

Authorised Version

Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017

No. 69 of 2017

TABLE OF PROVISIONS

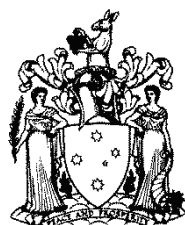
<i>Section</i>	<i>Page</i>
Part 1—Preliminary	1
1 Purpose	1
2 Commencement	2
3 Principal Act	3
Part 2—Amendment of the Domestic Animals Act 1994	4
4 Purpose of the Domestic Animals Act 1994	4
5 Definitions	4
6 Applicable organisations and recognised organisations	9
7 New sections 5B, 5C, 5D, 5E and 5F inserted	11
8 Substitution and amendment of section 6	15
9 Dogs and cats that are exempt from permanent identification	16
10 Dogs and cats must be permanently identified before sale or being given away	16
11 Notification of sale of dog or cat by foster carer	18
12 Reduced fees for foster care dogs and cats	18
13 Registered dog or cat to have identification marker outside premises	20
14 Dog attacks, consequential amendment	20
15 Menacing dog declaration, consequential amendment	20
16 Power to destroy animal at large, consequential amendment	20
17 Inspection of register, consequential amendment	20
18 Details of dangerous, menacing, restricted breed dogs, consequential amendment	21
19 Details of destroyed dogs, consequential amendment	21
20 Details to be provided, consequential amendment	21
21 Heading to Part 4 substituted	21
22 New section 44B inserted	21
23 New section 45A inserted	22
24 Application for registration	22
25 Registration of premises, consequential amendment	23
26 Application for renewal of registration	23
27 Section 52 substituted	23
28 Powers of Council as to registration or renewal or transfer of registration	24

<i>Section</i>	<i>Page</i>	
29	New sections inserted after section 54	26
30	Council to give notice	29
31	Council to hear proprietor or applicant	29
32	New Division inserted after Division 3 of Part 4	30
33	New Division 3B inserted in Part 4	39
34	Repeal of sections 60, 61 and 62	47
35	New sections inserted in Division 5 of Part 4	47
36	Domestic animal management plans	52
37	New Parts inserted after Part 5A	52
38	Payments to the Treasurer	56
39	Heading to Part 7 substituted	57
40	New Division heading inserted in Part 7	57
41	Departmental authorised officers, consequential amendment	57
42	Restricted authorised officers, consequential amendment	57
43	Council authorised officers, consequential amendment	57
44	Council contracted authorised officers, consequential amendment	58
45	New Division heading inserted in Part 7	58
46	Powers of authorised officers	58
47	Powers of Council contracted authorised officers	59
48	New Division inserted after section 74A	60
49	New Division heading inserted before section 74B	69
50	Taking samples from dogs, consequential amendments	69
51	Procedures for taking samples from dogs, consequential amendment	69
52	Procedures for seizure of documents	70
53	New section inserted after section 75	70
54	Seizure of records, consequential amendment	71
55	New Division heading inserted after section 76A	71
56	Documents to be made available for inspection, consequential amendments	71
57	Approval for search warrant, consequential amendment	71
58	Search warrant for section 41EB offence, consequential amendments	72
59	Division 1 of Part 7A repealed	72
60	Seizure of dangerous dogs, consequential amendments	73
61	Seizure of restricted breed dogs, consequential amendments	73
62	Seizure of dogs believed to be restricted breed dogs, consequential amendment	73
63	Seizure of dog urged or trained to attack etc., consequential amendments	73
64	Seizure of unregistered dog or cat, consequential amendment	74
65	Seizure from unregistered breeding domestic animal business	74
66	New section 82B inserted	75
67	Seizure of non-compliant dog or cat, consequential amendment	75
68	Section 84B substituted	76

