disposal) Act 2019* section 120 comes into operation on or before the day on which section 24 comes into operation under paragraph (e) — immediately after section 24 comes into operation; or
 - (ii) otherwise — on the day on which the *TAB (Disposal) Act 2019* section 120 comes into operation;
- (e) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

Part 2 — Dog Act 1976 amended

Division 1 — Act amended

3. Act amended

This Part amends the *Dog Act 1976*.

Division 2 — Amendments commencing on day after Royal Assent

4. Section 33 amended

Delete section 33(1) and (3).

5. Section 33B amended

In section 33B delete “32(4), 33(3)” and insert:

32(4)

Division 3 — Amendments commencing on proclamation

6. Long title amended

In the long title delete “**ownership and keeping of dogs**” and insert:

ownership, breeding and keeping of dogs, the supply of dogs to and by relevant pet shop businesses

7. Section 2A inserted

After section 2 insert:

2A. Objects of Act

- (1) The objects of this Act are to —
 - (a) provide for the identification of dogs; and
 - (b) provide for the registration of dogs; and
 - (c) promote the responsible breeding of dogs; and
 - (d) promote the responsible ownership and control of dogs; and
 - (e) provide for the effective management of dangerous dogs; and
 - (f) regulate the supply of dogs to and by relevant pet shop businesses.
- (2) The objects of this Act are to be primarily achieved by the following —
 - (a) imposing obligations in relation to microchipping dogs;
 - (b) imposing obligations in relation to registering dogs;
 - (c) establishing a centralised registration system for recording information in relation to dogs and dog owners;
 - (d) imposing obligations in relation to sterilising dogs;
 - (e) regulating the transfer of ownership of dogs and the information included in any advertising of dogs;
 - (f) providing for the granting of approvals to breed;

- (g) imposing obligations in relation to the keeping and control of dogs;
- (h) imposing obligations in relation to dangerous dogs, including restrictions on breeding and transferring ownership;
- (i) prohibiting the supply of dogs to relevant pet shop businesses unless the dog is stray, abandoned, seized or surrendered and the supplier holds a dog supply approval;
- (j) imposing obligations on persons conducting relevant pet shop businesses;
- (k) providing for the enforcement of this Act.

8. Section 3 amended

- (1) In section 3(1) delete the definition of *sterilised*.
- (2) In section 3(1) insert in alphabetical order:

approval to breed has the meaning given in section 26I(1);

centralised registration system has the meaning given in section 13A(1);

convicted person means a person who has, within the previous 5 years, been convicted of —

- (a) an offence against —
 - (i) this Act; or
 - (ii) the *Cat Act 2011*; or
 - (iii) the *Animal Welfare Act 2002*;

or

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Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

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- (b) an offence against a law of the Commonwealth, another State or a Territory that is substantially the same as an offence referred to in paragraph (a);

Department means the department of the Public Service principally assisting the Minister in the administration of this Act;

designated person has the meaning given in section 9B(1);

dog owner number has the meaning given in section 13B(1);

dog supply approval has the meaning given in section 38O(1);

health certificate has the meaning given in section 38N(2)(a);

non-profit organisation means a body corporate, society, club or association formed otherwise than for the purpose of profit or gain to its individual members;

offer, in relation to transfer of ownership, sale or supply, includes advertise, expose or display for transfer of ownership, sale or supply;

pet shop, in relation to a relevant pet shop business, means the shop at, in or from which the relevant pet shop business is conducted;

pet shop approval has the meaning given in section 38C(1)(a);

pet shop certificate means a certificate given under section 54D to a person who holds a pet shop approval;

pet shop number has the meaning given in section 54D(1)(b);

refuge operations means operations conducted by a non-profit organisation for the purposes of providing temporary shelter or care to, and finding suitable homes for, stray, abandoned, seized or surrendered dogs;

relevant pet shop business —

- (a) means a business, or a part of a business, that is conducted at, in or from a shop and involves supplying, or offering to supply, dogs; but
- (b) does not include —
 - (i) refuge operations; or
 - (ii) operations conducted at, in or from a dog management facility by the operator of the dog management facility; or
 - (iii) a business, or a part of a business, of a prescribed class;

shop means a shop that is open to the public generally at specified times or otherwise on a regular basis;

sterilised has the meaning given in subsection (1A);

supply includes —

- (a) sell, trade, give away, take consideration for; and
- (b) agree to supply, or cause or permit a supply;

- (3) In section 3(1) in the definition of **CEO** delete “department of the Public Service principally assisting the Minister in the administration of this Act;” and insert:

Department;

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Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

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- (4) In section 3(1) in the definition of *microchip database* paragraph (a) delete “and its owner; and” and insert:

(which may include information about its breeder or its owner);
and

- (5) In section 3(1) in the definition of *microchip database company* paragraph (b) delete “dog and its owner;” and insert:

dog;

- (6) In section 3(1) in the definition of *transfer* paragraph (a) delete “for, transfer ownership of and offer for sale; and” and insert:

for and transfer ownership of; and

- (7) After section 3(1) insert:

- (1A) For the purposes of this Act, a dog is *sterilised* if the dog has been made permanently infertile.

- (8) Delete section 3(2) and insert:

- (2) A person who is shown in the centralised registration system as being the last person recorded as the registered owner of a dog is taken to be the owner of that dog, whether or not the registration in their name continues in force, unless they prove that they are not the owner of the dog.

9. Section 7 amended

- (1) In section 7(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (2) In section 7(3)(b)(i) delete “Animals (Inc.) of” and insert:

Animals,

10. Section 9 amended

- (1) In section 9 delete “It” and insert:

(1) It

- (2) At the end of section 9 insert:

- (2) Nothing in subsection (1) prevents the CEO from —
- (a) performing the CEO’s functions under this Act;
or
 - (b) doing anything the CEO considers appropriate for the purposes of performing those functions.

11. Sections 9A and 9B inserted

After section 9 insert:

9A. Delegation by CEO

- (1) The CEO may delegate to a person any power or duty of the CEO under another provision of this Act.

- (2) The delegation must be in writing signed by the CEO.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the CEO to perform a function through an officer or agent.

9B. Designated persons

- (1) The CEO may, in writing, authorise persons to perform the functions conferred on designated persons under this Act (each a *designated person*).
- (2) An authorisation under this section may —
 - (a) limit the functions of the designated person to functions specified in the authorisation; and
 - (b) be cancelled by the CEO at any time.
- (3) The CEO is to issue to each designated person a certificate stating that the person is a designated person for the purposes of this Act.
- (4) A designated person must produce the certificate issued under subsection (3) at the reasonable request of a person in respect of whom the designated person exercises, has exercised, or is about to exercise any power under this Act.

12. Section 10 amended

In section 10(2) delete “section 9” and insert:

section 9(1)

13. Section 12A amended

Delete section 12A(2) and insert:

- (2) With the authority of a warrant or the consent of an occupier who has reached 18 years of age, the following persons may enter and inspect any premises for any purpose relating to the enforcement of this Act and may make any enquiries they think necessary —
- (a) an authorised person;
 - (b) a designated person;
 - (c) in the case of a warrant issued to a person referred to in paragraph (a) or (b) — any other person named in the warrant.
- (2A) Without limiting subsection (2), the purpose of determining whether grounds exist for the cancellation of an approval to breed, a pet shop approval or a dog supply approval is a purpose relating to the enforcement of this Act.

