



Western Australia

Dog Act 1976

Dog Amendment Regulations 2024

Dog Amendment Regulations 2024

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Dog Amendment Regulations 2024

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Dog Amendment Regulations 2024*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on the day on which the *Dog Amendment (Stop Puppy Farming) Act 2021* section 32 comes into operation.

3. Regulations amended

These regulations amend the *Dog Regulations 2013*.

4. Regulation 3 amended

- (1) In regulation 3 insert in alphabetical order:

ABN means ABN (Australian Business Number) as defined in the *A New Tax System (Australian Business Number) Act 1999* (Commonwealth) section 41;

ACN means ACN as defined in the *Corporations Act 2001* (Commonwealth) section 9;

close associate, in relation to an applicant for the grant or renewal of a pet shop approval or the grant of a dog supply approval, means any of the following —

- (a) if the applicant is an individual —
 - (i) a spouse or de facto partner, or a parent, child or sibling, of the applicant; or
 - (ii) a parent, child or sibling of the applicant's spouse or de facto partner; or
 - (iii) a body corporate, if the applicant or a person referred to in subparagraph (i) or (ii) is a director or secretary of the body corporate or a person involved in the management of the body corporate;
- (b) if the applicant is a body corporate —
 - (i) a director or secretary of the body corporate or of a related body corporate; or
 - (ii) a person involved in the management of the body corporate or of a related body corporate; or
 - (iii) a spouse or de facto partner, or a parent, child or sibling, of a person referred to in subparagraph (i) or (ii); or
 - (iv) a parent, child or sibling of the spouse or de facto partner of a person referred to in subparagraph (i) or (ii); or
 - (v) a related body corporate;

criminal record check, in relation to a person, means a document issued by the Police Force of Western Australia, the Australian Federal Police or another body or agency approved by the CEO that sets out, or summarises in a manner acceptable to the CEO, the

criminal convictions of the person for offences under a law of this State, the Commonwealth, another State or a Territory;

incorporated association has the meaning given in the *Associations Incorporation Act 2015* section 3;

related body corporate, in relation to a body corporate that is an applicant for the grant of a dog supply approval or the grant or renewal of a pet shop approval, means a body corporate that is related to the applicant under the *Corporations Act 2001* (Commonwealth) section 50;

significant veterinary treatment includes veterinary treatment for any of the following —

- (a) a contagious or infectious disease;
- (b) parasites;
- (c) wounds or physical injuries.

- (2) In regulation 3 in the definition of ***section*** delete “Act.” and insert:

Act;

5. Regulation 3A inserted

After regulation 3 insert:

3A. Supply of dogs to relevant pet shop businesses

For the purposes of these regulations, 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.

6. Regulation 5 amended

Delete regulation 5(a) and insert:

- (a) The Royal Society for the Prevention of Cruelty to Animals, Western Australia;

7. Regulation 9 amended

Delete regulation 9(2)(b) and insert:

- (b) 1 or more of the courses listed in the Table (provided by a registered training provider).

Table

ACMSS00001 Microchip Implantation for Dogs and Cats Skill Set	ACM40217 Certificate IV in Captive Animals
ACMSS00007 Microchip Implantation for Dogs and Cats Skill Set	ACM40221 and ACM40222 Certificate IV in Animal Facility Management
ACM30210 Certificate III in Animal Technology	ACM40310 Certificate IV in Companion Animal Services
ACM30219 Certificate III in Animal Technology	ACM40317 Certificate IV in Companion Animal Services

ACM30410 Certificate III in Companion Animal Services	ACM40321 Certificate IV in Animal Behaviour and Training
ACM30417 Certificate III in Companion Animal Services	ACM40322 Certificate IV in Animal Behaviour and Training
ACM40110 Certificate IV in Animal Control and Regulation	ACM40412 Certificate IV in Veterinary Nursing
ACM40117 Certificate IV in Animal Control and Regulation	ACM40418 Certificate IV in Veterinary Nursing
ACM40121 Certificate IV in Animal Regulation and Management	LGA40504 Certificate IV in Local Government (Regulatory Services)
ACM40122 Certificate IV in Animal Regulation and Management	LGAREGS404A Undertake Appointed Animal Control Duties and Responsibilities
ACM40210 Certificate IV in Captive Animals	

8. Regulation 10A inserted

After regulation 10 insert:

10A. Relevant pet shop business: business excluded from definition

- (1) In this regulation —
veterinary practice business has the meaning given in the *Veterinary Practice Act 2021* section 3.
- (2) For paragraph (b)(iii) of the definition of *relevant pet shop business* in section 3(1), a veterinary practice business is a class of business that is excluded from the definition if the business —
 - (a) provides either or both of the following services for stray, abandoned, seized or surrendered dogs otherwise than for the purpose of profit or gain —
 - (i) temporary shelter;
 - (ii) placing dogs with new owners;and
 - (b) does not involve supplying, or offering to supply, dogs otherwise than as part of those services.