<i>Section</i>	<i>Page</i>
69 Seizure of abandoned dog or cat, consequential amendment	76
70 Seizure of dog for breeding offence, consequential amendments	77
71 Delivery of seized dog or cat, consequential amendments	77
72 Section 84E substituted	77
73 Search warrant for breeding offence, consequential amendments	79
74 Custody of dogs or cats seized under section 82B	80
75 Recovery of dog or cat	80
76 Prosecution of suspected persons	80
77 Owner to provide address, consequential amendment	81
78 Destruction of dog if owner not identified, consequential amendment	82
79 Destruction of dog if a danger to the public, consequential amendments	82
80 Immediate destruction of dog, consequential amendment	82
81 Destruction of declared dangerous dog, consequential amendment	82
82 Disposal of forfeited dog or cat	82
83 Section 84VA substituted	83
84 Orders prohibiting ownership of dogs or cats	83
85 New section inserted after section 84WA	84
86 Section 84WB repealed	84
87 Order for bond or costs, dog or cat not returned	84
88 Power of court to order payment of costs of disposal of dogs and cats	86
89 Search warrant for failure to comply with court order, consequential amendments	86
90 Compliance with order under section 84XA	87
91 Power to serve infringement notice	87
92 Filing of charge sheets, consequential amendment	88
93 Payment of fines, consequential amendment	89
94 Offence to sell certain animals outside certain places	89
95 Power to make declarations as to restricted breed dogs, consequential amendments	89
96 Regulations	89
97 Council to give information to Secretary, consequential amendment	92
98 New sections inserted after section 100A	92
99 Amendment to Schedule 1—Registration fees	93
Part 3—Further amendment of the Domestic Animals Act 1994	94
Division 1—Advertising and information register amendments	94
100 Amendment of definitions	94
101 Repeal of section 12A(2), advertising of dogs or cats	94
102 New sections inserted after section 12A	94

<i>Section</i>	<i>Page</i>
103 Amendments consequential to repeal of section 12A(2) and insertion of new sections 12B and 12C	96
104 New Part inserted after Part 5B	96
105 Powers of Council contracted authorised officers	114
106 Definition, relevant provision	114
107 Power to serve infringement notices	114
108 Regulations	115
109 New section 105A inserted	116
Division 2—Amendments relating to commencement of 10 fertile female dog limit	117
110 Seizure of dogs or cats for certain offences	117
111 Prosecution of suspected persons	117
112 Orders prohibiting ownership of dogs or cats	117
113 Power to serve infringement notice	117
Part 4—Repeal of amending Act	118
114 Repeal of amending Act	118
Endnotes	119
1 General information	119

Authorised Version



Victoria

**Domestic Animals Amendment (Puppy
Farms and Pet Shops) Act 2017[†]**

No. 69 of 2017

[Assented to 20 December 2017]

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The purpose of this Act is to amend the **Domestic Animals Act 1994**—

- (a) to regulate the number of fertile female dogs kept by breeding domestic animal businesses; and

- (b) to further regulate the breeding of dogs and cats and the sale of dogs and cats in pet shops; and
- (c) to provide for the registration of foster carers and single use permits to sell certain animals; and
- (d) to further provide for the administration and enforcement of that Act and legal proceedings; and
- (e) to provide for other minor and related matters.

2 Commencement

- (1) This Part and sections 34 and 36 come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Section 22 and Division 2 of Part 3 come into operation on 10 April 2020.
- (3) Sections 35, 66(2), 76(3), 84(2) and 91(2) come into operation on a day or days to be proclaimed.
- (4) If a provision referred to in subsection (3) does not come into operation before 1 July 2018, it comes into operation on that day.
- (5) Division 1 of Part 3 comes into operation on a day or days to be proclaimed.
- (6) If a provision referred to in subsection (5) does not come into operation before 1 July 2019, it comes into operation on that day.
- (7) Subject to subsection (8), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (8) If a provision referred to in subsection (7) does not come into operation before 10 April 2018, it comes into operation on that day.

3 Principal Act

In this Act, the **Domestic Animals Act 1994** is called the Principal Act.

Part 2—Amendment of the Domestic Animals Act 1994

4 Purpose of the Domestic Animals Act 1994

After section 1(d) of the Principal Act **insert**—

- "(da) the regulation of matters relating to the breeding and sale of dogs and cats; and
- (db) the registration of foster carers for certain purposes; and".