14. Sections 13A and 13B inserted

At the end of Part II insert:

13A. Centralised registration system

- (1) The CEO must establish and maintain an electronic database or system in which information relating to dogs can be recorded (the *centralised registration system*).
- (2) The CEO and each local government is to —
 - (a) record in the centralised registration system any information that is prescribed; and
 - (b) ensure that the information recorded by it in the centralised registration system is accurate and kept up-to-date.
- (3) The CEO or a local government may cause any error in, or omission from, the centralised registration system to be corrected.
- (4) Where anything under this Act is required or permitted to be done in a manner approved by the CEO or a local government, the manner approved by the CEO or the local government may, without limitation, involve the use of the centralised registration system.
- (5) Regulations under section 54 may deal with any matter relating to the centralised registration system, including (without limitation) its establishment, maintenance and accessibility (including its accessibility to the public).
- (6) The CEO may establish a single database or system for the purposes of subsection (1) and the *Cat Act 2011* section 41A(1).

13B. Dog owner numbers

- (1) Regulations under section 54 may require, or otherwise deal with, the issue, for the purposes of this Act, of a unique number (a *dog owner number*) to —
 - (a) a person who owns, or has previously owned, 1 or more dogs; or
 - (b) a person of a prescribed class.
- (2) Regulations under section 54 may deal with any matter relating to dog owner numbers and may, without limitation, require a person to have a dog owner number before transferring ownership of a dog to another person.

15. Section 14 replaced

Delete section 14 and insert:

14. Local governments to keep record of registered dogs in centralised registration system

- (1) A local government is to keep, using the centralised registration system, an accurate and up-to-date record of dogs registered by the local government.
- (2) The local government is to record in the centralised registration system the information prescribed in respect of —
 - (a) each dog registered by the local government; and
 - (b) each application for, or renewal of, registration of a dog refused by the local government.

16. Section 15 amended

- (1) In section 15(2) delete “dangerous dog,” and insert:

dangerous dog or a dog that is not sterilised,

- (2) In section 15(3A) after “dog” insert:

or a dog that is not sterilised

17. Section 16 amended

- (1) In section 16(1):

- (a) in paragraph (b) delete “section 9” and insert:

section 9(1)

- (b) delete the passage that begins with “some person” and continues to the end of the subsection and insert:

a person on their behalf makes an application to the local government in a manner and form approved by the CEO and accompanied by the prescribed fee, if any.

- (2) In section 16(1BA):

- (a) delete “prescribed” and insert:

approved

- (b) after paragraph (a) insert:
 - (aa) if the owner of the dog has been issued with a dog owner number, that number; and

- (c) after paragraph (d) insert:
 - (da) a statement as to whether the dog is sterilised and, if the dog is not sterilised, on what basis the dog is not required under this Act to be sterilised; and
 - (db) if known —
 - (i) details (including the dog owner number) of the breeder and any previous owner of the dog; and
 - (ii) if the dog was obtained from or through a relevant pet shop business, the pet shop number for the pet shop;
 - and

- (d) delete paragraph (f) and insert:
 - (f) a statement as to whether the owner of the dog is subject to an order under section 46A(2); and
 - (g) a statement as to whether the owner of the dog holds an approval to breed.

- (3) In section 16(1BB) delete “prescribed” and insert:

approved

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Division 3 Amendments commencing on proclamation

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- (4) In section 16(2):
- (a) in paragraph (a) delete “Act; or” and insert:

Act and enter the information required under section 14(2)(a) in the centralised registration system; or
 - (b) in paragraph (b) delete “any,” and insert:

any, and enter the information required under section 14(2)(b) in the centralised registration system.
 - (c) delete the passage that begins with “and in either” and continues to the end of the subsection.
- (5) After section 16(3)(da) insert:
- (db) the dog is required under this Act to be sterilised but is not sterilised; or

18. Section 16A amended

- (1) Delete section 16A(1) and insert:
- (1) If the ownership of a dog, other than a dangerous dog, is transferred to another person, the registered owner must, within 28 days after the transfer, notify the local government with which the dog is registered, in a manner and form approved by the CEO, of —
- (a) the name and residential address of the new owner; and
 - (b) if the new owner has been issued with a dog owner number, that number.

Penalty for this subsection: a fine of \$5 000.

- (2) In section 16A(3) delete “a register” and insert:

the centralised registration system

19. Section 17A amended

- (1) In section 17A(1) in the definition of *dog* paragraph (a) delete “section 9” and insert:

section 9(1)

- (2) After section 17A(2)(d) insert:

(da) the dog is required under this Act to be
sterilised but is not sterilised; or

20. Section 20 amended

- (1) Delete section 20(1)(b).
(2) In section 20(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (3) Delete section 20(2).

21. Section 25 amended

In section 25 after “section 24” insert:

that has been given to it

22. Section 26D replaced

Delete section 26D and insert:

26D. Notice of change to recorded information

If there is a change to any of the information prescribed under section 14(2)(a) or 24 in respect of a dog, the owner of the dog must, within 7 days after the day on which the owner becomes aware of the change, give notice in writing of the change —

- (a) to the local government with which the dog is registered, if the change is to the information prescribed under section 14(2)(a); and
- (b) to the microchip database company for the dog, if the change is to the information prescribed under section 24.

Penalty: a fine of \$5 000.

23. Part IV inserted

After section 26D insert:

Part IV — Sterilisation and breeding of dogs

Division 1 — Requirement for sterilisation

26E. Dogs must be sterilised unless exempt

- (1) The owner of a dog that has reached the prescribed age must ensure that the dog is sterilised, unless the dog is exempt from sterilisation under subsection (3).

Penalty for this subsection: a fine of \$5 000.

- (2) Where the ownership of a dog that is not sterilised is transferred to another person, subsection (1) does not apply to the new owner before the end of the prescribed period after the day on which the ownership is transferred.
- (3) A dog is exempt from sterilisation if any of the following applies —
- (a) the dog was registered under this Act or the law of another State or a Territory so that its registration was in effect at the time immediately before the *Dog Amendment (Stop Puppy Farming) Act 2021* section 23 came into operation;
 - (b) a certificate given by a veterinarian stating that sterilising the dog may adversely affect the health and welfare of the dog applies in respect of the dog;
 - (c) the dog is owned by a person who holds an approval to breed;
 - (d) the dog is a greyhound that is registered under the *Racing and Wagering Western Australia Act 2003* section 41 and the registration is in effect;
 - (e) the dog is primarily kept to be used in the droving or tending of stock;
 - (f) the dog is sterile;
 - (g) the dog belongs to a class of dogs prescribed for the purposes of this subsection.
- (4) A certificate referred to in subsection (3)(b) must state —
- (a) the period for which the certificate applies in respect of the dog; or

(b) that the certificate applies indefinitely.

- (5) This section does not apply to a dangerous dog (restricted breed).