9. Regulations 33AA to 33AJ inserted

After regulation 33A insert:

33AA. Refusal to grant or renew pet shop approval

- (1) This regulation applies for section 38D(2)(d).

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- (2) A local government may refuse to grant a pet shop approval if the local government is satisfied that any of the following circumstances apply —
- (a) the applicant, or a close associate of the applicant, holds a dog supply approval;
 - (b) the application for the pet shop approval does not contain, or is not accompanied by, the information, documents or fee specified by regulation 36A;
 - (c) the applicant previously held a pet shop approval that was cancelled under section 38E(a), (c), (d), (e) or (f);
 - (d) The Royal Society for the Prevention of Cruelty to Animals, Western Australia gives the local government written notice setting out its grounds for objecting to the grant of the pet shop approval and the local government regards those grounds to be reasonable;
 - (e) the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of the *Animal Welfare Act 2002* gives the local government written notice setting out its grounds for objecting to the grant of the pet shop approval and the local government regards those grounds to be reasonable;
 - (f) the applicant is not a fit and proper person to hold a pet shop approval.
- (3) When determining whether an applicant is a fit and proper person under subregulation (2)(f), the local government must have regard to —
- (a) whether the applicant is able to, in a way that ensures the safety, health and wellbeing of the

- dogs kept for the purposes of the relevant pet shop business —
- (i) provide the dogs with adequate care;
and
 - (ii) manage the relevant pet shop business;
and
- (b) whether the facilities that the applicant proposes to use, or uses, to keep dogs for the purposes of the relevant pet shop business are adequate, taking into consideration the maximum number of dogs to be kept at any one time; and
- (c) how the applicant will assess the suitability of a person to be supplied with a dog in the course of the relevant pet shop business; and
- (d) the terms and conditions on which the applicant will accept the return of a dog supplied to a person in the course of the relevant pet shop business; and
- (e) whether the applicant is able to comply with section 38K.
- (4) A local government may refuse to renew a pet shop approval if the local government is satisfied that any of the following circumstances apply —
- (a) the applicant, or a close associate of the applicant, holds a dog supply approval;
 - (b) the application for the renewal of the pet shop approval does not contain, or is not accompanied by, the information, documents or fee specified by regulation 36B;

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- (c) The Royal Society for the Prevention of Cruelty to Animals, Western Australia gives the local government written notice setting out its grounds for objecting to the renewal of the pet shop approval and the local government regards those grounds to be reasonable;
 - (d) the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of the *Animal Welfare Act 2002* gives the local government written notice setting out its grounds for objecting to the renewal of the pet shop approval and the local government regards those grounds to be reasonable;
 - (e) the applicant is not a fit and proper person to hold a pet shop approval.
- (5) When determining whether an applicant is a fit and proper person under subregulation (4)(e), the local government must have regard to —
- (a) whether the applicant is able to, in a way that ensures the safety, health and wellbeing of the dogs kept for the purposes of the relevant pet shop business —
 - (i) provide the dogs with adequate care; and
 - (ii) manage the relevant pet shop business;and
 - (b) whether the applicant has complied with any conditions imposed on the pet shop approval; and

- (c) for the previous period during which the applicant's pet shop approval was in effect — whether the applicant was able to ensure the safety, health and wellbeing of the dogs kept for the purposes of the relevant pet shop business, taking into consideration —
 - (i) the total number of dogs kept for the purposes of the relevant pet shop business; and
 - (ii) the total period of time that each dog was kept for the purposes of the relevant pet shop business; and
 - (iii) the total number of dogs kept for the purposes of the relevant pet shop business that were unable to be supplied in the period, and the whereabouts of each of those dogs.

33AB. Information for relevant dog to be kept by person who conducts relevant pet shop business

- (1) In this regulation —
relevant dog has the meaning given in section 38K(1).
- (2) For section 38K(2)(a), the information to be contained in a record is —
 - (a) in relation to the personal characteristics and particulars of the relevant dog —
 - (i) the relevant dog's name; and
 - (ii) the relevant dog's date of birth or age (if known), breed (if known), colour, gender, distinguishing features or marks, sterilisation status and vaccination and parasite treatment history; and