5 Definitions

- (1) For the definition of *animal shelter* in section 3(1) of the Principal Act **substitute**—

"animal shelter means any premises maintained for the purpose of providing temporary care or finding new homes for stray, abandoned or unwanted dogs or cats, but does not include premises on which foster care is being provided;"

- (2) For the definition of *domestic animal business* in section 3(1) of the Principal Act **substitute**—

"domestic animal business means—

- (a) an animal shelter, Council pound or pet shop; or
- (b) an enterprise which carries out the breeding of dogs (other than GRV greyhounds) to sell, if the enterprise has 3 or more fertile female dogs and the proprietor is not a recreational breeder; or
- (c) an enterprise which carries out the breeding of cats to sell, if the enterprise has 3 or more fertile female cats and the proprietor is not a recreational breeder; or

- (d) an enterprise which trains or boards dogs (other than GRV greyhounds) or cats for the purpose of profit; or
- (e) an enterprise which rears or keeps dogs (other than GRV greyhounds) or cats—
 - (i) for the purpose of profit or sale; or
 - (ii) for a fee or for exchange of services;"

(3) **Insert** the following definitions in section 3(1) of the Principal Act—

Council authorised officer means a person appointed as an authorised officer under section 72;

Council contracted authorised officer means a person appointed as an authorised officer under section 72A;

Departmental authorised officer means a person appointed as an authorised officer under section 71;

farm working dog means a dog that herds, droves, protects, tends or works stock on land used solely or primarily for primary production;

farmer means a person engaged in primary production whose primary source of income is from that primary production;

foster care means the care of a stray, abandoned or unwanted dog or cat (whether or not as part of a community foster care network) that is temporary or for the purpose of finding a new home for the dog or cat and that takes place on premises on which the care is being provided to no more than—

- (a) 5 dogs or animal adult equivalent dogs; or

- (b) 5 cats or animal adult equivalent cats;
or
- (c) a combination of 5 dogs and cats or
animal adult equivalent dogs and cats;

foster carer registration means a registration under section 68B, including a registration that is renewed under section 68D;

microbreeder means—

- (a) a person who carries out the breeding of dogs to sell, who is not a member of an applicable organisation, if the person has no more than 2 fertile female dogs;
or
- (b) a person who carries out the breeding of cats to sell, who is not a member of an applicable organisation, if the person has no more than 2 fertile female cats;

primary production means the maintenance of animals or poultry for the purpose of selling them or their natural increase or bodily produce;

rateable property has the same meaning as in section 3 of the **Local Government Act 1989**;

recreational breeder means—

- (a) a person who carries out the breeding of dogs to sell, who is a member of an applicable organisation, if the person has no more than 10 fertile female dogs; or
- (b) a person who carries out the breeding of cats to sell, who is a member of an applicable organisation, if the person has no more than 10 fertile female cats;

registered foster carer means a person who holds a foster carer registration;

relevant fertile female dog means a female dog, 12 months of age or more, that has not been rendered permanently infertile;

restricted authorised officer means a person appointed as an authorised officer under section 71A;"

- (4) **Insert** the following definitions in section 3(1) of the Principal Act—

animal sale permit means an animal sale permit issued under section 58N(1);

caged bird sale means an event conducted over a day or days at which caged birds are sold;

declared bird organisation means an organisation that is declared to be a declared bird organisation under section 58T;"

- (5) **Insert** the following definitions in section 3(1) of the Principal Act—

approved dog obedience training organisation means an organisation that holds a dog obedience training organisation approval;

dog obedience training organisation approval means an approval under section 5B(1), including an approval that is renewed under section 5C;"

- (6) In the definition of ***Department*** in section 3(1) of the Principal Act, for "Environment and Primary Industries" **substitute** "Economic Development, Jobs, Transport and Resources".

- (7) In the definition of ***breeding domestic animal business*** in section 3(1) of the Principal Act, after "paragraph (b)" **insert** "or (c)".