26F. Unsterilised dog must not be identified as sterilised

- (1) Regulations under section 54 may deal with any matter in relation to the identification of a dog as sterilised, including prescribing manners in which dogs may or must be identified as sterilised.
- (2) If a dog is not sterilised, a person must not —
- (a) identify, using a prescribed manner, the dog as sterilised; or
 - (b) give a certificate of sterilisation in relation to the dog.

Penalty for this subsection: a fine of \$5 000.

26G. Certificate of sterilisation to be given

A veterinarian who sterilises a dog must give a certificate of sterilisation to the owner of the dog.

Penalty: a fine of \$5 000.

26H. Information that must be included in advertising material for dog and given to new owner

- (1) A person who offers a dog as being for sale or otherwise available for transfer of ownership must include the following information in the offer or in any advertising material in respect of the dog —
- (a) if the owner of the dog has been issued with a dog owner number — that number;
 - (b) any information prescribed for the purposes of this subsection.

Penalty for this subsection: a fine of \$5 000.

- (2) A person (the *transferor*) must not transfer the ownership of a dog to another person (the *transferee*) unless the transferor has provided the transferee with —
- (a) the information referred to in subsection (1); and
 - (b) any information prescribed for the purposes of this subsection.

Penalty for this subsection: a fine of \$5 000.

- (3) Subsections (1) and (2) do not apply to a greyhound that is registered under the *Racing and Wagering Western Australia Act 2003* section 41 while the registration is in effect.

Division 2 — Breeding of dogs

26I. Application for approval to breed

- (1) The owner of a dog that is ordinarily kept in the district of a local government may apply to the local government for the grant of an approval to breed dogs (an *approval to breed*).
- (2) An application for the grant of an approval to breed must be made in accordance with Part X Division 2.

26J. Approval to breed

- (1) On receiving an application for the grant of an approval to breed, a local government is to grant or refuse to grant the approval.
- (2) The local government may refuse to grant an approval to breed only if the local government is satisfied that at least one of the following applies —
 - (a) the applicant is an individual under 18 years of age;

- (b) the applicant is a convicted person;
 - (c) the applicant does not have access to any, or to sufficient, facilities to breed dogs in accordance with the requirements of any relevant written law;
 - (d) the applicant is not a fit and proper person to breed dogs;
 - (e) a circumstance prescribed for the purposes of this subsection.
- (3) An approval to breed is subject to any conditions the local government —
- (a) considers necessary or desirable to impose; and
 - (b) specifies in the approval.
- (4) The local government may, at any time by written notice to the holder of the approval to breed, amend or revoke the conditions, or impose new conditions, on the approval.
- (5) An approval to breed remains in force unless and until it is cancelled in accordance with section 26K.

26K. Cancellation of approval to breed

A local government may cancel an approval to breed that the local government granted to a person only if the person requests that the local government cancel the approval or the local government is satisfied that —

- (a) any of the things set out in section 26J(2) applies in relation to the person; or
- (b) the person has not complied with a condition imposed on the approval; or
- (c) the person no longer keeps any dogs in the district of the local government; or

- (d) the person has not complied with a requirement under this Act or the *Animal Welfare Act 2002*;
or
- (e) a circumstance prescribed for the purposes of this section applies.

24. Sections 26L and 26M inserted

At the end of Part IV Division 2 insert:

26L. Only holder of approval may breed dogs

- (1) If the owner of a dog does not hold an approval to breed granted by the local government in whose district the dog is ordinarily kept, the owner of the dog must ensure that the dog does not give birth.
Penalty for this subsection: a fine of \$5 000.
- (2) It is a defence to a charge under subsection (1) to prove that —
 - (a) after the dog gives birth, an approval to breed is granted to the owner by the local government in whose district the dog is ordinarily kept; and
 - (b) the application for the grant of the approval was made before the day on which the dog gives birth or within 7 days after that day.
- (3) It is a defence to a charge under subsection (1) to prove that the dog —
 - (a) is a greyhound that is registered under the *Racing and Wagering Western Australia Act 2003* section 41 and the registration is in effect at the time of the birth; or

- (b) belongs to a class of dogs prescribed for the purposes of this subsection.
- (4) It is a defence to a charge under subsection (1) to prove that, at the time the dog was impregnated, the owner honestly and reasonably believed the dog was sterilised or otherwise sterile.

26M. Court may order sterilisation

- (1) If a person is convicted of an offence under section 26L(1), the court may, in addition to any penalty imposed under that section, order that the person ensure that any, or all, dogs owned by the person, as specified in the order, are sterilised within the time ordered by the court.
- (2) A court that makes an order under subsection (1) is to ensure that a copy of the order is provided to the local government of the district in which the person subject to the order lives.
- (3) An order under subsection (1) may be enforced as if it were a judgment of the court.

25. Section 27 amended

- (1) In section 27(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (2) In section 27(4) delete “the prescribed manner and form,” and insert:

a manner and form approved by the local government,

26. Section 29 amended

- (1) After section 29(3)(ca) insert:
- (caa) a dog is required under this Act to be sterilised but is not sterilised; or
- (2) After section 29(3) insert:
- (4AA) In relation to subsection (3)(caa), an authorised person may enter any premises and seize and detain the dog under subsection (3) if —
- (a) the entry is under a warrant issued under subsection (5C); or
- (b) an occupier of the premises who has reached 18 years of age consents to the entry.
- (3) In section 29(4) delete “fees” and insert:
- fees, costs
- (4) After section 29(5b) insert:
- (5C) If a justice of the peace is satisfied that there are reasonable grounds to believe that a dog is required under this Act to be sterilised but is not sterilised, the justice of the peace may issue a warrant authorising any authorised person to enter any premises and seize and detain the dog under subsection (3).

- (5) In section 29(8) delete “section 33G,” and insert:

sections 30A and 33G,

27. Section 30A amended

- (1) In section 30A(1) delete the passage that begins with “if the operator” and continues to the end of the subsection and insert:

if the operator believes on reasonable grounds that the dog is not microchipped and is required under section 21 or 22 to be microchipped.

- (2) Delete section 30A(2) and insert:

- (1A) The operator of a dog management facility may cause a dog kept at the facility to be sterilised before the dog is reclaimed or otherwise transferred from the facility if —

(a) the owner of the dog consents to the sterilisation; or

(b) the operator —

(i) believes on reasonable grounds that the dog is not sterilised; and

(ii) if required to give notice under subsection (1B) — has given the notice and the period specified in the notice has passed; and

(iii) believes on reasonable grounds that the dog is required under this Act to be sterilised.

- (1B) If the operator of a dog management facility proposes to cause a dog kept at the facility to be sterilised, the operator must, if the operator knows the identity of the owner of the dog, give notice in writing to the owner —
- (a) stating that the operator proposes to cause the dog to be sterilised; and
 - (b) inviting the owner, within the period specified in the notice (which must not be less than 7 days from the day the notice is given), to make submissions to the operator as to why the dog is not required under this Act to be sterilised.
- (2) The owner of a dog kept at a dog management facility is liable to pay to the operator of the facility the reasonable costs associated with any of the following —
- (a) the implantation of a microchip in the dog under subsection (1);
 - (b) the sterilisation of the dog under subsection (1A).