- (iii) the unique identification number for the relevant dog's microchip and a copy of any notice in relation to the relevant dog given to a microchip database company under section 26C; and
 - (iv) if the relevant dog is registered — the registration number allocated to the dog under section 16(6)(a); and
 - (v) the relevant dog's history as a stray, abandoned, seized or surrendered dog; and
 - (vi) any document relating to the temperament of the relevant dog and whether any training has been given to the relevant dog;
- and
- (b) in relation to the supply of the relevant dog by a holder of a dog supply approval to the relevant pet shop business —
 - (i) a copy of the health certificate for the relevant dog; and
 - (ii) the date the relevant dog was supplied to the relevant pet shop business; and
 - (iii) the unique number for the dog supply approval issued under section 38U(1)(b) to the person who supplied the relevant dog;
- and
- (c) veterinary information for any treatment given to the relevant dog while the dog is kept for the purposes of the relevant pet shop business; and

- (d) any changes to, or additional information in relation to, the information specified in paragraph (a) or (c); and
 - (e) in relation to the supply of the relevant dog to a person in the course of the relevant pet shop business —
 - (i) the date the relevant dog is supplied to the person; and
 - (ii) the name and contact details of the person who is supplied with the relevant dog; and
 - (iii) if the person who is supplied with the relevant dog has been issued with a dog owner number — that number;and
 - (f) if a relevant dog supplied to a person in the course of the relevant pet shop business is returned to the relevant pet shop business — the date the dog was returned and the reasons (if any) for the return given by the person who returned the dog; and
 - (g) the reasons for the return of the relevant dog by the person who conducts the relevant pet shop business to the holder of the dog supply approval.
- (3) For section 38K(4) —
- (a) a record for the information specified in subregulation (2)(a) or (b) must be made within 7 days after the day on which the relevant pet shop business is supplied the relevant dog; and
 - (b) a record for the information specified in subregulation (2)(c) or (d) must be made within 7 days after the day on which the information is

- received by the person who conducts the relevant pet shop business; and
- (c) a record for the information specified in subregulation (2)(e)(i) to (iii) must be made within 7 days after the day on which the person who conducts the relevant pet shop business supplies the relevant dog to a person in the course of the relevant pet shop business; and
 - (d) a record for the information specified in subregulation (2)(f) must be made within 7 days after the day on which the relevant dog is returned by the person to the relevant pet shop business; and
 - (e) a record for the information specified in subregulation (2)(g) must be made within 7 days after the day on which the person who conducts the relevant pet shop business returns the relevant dog to the holder of the dog supply approval.

33AC. Information for health certificate

- (1) In this regulation each of the following terms has the meaning given in the *Veterinary Practice Act 2021* section 3 —
 - interstate veterinarian*
 - veterinary practice business*
 - WA veterinarian*
- (2) For section 38N(2)(a), the information in relation to the health status of the dog is —
 - (a) the date the veterinarian completed the health assessment of the dog; and
 - (b) the dog's name; and
 - (c) the dog's registration number; and

- (d) the unique identification number for the dog's microchip; and
 - (e) the dog's date of birth or age (if known), breed (if known), colour, gender, distinguishing features or marks, sterilisation status and vaccination and parasite treatment history; and
 - (f) the details of the assessment of the health of the dog carried out by the veterinarian, including whether the dog has any signs of —
 - (i) being sick or injured; or
 - (ii) an abnormality, defect, deformity or disease that causes, or is likely to cause, a significant impact on its health;and
 - (g) any details of the medical history of the dog (if known); and
 - (h) any other observations as to the health of the dog.
- (3) A health certificate must contain the following information about the veterinarian who completed the health assessment of the dog —
- (a) the veterinarian's name;
 - (b) a statement as to whether the veterinarian is a WA veterinarian or an interstate veterinarian;
 - (c) if the veterinarian is a WA veterinarian — the veterinarian's registration number referred to in the *Veterinary Practice Act 2021* section 32(2)(c);
 - (d) the name of the veterinarian's veterinary practice business (if any);
 - (e) the address of the premises at which the health assessment was completed.

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- (4) A health certificate must contain the following information about the holder of the dog supply approval who obtained the health certificate —
- (a) the person's name and address;
 - (b) the unique number for the dog supply approval issued under section 38U(1)(b) to the person.