- (8) For the definition of *applicable organisation* in section 3(1) of the Principal Act **substitute**—

"applicable organisation means an organisation that is the holder of an applicable organisation approval;"

- (9) **Insert** the following definitions in section 3(1) of the Principal Act—

"applicable organisation approval means an approval under section 5A(1), including an approval that is renewed under section 5C;

approved commercial dog breeder means a person who has a commercial dog breeder approval;

chief veterinary officer has the same meaning as in the **Meat Industry Act 1993**;

commercial dog breeder approval means an approval under section 58AA;

relevant Council, in relation to a domestic animal business, means the Council of the municipal district in which the premises is situated on which the domestic animal business is being or is proposed to be conducted;"

- (10) After section 3(4) of the Principal Act **insert**—

"(5) In this Act—

(a) a fertile female dog or cat and the litter of that dog or cat are taken as one animal adult equivalent if the offspring in the litter are with the dog or cat and are under 8 weeks old; and

(b) the offspring in a dog's or cat's litter are taken as one animal adult equivalent if the offspring are not with the dog or cat and are under 16 weeks old.

- (6) For the purpose of paragraph (b) of the definition of *domestic animal business*, a farmer is not to be taken to be conducting a domestic animal business in respect of any fertile female dog that the farmer has that—
- (a) is primarily being kept or worked by the farmer as a farm working dog; or
 - (b) is primarily being trained to be a farm working dog by the farmer."

6 Applicable organisations and recognised organisations

- (1) In section 5A(1) of the Principal Act—
- (a) for "may declare, by notice published in the Government Gazette, that an organisation is an applicable organisation" **substitute** "may approve an organisation as an applicable organisation, by notice published in the Government Gazette,";
 - (b) in paragraph (a), for "declared" **substitute** "approved as".
- (2) Section 5A(1AA) of the Principal Act is **repealed**.
- (3) In section 5A(1A)(a) of the Principal Act, after "recognised organisation" **insert** "in accordance with subsection (2)".
- (4) In section 5A(2) of the Principal Act **omit** "an applicable organisation or".
- (5) After section 5A(2) of the Principal Act **insert**—
- "(3) An application for an applicable organisation approval—
- (a) must include a report containing the prescribed details about the organisation and its activities; and

- (b) must include the organisation's code of ethics and details of how the code is enforced; and
 - (c) must include the outcome of any disciplinary action taken by the organisation for breaches of the code of ethics during the preceding year; and
 - (d) must include any other information required by the Minister; and
 - (e) must be accompanied by the prescribed application fee.
- (4) In making a decision to give an applicable organisation approval, the Minister may consider any information included in or accompanying the application for the approval.
- (5) An applicable organisation approval must specify the following—
- (a) the period for which the approval is to remain in force, which must not exceed 3 years;
 - (b) the matters that must be set out in the report required by the condition in section 5D(b);
 - (c) any condition to which the Minister considers that the approval should be subject.
- (6) An applicable organisation approval remains in force until the earlier of—
- (a) the period determined under subsection (5)(a); or
 - (b) the revocation of the approval."

7 New sections 5B, 5C, 5D, 5E and 5F inserted

After section 5A of the Principal Act **insert—**

"5B Approval of dog obedience training organisations

- (1) For the purposes of this Act the Minister may approve an organisation to provide dog obedience training.
- (2) The Minister may give an approval under subsection (1) if—
 - (a) the organisation has applied to the Minister in accordance with subsection (4); and
 - (b) the Minister is satisfied that—
 - (i) the organisation is established for the purpose of providing wide representation to the dog obedience training community; and
 - (ii) adequate dog obedience training in the prescribed matters is or will be provided by or on behalf of the organisation; and
 - (iii) the individuals who train or will train the dogs are adequately trained in the prescribed matters.
- (3) In making a decision to approve an organisation the Minister may consider any information included in or accompanying the application for approval under this section.
- (4) An application for approval under this section—
 - (a) must include a report containing the prescribed details about the organisation and its activities; and

- (b) must include any other information required by the Minister; and
 - (c) must be accompanied by the prescribed application fee.
- (5) An approval under subsection (1) must specify the following—
- (a) the period for which the approval is to remain in force, which must not exceed 3 years;
 - (b) the matters that must be set out in the report required by the condition in section 5D(b);
 - (c) any condition to which the Minister considers the approval should be subject.
- (6) An approval under subsection (1) remains in force until the earlier of—
- (a) the period determined by the Minister; or
 - (b) the revocation of the approval.