Note: The heading to amended section 30A is to read:

**Operator of dog management facility may have dog microchipped
or sterilised at owner's expense**

28. Section 30 amended

- (1) In section 30(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

Dog Amendment (Stop Puppy Farming) Act 2021

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 29

- (2) In section 30(3) delete “subsection (1)(a)” and insert:

subsection (1)

29. Section 33A amended

- (1) In section 33A(2)(a) delete “a pet shop or”.
- (2) In section 33A(3) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

30. Section 33K amended

- (1) In section 33K(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (2) In section 33K(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (3) In section 33K(3) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (4) In section 33K(4) delete “transferred —” and insert:

transferred, in addition to the information referred to in section 26H(2) —

- (5) In section 33K(4) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (6) In section 33K(5A) after “transferred,” insert:

in addition to the information referred to in section 26H(2),

- (7) In section 33K(5A) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (8) In section 33K(5) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

31. Section 34 amended

In section 34(4) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

32. Part VIA inserted

After section 38 insert:

Part VIA — Pet shops and supply of dogs to relevant pet shop businesses

Division 1 — Preliminary

38A. Supply of dogs to relevant pet shop businesses

For the purposes of this Part, a person supplies a dog to a relevant pet shop business if —

- (a) the person supplies the dog to the person who conducts the relevant pet shop business, or a person acting on their behalf; and
- (b) the person who conducts the relevant pet shop business, or the person acting on their behalf, is acting for the purposes of the business.

Division 2 — Approval of pet shop for relevant pet shop business

38B. Pet shop for relevant pet shop business must be approved

A person must not conduct a relevant pet shop business unless the person holds a pet shop approval for the pet shop granted by the local government in whose district the pet shop is located.

Penalty: a fine of \$10 000.

38C. Application for pet shop approval

- (1) A person who intends to conduct, or who conducts, a relevant pet shop business may apply to the local government in whose district the pet shop is located for —
 - (a) the grant of an approval for the pet shop (a *pet shop approval*); or
 - (b) the renewal of the pet shop approval for the pet shop.
- (2) An application for the grant or renewal of a pet shop approval must be made in accordance with Part X Division 2.

38D. Pet shop approval

- (1) On receiving an application for the grant or renewal of a pet shop approval, a local government is to —
 - (a) grant or refuse to grant the pet shop approval;
or
 - (b) renew or refuse to renew the pet shop approval.
- (2) The local government may refuse to grant or renew a pet shop approval only if the local government is satisfied that at least one of the following applies —
 - (a) the applicant is a convicted person;
 - (b) in the case of a renewal — a circumstance in section 38E(c), (d), (e) or (f);
 - (c) the facilities that the applicant proposes to use, or uses, to keep dogs for the purposes of the relevant pet shop business do not meet the requirements of any relevant written law;
 - (d) a circumstance prescribed for the purposes of this subsection.

- (3) The approval is subject to any conditions the local government —
 - (a) considers necessary or desirable to impose; and
 - (b) specifies in the approval.
- (4) The local government may, at any time by written notice to the holder of the approval, amend or revoke the conditions, or impose new conditions, on the approval.
- (5) A pet shop approval has effect for the period of 1 year beginning on the day on which the approval is granted or, in the case of a renewal, the day on which the approval is renewed, unless it is cancelled earlier in accordance with section 38E.

38E. Cancellation of pet shop approval

A local government may cancel a pet shop approval that the local government granted to a person only if the person requests that the local government cancel the approval or the local government is satisfied that —

- (a) any of the things set out in section 38D(2)(a), (c) or (d) applies in relation to the person; or
- (b) the person does not need the approval; or
- (c) the person has not complied with a condition imposed on the approval; or
- (d) the person has not complied with a requirement under this Act or the *Animal Welfare Act 2002*; or
- (e) there has been a contravention of this Act or the *Animal Welfare Act 2002* in relation to the relevant pet shop business conducted by the person or the pet shop to which the approval relates; or

- (f) a circumstance prescribed for the purposes of this section applies.

38F. Continuation of pet shop approval until application for renewal decided

- (1) This section applies if —
- (a) a person who holds a pet shop approval applies, before the expiry of the approval, for the renewal of the approval; and
 - (b) the local government has not renewed the approval or given notice to the person of its decision to refuse to renew the approval.
- (2) The pet shop approval continues to have effect, despite the date of its expiry passing, until the local government renews the approval or has given notice to the person of its decision to refuse to renew the approval.

Division 3 — Obligations of person conducting relevant pet shop business

38G. Relevant pet shop business only to supply dogs obtained from holder of dog supply approval

A person who conducts a relevant pet shop business must ensure that a dog is not supplied or offered for supply in the course of the relevant pet shop business unless the dog was supplied to the relevant pet shop business by the holder of a dog supply approval.

Penalty: a fine of \$10 000.

38H. Pet shop to display certificate of registration

A person who conducts a relevant pet shop business must ensure that the pet shop certificate for the pet shop is displayed publicly at the pet shop.

Penalty: a fine of \$5 000.

38I. Person conducting relevant pet shop business to provide certain information

A person who conducts a relevant pet shop business must ensure that —

- (a) any person who is supplied with a dog in the course of the relevant pet shop business is provided, before the dog is supplied, with —
 - (i) the prescribed information about the person who supplied the dog to the relevant pet shop business; and
 - (ii) the pet shop number for the pet shop;and
- (b) any person to whom the supply of a dog is offered in the course of the relevant pet shop business is, if the person requests, provided with —
 - (i) the prescribed information about the person who supplied the dog to the relevant pet shop business; and
 - (ii) the pet shop number for the pet shop.

Penalty: a fine of \$5 000.

38J. Person conducting relevant pet shop business to provide copy of health certificate

A person who conducts a relevant pet shop business must ensure that —

- (a) any person who is supplied with a dog in the course of the relevant pet shop business is provided, before the dog is supplied, with a copy of the health certificate for the dog; and
- (b) any person to whom the supply of a dog is offered in the course of the relevant pet shop business is, if the person requests, provided with a copy of the health certificate for the dog.

Penalty: a fine of \$5 000.

38K. Person conducting relevant pet shop business to keep records relating to source of dogs

- (1) In this section —

relevant dog, in relation to a person who conducts a relevant pet shop business, means each of the following —

- (a) a dog kept for the purposes of the relevant pet shop business;
- (b) a dog that is supplied or offered for supply in the course of the relevant pet shop business.

- (2) A person who conducts a relevant pet shop business must keep, in relation to each relevant dog, a record that —

- (a) contains the prescribed information about the dog, including information about the person who supplied the dog to the relevant pet shop business; and
- (b) includes any evidence necessary to enable the information in the record to be verified.

- (3) The person must keep the record, even if the person ceases to conduct the relevant pet shop business —
- (a) in the prescribed way, if any; and
 - (b) until —
 - (i) in relation to a dog kept for the purposes of the relevant pet shop business — the end of the period of 5 years after the day on which the relevant dog ceased being kept for the purposes of the relevant pet shop business; and
 - (ii) in relation to a dog that is supplied or offered for supply in the course of the relevant pet shop business — the end of the period of 5 years after the day on which the dog is supplied or first offered for supply.
- (4) If the regulations prescribe a time within which a record referred to in subsection (2) must be made, the record must be made within that time.
- (5) A person who fails to comply with this section commits an offence.