33AD. Application for grant of dog supply approval

- (1) In this regulation —
applicant means a person described in section 38O(1).
- (2) For section 38O(2)(b), an application for the grant of a dog supply approval must contain the following information —
- (a) the applicant's name and, if the applicant is an individual, the applicant's date of birth;
 - (b) the applicant's address;
 - (c) the name and contact details of the contact person for the application (if different from the applicant);
 - (d) in relation to the refuge operations or dog management facility conducted or operated by the applicant —
 - (i) if the applicant is not a local government — the registered business name and trading name (if different from the registered business name); and
 - (ii) the ACN if the applicant has an ACN (but if not, the ABN); and
 - (iii) the street address of the refuge operations or dog management facility;

- (e) if the applicant is a body corporate that is not an incorporated association or a local government —
 - (i) the names of each of the directors; and
 - (ii) the postal address of each of the directors; and
 - (iii) the full name and ACN of any related body corporate and the description of the relationship;
- (f) a description of the facilities that the applicant proposes to use, or uses, to keep dogs as part of the refuge operations or in the dog management facility;
- (g) photographs of the facilities described in paragraph (f);
- (h) how training on the dog care plan referred to in subregulation (3) will be provided to persons who provide care to dogs kept as part of the refuge operations or in the dog management facility;
- (i) the maximum number of dogs to be kept as part of the refuge operations or in the dog management facility at any one time;
- (j) a declaration by the applicant that the applicant is a person who conducts refuge operations or is the operator of a dog management facility;
- (k) a declaration by the applicant that neither the applicant, nor a close associate of the applicant, holds a pet shop approval;
- (l) a declaration by the applicant that the applicant will not supply the following types of dogs to a relevant pet shop business —
 - (i) a dangerous dog (declared);

- (ii) a dog that requires significant veterinary treatment;
 - (iii) an unsterilised dog;
 - (m) a criminal record check in respect of the applicant (if the applicant is not a local government);
 - (n) a statement by the applicant that the applicant agrees to allow an inspection of the facilities that the applicant proposes to use, or uses, to keep dogs as part of the refuge operations or in the dog management facility to be carried out by an authorised person or a designated person for the purpose of verifying the accuracy of the information referred to in paragraph (f);
 - (o) a statement by the applicant as to whether the applicant has previously held a dog supply approval that was cancelled under section 38Q(a), (c), (d), (e), (f) or (g);
 - (p) a statement by the applicant that the applicant is able to comply with section 38V.
- (3) In addition to the requirements set out in subregulation (2), an application for the grant of a dog supply approval must be accompanied by a plan (a ***dog care plan***) for the level of care given to dogs kept as part of the refuge operations or in the dog management facility.
- (4) The dog care plan must contain the following information —
- (a) a description of the care provided to the dogs, including a description of the manner in which stress and aggression in dogs will be identified, assessed and managed;

- (b) a description of the provision of overnight accommodation to the dogs;
 - (c) a description of the way the physical health and wellbeing of the dogs will be supported, including details of —
 - (i) the provision of routine veterinary care, including vaccinations and parasite treatments; and
 - (ii) a physical exercise regime; and
 - (iii) the dogs' diet and frequency of meals; and
 - (iv) the frequency of the provision of fresh drinking water;
 - (d) evacuation and emergency procedures to be followed in case of an emergency occurring at the facilities used for dogs kept as part of the refuge operations or in the dog management facility, including procedures for obtaining urgent veterinary treatment or assistance;
 - (e) the terms and conditions on which the applicant will accept the return of a dog supplied by the applicant to a person who holds a pet shop approval if the dog —
 - (i) is no longer able to be cared for by the person who holds the pet shop approval; or
 - (ii) is not able to be supplied by the person who holds the pet shop approval to another person.
- (5) If an applicant has an exemption granted under section 26(3) in respect of the premises that the applicant proposes to use, or uses, to keep dogs as part of the refuge operations or in the dog management

facility, the applicant must provide a copy of the exemption with the application for the grant of a dog supply approval.

- (6) If the premises that the applicant proposes to use, or uses, to keep dogs as part of the refuge operations or in the dog management facility are licensed under section 27 as an approved kennel establishment, the applicant must provide a copy of the licence with the application for the grant of a dog supply approval.

Note for subregulations (5) and (6):

Section 38P(2)(c) provides that the CEO may refuse to grant a dog supply approval if the CEO is satisfied that the dog management facility 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.

33AE. Refusal to grant dog supply approval

- (1) For section 38P(2)(e), the circumstances are —
- (a) the applicant, or a close associate of the applicant, holds a pet shop approval; or
 - (b) the applicant previously held a dog supply approval that was cancelled under section 38Q(a), (c), (d), (e), (f) or (g); or
 - (c) The Royal Society for the Prevention of Cruelty to Animals, Western Australia gives the CEO written notice setting out its grounds for objecting to the grant of the dog supply approval and the CEO regards those grounds to be reasonable; or
 - (d) the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of the *Animal Welfare Act 2002* gives the CEO written notice setting out its grounds for objecting to the grant