5C Renewal of approval

- (1) The holder of a dog obedience training organisation approval or applicable organisation approval may apply to the Minister for renewal of the approval.
- (2) An application under subsection (1)—
- (a) must include a report containing the prescribed details about the organisation and its activities; and
 - (b) must include any other information required by the Minister; and
 - (c) must be accompanied by the prescribed application fee.

- (3) An application under subsection (1) must be made at least 60 days (or any lesser period approved by the Minister) before the expiry of the approval period specified in the approval.
- (4) The Minister may renew the approval if—
 - (a) in the case of a dog obedience training organisation approval, the Minister continues to be satisfied of the matters set out in section 5B(2)(b); or
 - (b) in the case of an applicable organisation approval, the Minister continues to be satisfied of the matters set out in the relevant guidelines referred to in section 5A(1)(b).
- (5) In making a decision to renew an approval of an organisation under this section the Minister may consider any information included in or accompanying the application for renewal of approval under this section.
- (6) The Minister must not renew the approval if the organisation has failed to submit any report as required by the condition in section 5D.
- (7) A renewed approval under this section must specify the following—
 - (a) the period for which the renewed approval is to remain in force, which must not exceed 3 years;
 - (b) any conditions that apply to the renewed approval;
 - (c) the matters that must be set out in the report required by the condition in section 5D(b).

5D Condition of approval that report submitted each year of approval

It is a condition of a dog obedience training organisation approval and an applicable organisation approval that the organisation must submit a report to the Minister by 31 July in each year that sets out—

- (a) the prescribed matters; and
- (b) any other matters specified by the Minister in the approval or renewed approval.

5E Revocation of approval

The Minister may revoke a dog obedience training organisation approval or an applicable organisation approval if—

- (a) the organisation has failed to submit a report required by the condition in section 5D; or
- (b) in the case of a dog obedience training approval, the Minister is not satisfied of any of the matters set out in section 5B(2)(b); or
- (c) in the case of an applicable organisation approval, the Minister is not satisfied of any of the matters set out in the relevant guidelines referred to in section 5A(1)(b).

5F Notice of and submissions on proposal to revoke or not renew approval

- (1) If the Minister proposes to revoke a dog obedience training organisation approval or an applicable organisation approval, or proposes not to renew such an approval, before doing so the Minister must give notice in writing to the organisation stating—

- (a) the reasons for the proposal; and
 - (b) that the organisation may make submissions to the Minister on the proposal within the period specified in the notice.
- (2) The holder of the approval may make written submissions to the Minister in relation to the proposal to revoke or not renew the approval within the period specified in the notice under subsection (1).
- (3) The Minister must consider any submission made under subsection (2), before deciding to revoke the approval or not to renew the approval.
- (4) The Minister must give written notice of the Minister's decision under this section to the relevant organisation.
- (5) A decision by the Minister to revoke an approval under section 5E takes effect on the later of the following—
- (a) on the day the notice under subsection (4) is given to the relevant organisation;
 - (b) on the date specified in that notice (if any)."

8 Substitution and amendment of section 6

For section 6 of the Principal Act **substitute**—

"6 Minister's power to delegate

The Minister may, in writing, delegate to any employee employed under the **Public Administration Act 2004** in the administration of this Act, the powers and duties of the Minister—

- (a) under section 5A, 5B, 5C, 5E or 5F; or

- (b) to approve organisations under section 7; or
- (c) to appoint Departmental authorised officers under section 71 or restricted authorised officers under section 71A; or
- (d) to register a premises under section 58C, including imposing terms, conditions, limitations or restrictions on that registration, but not including any powers under section 58H in relation to the registration of a premises; or
- (e) under Division 3B of Part 4."