Penalty for this subsection: a fine of \$10 000.

38L. Person conducting relevant pet shop business to provide information to local government

- (1) A local government may request a person who conducts or has conducted a relevant pet shop business, the pet shop for which is or was located in the local government's district, to provide the local government with any record, information or evidence the person is required to keep under section 38K.

- (2) The local government may take extracts from, or make copies of, any record, information or evidence provided.
- (3) A request made under subsection (1) must specify the time within which the record, information or evidence must be provided to the local government.
- (4) A person must comply with a request made of the person under subsection (1) within the time specified in the request (or, if another time is agreed between the local government and the person, within that time).
Penalty for this subsection: a fine of \$10 000.

38M. Self-incrimination

- (1) A person is not excused from complying with a request under section 38L to provide a record, information or evidence on the ground that the record, information or evidence might incriminate the person or make the person liable to a penalty.
- (2) However, any record, information or evidence provided by an individual in compliance with a request made of the individual under section 38L is not admissible in evidence against the individual in any proceedings for an offence other than proceedings for an offence against this Act or for perjury.

Division 4 — Dog supply approval

38N. Only holder of dog supply approval may supply dogs to relevant pet shop businesses

- (1) A person (the *supplier*) must not supply a dog to a relevant pet shop business unless —
- (a) the dog is a stray, abandoned, seized or surrendered dog that is being kept —
 - (i) as part of refuge operations conducted by the supplier; or
 - (ii) in a dog management facility operated by the supplier;
- and
- (b) the supplier holds a dog supply approval.

Penalty for this subsection: a fine of \$10 000.

- (2) A person (the *supplier*) must not supply a dog to a relevant pet shop business unless the supplier has —
- (a) obtained, in respect of the dog, a certificate issued by a veterinarian that declares that the veterinarian has completed a health assessment of the dog and that outlines the prescribed information in relation to the health status of the dog (a *health certificate*); and
 - (b) provided the person who conducts the relevant pet shop business, or the person acting on their behalf, with a copy of the health certificate.

Penalty for this subsection: a fine of \$5 000.

380. Person conducting refuge operations or operating dog management facility may apply for dog supply approval

- (1) A person who conducts refuge operations or is the operator of a dog management facility may apply to the CEO for the grant of an approval to supply to relevant pet shop businesses dogs kept as part of the refuge operations or in the dog management facility (a *dog supply approval*).
- (2) An application for the grant of an approval must —
 - (a) be made in a manner and form approved by the CEO; and
 - (b) contain the information prescribed; and
 - (c) without limiting paragraph (b), contain information regarding the intended sources of dogs to be supplied; and
 - (d) be accompanied by the fee, if any, prescribed; and
 - (e) comply with any other requirements that are prescribed.
- (3) The CEO may require the applicant to give the CEO, within a specified time, any document or information that the CEO requires to determine the application and may require the applicant to verify the information by statutory declaration.
- (4) The CEO may refuse to consider an application if the applicant does not comply with a requirement under subsection (3) within the specified time.

38P. Dog supply approval

- (1) On receiving an application for the grant of a dog supply approval, the CEO is to grant or refuse to grant the dog supply approval.
- (2) The CEO may refuse to grant a dog supply approval only if the CEO is satisfied that at least one of the following applies —
 - (a) the applicant is a convicted person;
 - (b) in the case of an applicant who purports to conduct refuge operations — there are reasonable grounds to suspect that the applicant is not conducting genuine refuge operations;
 - (c) the dog management facility does not, or the facilities that the applicant uses to keep dogs for the purposes of the refuge operations do not, meet the requirements of any relevant written law;
 - (d) a local government objects to the grant of the approval;
 - (e) a circumstance prescribed for the purposes of this subsection.
- (3) The approval is subject to any conditions the CEO —
 - (a) considers necessary or desirable to impose; and
 - (b) specifies in the approval.
- (4) The CEO may, at any time by written notice to the holder of the approval, amend or revoke the conditions, or impose new conditions, on the approval.
- (5) A dog supply approval remains in force unless and until it is cancelled in accordance with section 38Q.

38Q. Cancellation of dog supply approval

The CEO may cancel a dog supply approval granted to a person only if the person requests that the CEO cancel the approval or the CEO is satisfied that —

- (a) any of the things set out in section 38P(2) applies in relation to the person; or
- (b) the person does not need the approval; or
- (c) the person has not complied with a condition imposed on the approval; or
- (d) the person has supplied to a relevant pet shop business a dog which the CEO suspects, on reasonable grounds, is not a stray, abandoned, seized or surrendered dog; or
- (e) the person has not complied with a requirement under this Act or the *Animal Welfare Act 2002*; or
- (f) there has been a contravention of this Act or the *Animal Welfare Act 2002* in relation to the refuge operations or dog management facility to which the approval relates; or
- (g) a circumstance prescribed for the purposes of this section applies.

38R. Notice of certain decisions made under this Division

- (1) This section applies to each of the following —
 - (a) a decision to refuse to grant a dog supply approval;
 - (b) a decision to cancel a dog supply approval (other than a decision to cancel the approval at the request of the person who held the approval);

- (c) a decision to impose or amend conditions on a dog supply approval.
- (2) Within 7 days after the day on which the CEO makes a decision referred to in subsection (1), the CEO is to give to the applicant for, or holder of, the approval to which the decision relates written notice of the decision and the reasons for the decision.
- (3) The regulations may provide for the review by the State Administrative Tribunal of a decision of the CEO referred to in subsection (1) and may provide for the effect of a decision to be suspended while a right of review exists or a review is underway.

38S. Record of dog supply approval

- (1) As soon as practicable after the CEO makes a decision to grant or refuse to grant a dog supply approval, the CEO is to enter the decision and the prescribed information in the centralised registration system.
- (2) The CEO is to ensure that the information recorded under subsection (1) is updated to reflect —
 - (a) any change to the information notified under section 38T; and
 - (b) any imposition or amendment of conditions on the dog supply approval; and
 - (c) any cancellation of the dog supply approval; and
 - (d) the outcome of any review provided for under section 38R(3).

38T. Notice of change to information

The holder of a dog supply approval must, within 7 days after the day on which the holder becomes aware of a change to any of the information prescribed under section 38S(1) in respect of the dog supply approval, give notice in writing of the change to the CEO.

Penalty: a fine of \$5 000.

38U. Certificate and unique number to be given to holder of dog supply approval

- (1) If the CEO grants a dog supply approval to a person, the CEO must —
 - (a) give the person a certificate containing the prescribed information; and
 - (b) issue the person with a unique number for the dog supply approval.
- (2) The CEO may give a person who holds a dog supply approval a new certificate if the CEO is satisfied that the person's certificate has been stolen, lost, damaged or destroyed.

Division 5 — Obligations of holder of dog supply approval

38V. Holder of dog supply approval to keep records

- (1) A person who holds a dog supply approval must keep, in relation to each dog supplied by the person to a relevant pet shop business, a record that —
 - (a) contains the prescribed information in relation to the source and history of the dog; and
 - (b) includes any evidence necessary to enable the information in the record to be verified.