- of the dog supply approval and the CEO regards those grounds to be reasonable; or
- (e) the application for the dog supply approval does not contain, or is not accompanied by, the information or documents set out under regulation 33AD; or
 - (f) the applicant is not a fit and proper person to hold a dog supply approval.
- (2) When determining whether an applicant is a fit and proper person under subregulation (1)(f), the CEO must have regard to —
- (a) whether the applicant is able to, in a way that ensures the safety, health and wellbeing of the dogs kept as part of the refuge operations or in the dog management facility —
 - (i) provide the dogs with adequate care; and
 - (ii) manage the refuge operations or the dog management facility;and
 - (b) whether the facilities that the applicant proposes to use, or uses, to keep dogs as part of the refuge operations or in the dog management facility are adequate, taking into consideration the maximum number of dogs to be kept at any one time; and
 - (c) whether the applicant will provide adequate training to any persons working in the refuge operations or the dog management facility on the dog care plan referred to in regulation 33AD(3); and

- (d) the criteria by which the applicant will assess the suitability of a relevant pet shop business for the purpose of supplying the relevant pet shop business with dogs; and
- (e) whether the applicant is able to comply with section 38V.

Note for this subregulation:

Subregulation (2)(b) is in addition to section 38P(2)(c).

33AF. Cancellation of dog supply approval

For section 38Q(g), the circumstances are —

- (a) the person has supplied a dog to a relevant pet shop business that is —
 - (i) a dangerous dog (declared); or
 - (ii) a dog that requires significant veterinary treatment; or
 - (iii) an unsterilised dog;or
- (b) the person has not supplied a dog to a relevant pet shop business for a period of at least 1 year.

33AG. Review of CEO's decisions for dog supply approvals

- (1) In this regulation —

person affected, in relation to a decision of the CEO, means —

- (a) in the case of a decision referred to in section 38R(1)(a) — the applicant for the dog supply approval; or
- (b) in the case of a decision referred to in section 38R(1)(b) or (c) — the holder of the dog supply approval to which the decision relates.

- (2) For section 38R(3), a person affected by a decision of the CEO may apply to the State Administrative Tribunal for a review of the decision.
- (3) If an application has been made under subregulation (2) for a review of a decision, the effect of the decision is suspended until the determination of the application by the State Administrative Tribunal.
- (4) Subregulation (3) does not apply if the State Administrative Tribunal orders that the effect of a decision referred to in section 38R(1)(b) or (c) should not be suspended while the review is underway.

33AH. Record of dog supply approval in centralised registration system

For section 38S(1), the CEO is to enter the following information in the centralised registration system —

- (a) the date the application for the grant of a dog supply approval is received;
- (b) the date of the decision to grant or refuse to grant a dog supply approval;
- (c) the information contained in the application for the grant of a dog supply approval set out in regulation 33AD(2)(a) to (e);
- (d) if a dog supply approval is granted — the unique number for the dog supply approval issued under section 38U(1)(b) to the applicant;
- (e) if an application is made to the State Administrative Tribunal under regulation 33AG(2) for a review of the decision —
 - (i) the date the application is made; and

- (ii) the date the application is decided; and
- (iii) the determination of the application by the State Administrative Tribunal;
- (f) if a dog supply approval is cancelled — the date of the cancellation.

33AI. Certificate for dog supply approval

- (1) In this regulation —
holder means a person who holds a dog supply approval granted to the person under section 38P(1).
- (2) For section 38U(1)(a), a certificate for a dog supply approval must contain the following information —
 - (a) the name of the holder;
 - (b) if the holder is not a local government — the holder's registered business name and trading name (if different from the registered business name);
 - (c) the holder's ABN;
 - (d) any conditions imposed on the dog supply approval;
 - (e) the unique number for the dog supply approval issued under section 38U(1)(b) to the holder.

33AJ. Records to be kept by person who holds a dog supply approval

- (1) For section 38V(1)(a), the information to be contained in a record is —
 - (a) the dog's name; and

- (b) the dog's date of birth or age (if known), breed (if known), colour, gender, distinguishing features or marks, sterilisation status and vaccination and parasite treatment history; and
- (c) the unique identification number for the dog's microchip and a copy of any notice in relation to the dog given to a microchip database company under section 26C; and
- (d) the date the dog came into the possession of the person who holds the dog supply approval; and
- (e) the name and contact details of the person who provided the dog to the person who holds the dog supply approval (if different from the name and contact details of the previous owner of the dog); and
- (f) the name and contact details of the previous owner of the dog (if known); and
- (g) the dog owner number issued to the previous owner of the dog (if known); and
- (h) the circumstances of the dog's abandonment or surrender by, or seizure from, the previous owner of the dog; and
- (i) the name and contact details of the person who provided the information referred to in paragraph (h) (if different from the name and contact details of the previous owner of the dog); and
- (j) the health certificate for the dog; and
- (k) any document relating to the temperament of the dog and whether any training has been given to the dog.