9 Dogs and cats that are exempt from permanent identification

After section 10D(2) of the Principal Act **insert**—

"(2A) For the purpose of subsection (2), the written veterinary advice must—

- (a) be given by a veterinary practitioner after the veterinary practitioner has personally examined the dog or cat; and
- (b) include the reasons why the health of the dog or cat is liable to be significantly prejudiced if the dog or cat is implanted with a prescribed permanent identification device."

10 Dogs and cats must be permanently identified before sale or being given away

(1) For section 12A(1) of the Principal Act **substitute**—

"(1) A person must not sell, or give away, a dog or cat unless the dog or cat has been

implanted with a prescribed permanent identification device.

Penalty: 10 penalty units.

(1A) It is not an offence under subsection (1) for a person to give away a dog or cat that is not implanted with a prescribed permanent identification device to a shelter or pound."

(2) For section 12A(2) of the Principal Act
substitute—

"(2) A person must not advertise a dog or cat for sale or giving away, or cause a dog or cat to be advertised for sale or giving away unless—

(a) one of the following applies—

(i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;

(ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A); and

(b) if the dog or cat is being sold by or on behalf of a registered domestic animal business, the advertisement includes—

(i) the registration number issued by the Council for the registration of the premises on which the business is being conducted; and

(ii) the name of the Council that registered the premises.

Penalty: 5 penalty units."

11 Notification of sale of dog or cat by foster carer

- (1) In the heading to section 13 of the Principal Act, after "**domestic animal business**" insert "**or foster carer**".
- (2) In section 13 of the Principal Act **omit** ", within 7 days after the sale or giving away of the animal,".
- (3) At the end of section 13 of the Principal Act **insert**—
 - "(2) If a registered foster carer sells, or gives away, a dog or cat which is not registered, the foster carer must notify the Council with which the animal should be registered of—
 - (a) the sale, or the giving away of the animal; and
 - (b) a description of the animal; and
 - (c) the name and address of the new owner of the animal; and
 - (d) the unique number of the microchip contained in the prescribed permanent identification device implanted in the animal.

Penalty: 3 penalty units.
- (3) A notification under this section must be made within 7 days after the sale or giving away of the animal."

12 Reduced fees for foster care dogs and cats

- (1) In section 15(4)(d) of the Principal Act, for "code of practice." **substitute** "code of practice;".

(2) After section 15(4)(d) of the Principal Act
insert—

- "(e) the fee payable for a dog (other than a dangerous dog) that is kept in foster care by a registered foster carer—
- (i) for the first 12 month period that the dog is so kept, must not be more than twice the amount required to be paid by the Council to the Treasurer under section 69 in respect of the registration or renewal of registration of a dog; and
 - (ii) on and after the first 12 month period, is the fee determined in accordance with the other provisions of this section, or any lesser fee fixed by the Council;
- (f) the fee payable for a cat that is kept in foster care by a registered foster carer—
- (i) for the first 12 month period that the cat is so kept, must not be more than twice the amount required to be paid by the Council to the Treasurer under section 69 in respect of the registration or renewal of registration of a cat; and
 - (ii) on and after the first 12 month period, is the fee determined in accordance with the other provisions of this section, or any lesser fee fixed by the Council."

13 Registered dog or cat to have identification marker outside premises

For section 20(2)(b) and (c) of the Principal Act **substitute**—

- "(b) a dog that is being kept or used as or being trained to be a farm working dog; or
- (c) a dog that is going from place to place for the purpose of being kept or used as or being trained to be a farm working dog, if it is under the effective control of a person; or".

14 Dog attacks, consequential amendment

In section 29(12) of the Principal Act, for "an authorised officer of the Council" **substitute** "a Council authorised officer".

15 Menacing dog declaration, consequential amendment

In section 41A(4) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer".

16 Power to destroy animal at large, consequential amendment

In section 43 of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer for that municipal district".

17 Inspection of register, consequential amendment

In section 44AC(1)(b) of the Principal Act, for "an authorised officer appointed under section 71 or 72" **substitute** "a Departmental authorised officer or a Council authorised officer".