- (2) The person must keep the record, even if the person ceases to hold the dog supply approval —
 - (a) in the prescribed way, if any; and
 - (b) for 5 years after the day on which the dog was supplied by the person.
- (3) If the regulations prescribe a time within which a record referred to in subsection (1) must be made, the record must be made within that time.
- (4) A person who fails to comply with this section commits an offence.
Penalty for this subsection: a fine of \$5 000.

38W. Holder of dog supply approval to provide information to CEO

- (1) The CEO may request a person who holds or has held a dog supply approval to provide the CEO with any of the following —
 - (a) any record, information or evidence the person is required to keep under section 38V;
 - (b) any other information, evidence or document that the CEO requires to determine if the dog supply approval should remain in force.
- (2) The CEO may take extracts from, or make copies of, any record, information, evidence or document provided.
- (3) A request made under subsection (1) must specify the time within which the record, information, evidence or document must be provided to the CEO.
- (4) A person must comply with a request made of the person under subsection (1) within the time specified in

the request (or, if another time is agreed between the CEO and the person, within that time).

Penalty for this subsection: a fine of \$5 000.

38X. Holder of dog supply approval to provide information to local government

- (1) In this section, a relevant pet shop business is an *applicable pet shop business* in relation to a local government if the pet shop is located in the local government's district.
- (2) A local government may request a person who holds or has held, or purports to hold or have held, a dog supply approval, and who supplies or has supplied dogs to an applicable pet shop business, to provide the local government with any of the following —
 - (a) evidence that the person holds or has held the dog supply approval;
 - (b) a copy of the health certificate of any dog supplied by the person to an applicable pet shop business in the previous 5 years or, if a shorter period, the period since the person was granted the dog supply approval.
- (3) The local government may take extracts from, or make copies of, any evidence or copy provided.
- (4) A request made under subsection (2) must specify the time within which the evidence or copy must be provided to the local government.
- (5) A person must comply with a request made of the person under subsection (2) within the time specified in the request (or, if another time is agreed between the local government and the person, within that time).

Penalty for this subsection: a fine of \$5 000.

38Y. Self-incrimination

- (1) A person is not excused from complying with a request under this Division to provide information, evidence, a record or a document on the ground that the information, evidence, record or document might incriminate the person or make the person liable to a penalty.
- (2) However, any information, evidence, record or document provided by an individual in compliance with a request made of the individual under this Division is not admissible in evidence against the individual in any proceedings for an offence other than —
 - (a) if it is provided in compliance with a request under section 38W(1)(a) — proceedings for an offence against this Act or for perjury; or
 - (b) in any other case — proceedings for perjury or an offence against section 43AA.

33. Section 43AA inserted

After section 43 insert:

43AA. False or misleading information

- (1) A person must not do anything set out in subsection (2) —
 - (a) in, or in connection with, an application for an approval under this Act; or
 - (b) in, or in connection with, a notice or document given under this Act; or
 - (c) in dealing with a person who is performing a function under this Act; or

- (d) in compliance, or purported compliance, with a requirement under this Act.

Penalty for this subsection: a fine of \$5 000.

- (2) The things to which subsection (1) applies are making a statement or giving information that —
 - (a) the person knows is false or misleading in a material particular; or
 - (b) omits anything without which the statement or information is, to the person’s knowledge, misleading in a material particular.

34. Section 43A amended

- (1) At the beginning of section 43A insert:
 - (1) In this section —
relevant person means an authorised person or a designated person.
- (2) In section 43A delete the passage that begins with “A person who” and ends with “residence.” and insert:
 - (2) A person who is alleged by a relevant person to be concerned in the commission of an offence against this Act must give to that relevant person on demand their full name, date of birth and residential address.
- (3) In section 43A in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

35. Section 43B inserted

After section 43A insert:

43B. General powers of relevant persons

(1) In this section —

authorised purpose means the purpose of investigating whether, or collecting evidence that —

- (a) an offence is being, or has been, committed against this Act; or
- (b) grounds exist for the cancellation of an approval to breed, a pet shop approval or a dog supply approval;

relevant person means an authorised person or a designated person.

(2) A relevant person may, in any premises lawfully entered, do any one or more of the following as is reasonably required for an authorised purpose —

- (a) examine, seize, copy or take extracts from a document;
- (b) take photographs, films and audio, video or other recordings;
- (c) direct a person to answer questions;
- (d) examine, including by scanning, a dog;
- (e) take any other action that the relevant person believes, on reasonable grounds, is necessary.

36. Section 44 amended

(1) After section 44(2)(b) insert:

(ba) by the CEO or a designated person; or

(2) In section 44(3) delete the passage that begins with “government no” and ends with “authorised shall be” and insert:

government, the CEO or a designated person, no proof is required that the person is authorised to take the proceedings (or, in the case of an employee of a local government, of the appointment of that employee as an employee of the local government), but the averment on the process that the person is authorised to take the proceedings is

37. Section 45 amended

In section 45(1):

(a) in paragraph (a)(xii) and (xiii) delete “3 months of” and insert:

a certain

(b) in paragraph (b) delete “the age of 3 months” and insert:

a certain age

38. Section 45A amended

In section 45A(4) delete “the local government by whom that person was notified of the commission of the offence that the modified penalty has been paid to that local government shall be” and insert:

the local government or designated person by whom that person was notified of the commission of the offence that the modified penalty has been paid to that local government or designated person is

39. Part X heading replaced

Delete the heading to Part X and insert:

Part X — Miscellaneous

40. Part X Division 1 heading inserted

At the beginning of Part X insert:

Division 1 — Regulations

41. Section 54 amended

After section 54(2B) insert:

- (2C) Without limiting subsection (1), regulations may —
- (a) require or permit any notice, information or document required or authorised to be given

under this Act to be given in a certain way or ways, including —

- (i) by using the centralised registration system; or
 - (ii) by any other means by which the notice, information or document can be accessed electronically;
- and
- (b) make provision for or in relation to the time at which the notice, information or document is taken to have been given.

42. Part X Division 2 inserted

At the end of Part X insert:

Division 2 — Local government approvals

Subdivision 1 — Applications for approval

54A. Applications

- (1) An application for the grant of an approval to breed, or for the grant or renewal of a pet shop approval, must —
 - (a) be made in a manner and form approved by the CEO; and
 - (b) contain the information prescribed; and
 - (c) be accompanied by the fee, if any, prescribed; and
 - (d) comply with any other requirements that are prescribed.
- (2) A local government that receives an application may require the applicant to give the local government,

within a specified time, any document or information that the local government requires to determine the application and may require the applicant to verify the information by statutory declaration.

- (3) The local government may refuse to consider an application if the applicant does not comply with a requirement under subsection (2) within the specified time.

54B. Record of approval

- (1) As soon as practicable after a local government makes a decision to grant or refuse to grant an approval to breed or a pet shop approval, or to renew or refuse to renew a pet shop approval, the local government is to enter the decision and the prescribed information in the centralised registration system.
- (2) A local government is to ensure that the information recorded under subsection (1) is updated to reflect —
 - (a) any change to the information notified under section 54C; and
 - (b) any imposition or amendment of conditions on the approval to breed or pet shop approval; and
 - (c) any expiry or cancellation of the approval to breed or pet shop approval; and
 - (d) the outcome of any objection or review under section 54G or 54H.