- (2) For section 38V(3), a record for the information specified in subregulation (1) must be made within 7 days after the day on which the person who holds the dog supply approval supplies the dog to the relevant pet shop business.
- (3) A person who holds a dog supply approval may provide a copy of a record kept under subregulation (1) to a person who conducts a relevant pet shop business if the record is kept in relation to a dog supplied to the relevant pet shop business.

10. Regulation 33 amended

In regulation 33 in the Table:

(a) after item 42 insert:

42A.	s. 38I(a)	Failure to ensure a person supplied with a dog is provided with the prescribed information and pet shop number			500
42B.	s. 38I(b)	Failure to ensure a person to whom the supply of a dog is offered is, on the request of the			200

r. 10

		person, provided with the prescribed information and pet shop number			
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(b) in item 44 delete “s. 43A” and insert:

s. 43A(2)

(c) after item 44 insert:

45.	s. 54C	Failure to notify local government of a change to any of the information prescribed under section 54B(1), within 7 days of the change			200
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Note: The heading to amended regulation 33 is to read:

**Modified penalties for offences under the principal Act:
authorised persons**

11. Regulation 33B inserted

After regulation 33 insert:

33B. Modified penalties for offences under the principal Act: designated persons

- (1) For section 45A(1)(a), the offences under a provision of the Act specified in column 2 of the Table are offences in relation to which a modified penalty applies.
- (2) The amount specified in column 4 of the Table in relation to an offence is the modified penalty payable in respect of that offence if dealt with under regulation 35A.

Table

Item	Provision of Act	Nature of offence	Modified penalty \$
1.	s. 38N(2)	Failure to provide a pet shop with a health certificate for a dog when supplying the pet shop with the dog	200
2.	s. 38T	Failure to notify CEO of a change to information prescribed under section 38S(1) in respect of a dog supply approval	200

Item	Provision of Act	Nature of offence	Modified penalty \$
3.	s. 38V(4)	Failure to keep certain records, keep records in the prescribed way or make certain records within the time prescribed	200
4.	s. 38W(4)	Failure to provide a record, information or evidence to the CEO within a specified time	200
5.	s. 43A(2)	Failure to give name, date of birth or address on demand	200

12. Regulation 35A inserted

After regulation 35 insert:

35A. Dealing with alleged offenders without prosecuting them: designated persons

- (1) Where a designated person has reason to believe that a person has committed an offence mentioned in regulation 33B, the designated person may serve on the alleged offender a notice in the form of Form 8 (an *infringement notice*) informing the alleged offender that, if the alleged offender does not wish to be prosecuted in court for the alleged offence, the alleged offender may pay to the designated person, within the time specified in the notice, the amount prescribed as the modified penalty.

- (2) An infringement notice may be served on an alleged offender personally or by posting it to the alleged offender's address as ascertained from the alleged offender, at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by the CEO under the Act.
- (3) Where a person who receives an infringement notice fails to pay the prescribed penalty within the time specified in the notice, or within such further time as may in any particular case be allowed, the person must be regarded as having declined to have the allegation dealt with by way of a modified penalty.
- (4) An alleged offender on whom an infringement notice has been served may, within the time specified in that notice or such further time as may in any particular case be allowed, send or deliver to the designated person the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and then —
 - (a) the CEO may appropriate that amount in satisfaction of the penalty in which event the designated person must issue an acknowledgment; or
 - (b) the CEO, or a designated person acting on behalf of the CEO, may withdraw the infringement notice under subregulation (5) and refund the amount so paid.
- (5) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn by the CEO, or a designated person acting on behalf of the CEO, by the sending of a notice in the form of Form 9 to the alleged offender at the address specified in the notice or the alleged offender's last known place of residence or business and in that event any amount

received by way of modified penalty must be refunded and any acknowledgment of the receipt of that amount must for the purposes of any proceedings in respect of the alleged offence be regarded as not having been issued.

- (6) A designated person who serves an infringement notice under subregulation (1) cannot withdraw the infringement notice on behalf of the CEO under subregulation (5).

13. Regulations 36A to 36E inserted

Before regulation 37 insert:

36A. Application for grant of pet shop approval

- (1) For section 54A(1)(b), an application for the grant of a pet shop approval must contain the following information —
- (a) the applicant's name and, if the applicant is an individual, the applicant's date of birth;
 - (b) the applicant's address;
 - (c) the name and contact details of the contact person for the application (if different from the applicant);
 - (d) in relation to the relevant pet shop business —
 - (i) the registered business name and trading name (if different from the registered business name); and
 - (ii) the ACN if the applicant has an ACN (but if not, the ABN); and
 - (iii) the street address of the pet shop;

- (e) if the applicant is a body corporate —
 - (i) the names of each of the directors; and
 - (ii) the postal address of each of the directors; and
 - (iii) the full name and ACN of any related body corporate and the description of the relationship;
- (f) a description of the facilities that the applicant proposes to use, or uses, to keep dogs for the purposes of the relevant pet shop business;
- (g) photographs of the facilities described in paragraph (f);
- (h) the maximum number of dogs to be kept for the purposes of the relevant pet shop business at any one time;
- (i) a description of the assessment that the applicant will carry out in order to determine a person's suitability to be supplied with a dog in the course of the relevant pet shop business;
- (j) the terms and conditions on which the applicant will accept the return of dogs supplied in the course of the relevant pet shop business;
- (k) a declaration by the applicant that the relevant pet shop business 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 class referred to in regulation 10A(2);

- (l) a declaration by the applicant that no close associate of the applicant is a person who conducts refuge operations or is an operator of a dog management facility;
 - (m) a criminal record check in respect of the applicant;
 - (n) a statement that the applicant agrees to allow an inspection of the facilities described in paragraph (f) to be carried out by an authorised person for the purpose of verifying the accuracy of the information provided;
 - (o) a statement by the applicant as to whether the applicant has previously held a pet shop approval that was cancelled under section 38E(a), (c), (d), (e) or (f);
 - (p) a statement by the applicant that the applicant is able to comply with section 38K.
- (2) In addition to the requirements set out in subregulation (1), an application for the grant of a pet shop approval must be accompanied by a plan (a ***dog care plan***) for the level of care given to dogs kept for the purposes of the relevant pet shop business.
- (3) The dog care plan must contain the following information —
- (a) a description of the care provided to the dogs, including a description of the manner in which stress and aggression in dogs will be identified, assessed and managed;
 - (b) a description of the provision of overnight accommodation to the dogs;

- (c) a description of the way the physical health and wellbeing of the dogs will be supported, including details of —
 - (i) the provision of routine veterinary care, including vaccinations and parasite treatments;
 - (ii) a physical exercise regime;
 - (iii) the dogs' diet and frequency of meals;
 - (iv) the frequency of the provision of fresh drinking water;
 - (d) evacuation and emergency procedures to be followed in case of an emergency occurring at the facilities used for dogs kept for the purposes of the relevant pet shop business, including procedures for obtaining urgent veterinary treatment or assistance;
 - (e) the procedures to be followed in the event a dog is no longer able to be cared for, or is not able to be supplied to another person by the relevant pet shop business;
 - (f) how training on the dog care plan will be provided to persons who provide care to a dog kept for the purposes of the relevant pet shop business.
- (4) For section 54A(1)(c), an application for the grant of a pet shop approval must be accompanied by a fee of \$1 984.00.

36B. Application for renewal of pet shop approval

- (1) For section 54A(1)(b), an application for the renewal of a pet shop approval must contain the following information —
 - (a) the applicant's name and, if the applicant is an individual, the applicant's date of birth;
 - (b) the applicant's address;
 - (c) the name and contact details of the contact person for the application (if different from the applicant);
 - (d) in relation to the relevant pet shop business —
 - (i) the registered business name and trading name (if different from the registered business name); and
 - (ii) the ACN if the applicant has an ACN (but if not, the ABN); and
 - (iii) the street address of the pet shop;
 - (e) if the applicant is a body corporate —
 - (i) the names of each of the directors; and
 - (ii) the postal address of each of the directors; and
 - (iii) the full name and ACN of any related body corporate and the description of the relationship;
 - (f) a description of the facilities that the applicant proposes to use, or uses, to keep dogs for the purposes of the relevant pet shop business;
 - (g) photographs of the facilities described in paragraph (f);
 - (h) the maximum number of dogs to be kept for the purposes of the relevant pet shop business at any one time;

- (i) a description of the assessment that the applicant will carry out in order to determine a person's suitability to be supplied with a dog in the course of the relevant pet shop business;
- (j) the terms and conditions on which the applicant will accept the return of dogs supplied in the course of the relevant pet shop business;
- (k) a declaration by the applicant that the relevant pet shop business 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 class referred to in regulation 10A(2);
- (l) a declaration by the applicant that no close associate of the applicant is a person who conducts refuge operations or is an operator of a dog management facility;
- (m) a criminal record check in respect of the applicant;
- (n) a statement that the applicant complied with any conditions imposed on the pet shop approval;
- (o) for the previous period during which the applicant's pet shop approval was in effect —
 - (i) the total number of dogs kept for the purposes of the relevant pet shop business; and
 - (ii) for each dog kept for the purposes of the relevant pet shop business — the name of the person who supplied the dog to the relevant pet shop business and the