54C. Notice of change to information

The holder of an approval to breed or a pet shop approval must, within 7 days after the day on which the holder becomes aware of a change to any of the information prescribed under section 54B(1) in respect

of the approval, give notice in writing of the change to the local government that granted the approval.

Penalty: a fine of \$5 000.

54D. Certificate and unique number to be given to holder of approval

- (1) If a local government grants an approval to breed or a pet shop approval to a person, the local government must —
 - (a) give the person a certificate containing the prescribed information; and
 - (b) in the case of a pet shop approval — issue the person with a unique number for the pet shop to which the approval relates (a *pet shop number*).
- (2) If a local government renews a pet shop approval held by a person, the local government must give the person a certificate containing the prescribed information.
- (3) A local government may give a person who holds an approval to breed or a pet shop approval granted by the local government a new certificate if the local government is satisfied that the person's certificate has been stolen, lost, damaged or destroyed.

Subdivision 2 — Objection and review process

54E. Notice of certain decisions made by local government

- (1) This section applies to each of the following —
 - (a) a decision to refuse to grant an approval to breed;
 - (b) a decision to refuse to grant or renew a pet shop approval;

- (c) a decision to cancel an approval to breed or a pet shop approval (other than a decision to cancel the approval at the request of the person who held the approval);
 - (d) a decision to impose or amend conditions on an approval to breed or a pet shop approval.
- (2) Within 7 days after the day on which a local government makes a decision referred to in subsection (1), the local government is to give to the applicant for, or holder of, the approval to which the decision relates written notice of —
- (a) the decision; and
 - (b) the reasons for the decision; and
 - (c) the person's rights under sections 54F and 54H either —
 - (i) to lodge a written objection against the decision with the local government, with a subsequent right to apply to the State Administrative Tribunal for a review of the decision made by the local government on the objection; or
 - (ii) to apply directly to the State Administrative Tribunal for a review of the decision.

54F. Objection may be lodged

- (1) A person who has been given notice under section 54E of a decision by a local government may, within 28 days after the day on which the person was given the notice, object in writing to the decision.
- (2) The objection is made by preparing it in a form approved by the CEO and containing the information

prescribed, and lodging it with the local government in a manner approved by the local government.

- (3) Subsection (1) does not apply if the person has applied for a review of the decision under section 54H.

54G. Dealing with objection

- (1) The objection is to be dealt with by the council of the local government or by a committee authorised by the council to deal with the objection.
- (2) A committee cannot deal with an objection against a decision that the committee made or a decision that the council made.
- (3) The person who made the objection is to be given a reasonable opportunity to make submissions on how to dispose of the objection.
- (4) The objection may be disposed of by —
- (a) dismissing the objection; or
 - (b) varying the decision objected to; or
 - (c) revoking the decision objected to, with or without substituting for it another decision.
- (5) The local government is to ensure that the person who made the objection is given notice in writing of how it has been decided to dispose of the objection and the reasons for disposing of it in that way.

54H. Review of decisions

- (1) A person who has been given notice under section 54E of a decision by a local government may apply to the State Administrative Tribunal for a review of the decision if the person —
- (a) has not lodged an objection to the decision under section 54F; or

- (b) has lodged an objection but, at the expiration of 35 days after the day on which the objection was lodged, has not been given notice in writing of how it has been decided to dispose of the objection.
- (2) An application under subsection (1) must be made —
 - (a) if subsection (1)(a) applies — within 42 days after the day on which the person is given the notice under section 54E; or
 - (b) if subsection (1)(b) applies — more than 35 days, but within 77 days, after the day on which the person lodged the objection.
- (3) If the person lodged an objection and has been given notice in writing of how it has been decided to dispose of the objection, the person may apply to the State Administrative Tribunal, within 42 days after the day on which the person was given the notice, for a review of the decision on the objection.

54I. Suspension of effect of some decisions

- (1) This section applies if —
 - (a) a decision has been made to —
 - (i) cancel an approval to breed or a pet shop approval (other than at the request of the person who held the approval); or
 - (ii) not renew a pet shop approval;
 - or
 - (b) a decision has been made under section 54G to dispose of an objection in a way that results in —
 - (i) an approval to breed or a pet shop approval being cancelled; or

- (ii) a pet shop approval not being renewed.
- (2) The effect of the decision is suspended, and the approval is taken to continue to have effect, until —
 - (a) if an application is made to the State Administrative Tribunal under section 54H for a review of the decision — the State Administrative Tribunal determines the application; or
 - (b) in any other case — there is no longer any right to lodge an objection under section 54F or apply to the State Administrative Tribunal under section 54H in relation to the decision.
- (3) Subsection (2) does not apply if the State Administrative Tribunal orders that the effect of the decision should not be suspended.

43. Part XA inserted

Before Part XI insert:

Part XA — Review

54J. Review of amendments made by *Dog Amendment (Stop Puppy Farming) Act 2021*

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Dog Amendment (Stop Puppy Farming) Act 2021*, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which the *Dog Amendment (Stop Puppy Farming) Act 2021* section 23 comes into operation.

- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

44. Part XI Division 3 inserted

After Part XI Division 2 insert:

Division 3 — Transitional provisions for the *Dog Amendment (Stop Puppy Farming) Act 2021*

62. Transitional provision for centralised registration system

- (1) In this section —
centralised registration system means the electronic database or system the CEO will be required to establish and maintain when the *Dog Amendment (Stop Puppy Farming) Act 2021* section 14 comes into operation;
commencement day means the day on which the *Dog Amendment (Stop Puppy Farming) Act 2021* section 14 comes into operation.
- (2) The CEO may establish and maintain the centralised registration system before the commencement day and may —
 - (a) permit a local government to record in the centralised registration system any information that the local government is required under this Act to record in a register maintained by it; and

- (b) cause or permit information to be transferred from a register maintained by a local government to the centralised registration system.
- (3) If a local government records information in the centralised registration system under subsection (2)(a), or information from a register maintained by the local government is transferred to the centralised registration system under subsection (2)(b), before the commencement day the information is taken, for the purposes of this Act, to be information recorded by the local government on a register maintained by the local government.

45. Sections 63 to 65 inserted

After section 62 insert:

63. Registered unsterilised dogs

- (1) In this section —
commencement day means the day on which the *Dog Amendment (Stop Puppy Farming) Act 2021* section 16 comes into operation.
- (2) If the registration of a dog that is not sterilised is, at the time immediately before the commencement day, in effect under this Act, section 15, as it is immediately before the commencement day, continues to apply to the registration (until the registration ceases to have effect in accordance with that section) as if the *Dog Amendment (Stop Puppy Farming) Act 2021* section 16 had not been enacted.

64. Application for registration

An application for registration delivered under section 16(1) but not finally dealt with under section 16(2) before the day on which the *Dog Amendment (Stop Puppy Farming) Act 2021* section 17 comes into operation is, on and from that day, to be dealt with as if the *Dog Amendment (Stop Puppy Farming) Act 2021* section 17(5) had not been enacted.