- unique number for the dog supply approval issued under section 38U(1)(b) to the person; and
 - (iii) the total period of time that each dog was kept for the purposes of the relevant pet shop business; and
 - (iv) the total number of dogs kept for the purposes of the relevant pet shop business that were unable to be supplied during that period and the details of the whereabouts for each of those dogs;
 - (p) a statement that the applicant agrees to allow an inspection of the facilities described in paragraph (f) to be carried out by an authorised person for the purpose of verifying the accuracy of the information provided;
 - (q) a dog care plan referred to in regulation 36A(2) and (3).
- (2) For section 54A(1)(c), an application for the renewal of a pet shop approval must be accompanied by a fee of \$1 984.00.

36C. Record of decision in centralised registration system

For section 54B(1), the local government is to enter the following information in the centralised registration system —

- (a) the date an application for a grant or renewal of a pet shop approval is received;
- (b) the date of a decision to grant or refuse to grant a pet shop approval, or to renew or refuse to renew a pet shop approval;

- (c) the name of the local government that made the decision;
- (d) as the case requires —
 - (i) the information contained in the application for the grant of a pet shop approval set out in regulation 36A(1)(a) to (d), and (e) (if applicable); or
 - (ii) the information contained in the application for the renewal of a pet shop approval set out in regulation 36B(1)(a) to (d), and (e) (if applicable);
- (e) the pet shop number;
- (f) if an objection to a decision is lodged with a local government under section 54F(1) —
 - (i) the date the objection is lodged; and
 - (ii) the date the objection is decided;
- (g) if a person makes an application to the State Administrative Tribunal under section 54H(1) — the date the application is made;
- (h) if a pet shop approval is cancelled — the date of the cancellation.

36D. Certificate for pet shop approval

For section 54D(1)(a) and (2), a certificate for a pet shop approval must contain the following information —

- (a) the name of the holder of the pet shop approval;
- (b) the pet shop number;
- (c) the street address of the pet shop;

- (d) the registered business name and trading name (if different from the registered business name) of the relevant pet shop business;
- (e) the ACN if the holder of the pet shop approval has an ACN (but if not, the ABN);
- (f) any conditions imposed on the approval;
- (g) the name of the local government that issued the certificate;
- (h) the date the certificate was issued;
- (i) the date of expiry of the approval.

36E. Objection to decision in relation to pet shop approval

For section 54F(2), an objection to a decision must contain the following information —

- (a) the name and contact details of the person lodging the objection;
- (b) the street address of the pet shop to which the decision relates;
- (c) the date on which the person was given the written notice of the decision by the local government under section 54E(2);
- (d) confirmation that the person has not applied for a review of the decision under section 54H;
- (e) whether the objection has been lodged in relation to —
 - (i) a decision to refuse to grant a pet shop approval; or
 - (ii) a decision to refuse to renew a pet shop approval; or
 - (iii) a decision to cancel a pet shop approval; or

- (iv) a decision to impose or amend conditions on a pet shop approval;
- (f) the reasons for the objection.

14. Regulation 38 inserted

After regulation 37 insert:

38. Prescribed date: relevant pet shop businesses

For the definition of *application day* in section 65(1), the date is 26 May 2025.

15. Schedule 1 Form 8 amended

In Schedule 1 Form 8:

- (a) delete “**Authorised person/officer issuing notice**” and insert:

Authorised person/designated person/officer issuing notice

- (b) after “Authorised Person” insert:

or designated person

- (c) delete “and post this notice to the CEO [*relevant local government and address*] within 28 days after the date of this notice.” and insert:

and post this notice to —

CEO — *Dog Act 1976 [relevant local government and address]*

or

Designated person — *Dog Act 1976 [Department and address]*

within 28 days after the date of this notice.

16. Schedule 1 Form 9 amended

In Schedule 1 Form 9:

- (a) delete “CEO withdrawing notice” and insert:

CEO withdrawing notice/designated person acting on behalf of the CEO withdrawing notice

- (b) delete “[*Relevant local government*]” (1st occurrence) and insert:

[Relevant local government or Department]

- (c) delete “CEO [*Relevant local government*] — *Dog Act 1976 [Relevant local government and address]*” and insert:

CEO — *Dog Act 1976 [relevant local government and address]*

or

CEO/designated person acting on behalf of the CEO — *Dog Act 1976 [Department and address]*

Note: The heading to regulation 35 is to read:

**Dealing with alleged offenders without prosecuting them:
authorised persons**

N. HAGLEY, Clerk of the Executive Council

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