65. Transition period for relevant pet shop businesses

(1) In this section —

application day means the prescribed date;

commencement day means the day on which the *Dog Amendment (Stop Puppy Farming) Act 2021* section 32 comes into operation;

pre-existing dog, in relation to a relevant pet shop business, means a dog that is supplied to the relevant pet shop business (within the meaning of section 38A) before the application day.

(2) If, immediately before the commencement day, a person conducts a relevant pet shop business —

(a) sections 38B, 38G, 38H, 38I, 38J, 38K and 38L do not apply to the person in relation to the relevant pet shop business and the pet shop before the application day; and

(b) sections 38G, 38I, 38J, 38K and 38L do not apply to the person in relation to a pre-existing dog.

(3) Section 38N does not apply to a person before the application day.

**Division 4 — Amendments to provisions inserted by section 23
consequential on *TAB (Disposal) Act 2019* section 120**

46. Section 26E amended

In section 26E(3)(d) delete “*and Wagering*”.

47. Section 26H amended

In section 26H(3) delete “*and Wagering*”.

**Division 5 — Amendment to provision inserted by section 24
consequential on *TAB (Disposal) Act 2019* section 120**

48. Section 26L amended

In section 26L(3)(a) delete “*and Wagering*”.

Part 3 — *Cat Act 2011* amended

49. Act amended

This Part amends the *Cat Act 2011*.

50. Section 3 amended

- (1) In section 3(1) delete the definition of *register*.
- (2) In section 3(1) insert in alphabetical order:

centralised registration system has the meaning given in section 41A(1);

Department CEO means the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of this Act;

- (3) In section 3(1) in the definition of *sterilised* delete “infertile by a surgical procedure;” and insert:

infertile;

- (4) In section 3(1) in the definition of *transfer* paragraph (a) delete “for, transfer ownership of and offer for sale; and” and insert:

for and transfer ownership of; and

51. Section 8 amended

In section 8(2)(a) delete “the manner and form prescribed; and” and insert:

a manner and form approved by the Department CEO; and

52. Section 12 replaced

Delete section 12 and insert:

12. Local governments to keep record of registered cats in centralised registration system

- (1) A local government is to keep, using the centralised registration system, an accurate and up-to-date record of cats registered by the local government.
- (2) The local government is to record in the centralised registration system the information prescribed in respect of each cat registered by the local government.

53. Section 16 amended

In section 16 after “section 15” insert:

that has been given to it

54. Section 24 amended

In section 24(a)(ii) delete “section 12(3)” and insert:

section 12(2)

55. Section 25 replaced

Delete section 25 and insert:

25. Notice of change to recorded information

If there is a change to any of the information prescribed under section 12(2) or 15 in respect of a cat, the owner of the cat must, within 7 days after the day on which the owner becomes aware of the change, give notice in writing of the change —

- (a) to the local government with which the cat is registered, if the change is to the information prescribed under section 12(2); and
- (b) to the microchip database company for the cat, if the change is to the information prescribed under section 15.

Penalty: a fine of \$5 000.

56. Section 33 amended

In section 33:

- (a) in paragraph (a) delete “microchipped, and has no reason to believe that the cat is exempt from microchipping as referred to in section 14(2); or” and insert:

microchipped and is required under section 14 to be microchipped; or

- (b) in paragraph (b) delete “sterilised, and has no reason to believe that the cat is exempt from sterilisation as referred to in section 18(2),” and insert:

sterilised and is required under section 18 to be sterilised,

57. Section 36 amended

In section 36(2)(a) delete “the manner and form prescribed; and” and insert:

a manner and form approved by the Department CEO; and

58. Sections 40A and 40B inserted

At the end of Part 3 Division 4 Subdivision 2 insert:

40A. Record of approval to breed cats

- (1) As soon as practicable after a local government makes a decision to grant or refuse to grant, or to renew or refuse to renew, an approval to breed cats, the local government is to enter the decision and the prescribed information in the centralised registration system.
- (2) A local government is to ensure that the information recorded under subsection (1) is updated to reflect —
- (a) any change to the information notified under section 40B; and
 - (b) any expiry or cancellation of the approval; and
 - (c) the outcome of any objection or review under Part 4 Division 5.

40B. Notice of change to information

An approved cat breeder must, within 7 days after the day on which the approved cat breeder becomes aware of a change to any of the information prescribed under section 40A(1) in respect of their approval to breed cats, give notice in writing of the change to the local government that granted the approval.

Penalty: a fine of \$5 000.

59. Part 4 Division 1A inserted

At the beginning of Part 4 insert:

Division 1A — Centralised registration system

41A. Centralised registration system

- (1) The Department CEO must establish and maintain an electronic database or system in which information relating to cats can be recorded (the *centralised registration system*).
- (2) The Department CEO and each local government is to —
 - (a) record in the centralised registration system any information that is prescribed; and
 - (b) ensure that the information recorded by it in the centralised registration system is accurate and kept up-to-date.
- (3) The Department CEO or a local government may cause any error in, or omission from, the centralised registration system to be corrected.

- (4) Where anything under this Act is required or permitted to be done in a manner approved by the Department CEO, the manner approved by the Department CEO may, without limitation, involve the use of the centralised registration system.
- (5) Regulations may deal with any matter relating to the centralised registration system, including (without limitation) its establishment, maintenance and accessibility (including its accessibility to the public).
- (6) The Department CEO may establish a single database or system for the purposes of subsection (1) and the *Dog Act 1976* section 13A(1).

60. Section 76 amended

After section 76(2) insert:

- (3) Without limiting subsection (1), regulations may —
 - (a) require or permit any notice, information or document required or authorised to be given under this Act to be given in a certain way or ways, including —
 - (i) by using the centralised registration system; or
 - (ii) by any other means by which the notice, information or document can be accessed electronically;
 - and
 - (b) make provision for or in relation to the time at which the notice, information or document is taken to have been given.

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61. Section 86A inserted

At the end of Part 6 insert:

86A. Delegation by Department CEO

- (1) The Department CEO may delegate to a person any power or duty of the Department CEO under another provision of this Act.
- (2) The delegation must be in writing signed by the Department CEO.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Department CEO to perform a function through an officer or agent.

62. Section 88 inserted

At the end of Part 7 insert:

88. Transitional provision for the *Dog Amendment (Stop Puppy Farming) Act 2021*

- (1) In this section —
centralised registration system means the electronic database or system the Department CEO will be required to establish and maintain when the *Dog*

Amendment (Stop Puppy Farming) Act 2021 section 59 comes into operation;

commencement day means the day on which the *Dog Amendment (Stop Puppy Farming) Act 2021* section 59 comes into operation;

Department CEO means the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of this Act.

- (2) The Department CEO may establish and maintain the centralised registration system before the commencement day and may —
 - (a) permit a local government to record in the centralised registration system any information that the local government is required under this Act to record in a register maintained by it; and
 - (b) cause or permit information to be transferred from a register maintained by a local government to the centralised registration system.
- (3) If a local government records information in the centralised registration system under subsection (2)(a), or information from a register maintained by the local government is transferred to the centralised registration system under subsection (2)(b), before the commencement day the information is taken, for the purposes of this Act, to be information recorded by the local government on a register maintained by the local government.