18 Details of dangerous, menacing, restricted breed dogs, consequential amendment

In section 44AE(d) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer".

19 Details of destroyed dogs, consequential amendment

In section 44AEA(a) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer".

20 Details to be provided, consequential amendment

In section 44AF(k) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer".

21 Heading to Part 4 substituted

For the heading to Part 4 of the Principal Act **substitute**—

"Part 4—Regulation of domestic animal businesses and related matters".

22 New section 44B inserted

After section 44A of the Principal Act **insert**—

"44B Ten fertile female dog limit for breeding domestic animal business

- (1) A proprietor of a breeding domestic animal business must not conduct the business on a premises where more than 10 relevant fertile female dogs are kept.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

- (2) A person who is the proprietor of the breeding domestic animal business does not commit an offence under subsection (1) if the person is an approved commercial dog breeder."

23 New section 45A inserted

After section 45 of the Principal Act **insert**—

"45A Transitional offence, acquiring additional fertile female dogs

- (1) A proprietor of a breeding domestic animal business who conducts the business on a premises where more than 10 relevant fertile female dogs are kept, must not acquire another relevant fertile female dog.

Penalty: In the case of a natural person,
164 penalty units;

In the case of a body corporate,
600 penalty units.

- (2) A person who is the proprietor of the breeding domestic animal business does not commit an offence under subsection (1) if the person is an approved commercial dog breeder.

- (3) This section is **repealed** on 10 April 2020."

24 Application for registration

- (1) In section 46(2) of the Principal Act, after "approved by the Council" **insert** "and contain the information required by the Council and any other prescribed information".

- (2) After section 46(2) of the Principal Act **insert**—

- "(3) An applicant must give the Council any further information relating to the application that the Council requires."

25 Registration of premises, consequential amendment

In section 47(1A) of the Principal Act, for "an authorised officer appointed by that Council" **substitute** "a Council authorised officer of that Council".

26 Application for renewal of registration

- (1) In section 48(2) of the Principal Act **omit** "in the form approved by the Council".
- (2) After section 48(2) of the Principal Act **insert**—
 - (3) An application for renewal of registration must be made in the form approved by the Council and contain the information required by the Council and any other prescribed information.
 - (4) An applicant for renewal of registration must give the Council any further information relating to the application that the Council requires."

27 Section 52 substituted

For section 52 of the Principal Act **substitute**—

"52 Transfer of registration

- (1) The proprietor of a domestic animal business may apply to the Council to transfer registration of the premises on which the business is conducted to a new premises.
- (2) An application under subsection (1) must be—
 - (a) in writing in a form approved by the Council and contain the information required by the Council and any other prescribed information; and

- (b) given to the Council at least 30 days before the transfer is made; and
 - (c) accompanied by the fee fixed by the Council.
- (3) A person making an application under subsection (1) must give the Council any further information relating to the transfer of registration that the Council requires.
- (4) If the Council has received an application under subsection (1), it may register the new premises as the premises on which the domestic animal business may be conducted and may impose terms, conditions, limitations and restrictions on that registration."

28 Powers of Council as to registration or renewal or transfer of registration

(1) In section 54(2) of the Principal Act—

- (a) for "subsection (3)" **substitute** "subsections (3), (3A) and (3B) and sections 54A, 54B, 54C and 54D";
- (b) for paragraph (b) **substitute**—
 - "(b) the proprietor or person applying for registration has been found guilty of—
 - (i) an offence against this Act or regulations made under this Act; or
 - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
 - (iii) an offence against a law of another State or a Territory of the Commonwealth that

corresponds with a law referred
to in subparagraph (i) or (ii); or

- (c) a relevant person in relation to the domestic animal business that is or is proposed to be conducted on the premises is a relevant person in relation to another domestic animal business (wherever situated) that is a pet shop, pound, animal shelter or breeding domestic animal business."

- (2) At the foot of section 54(2) of the Principal Act **insert—**

"Note

See also section 54E for interim duty of the Council, in certain circumstances, to refuse to renew registration of premises at which more than 10 relevant fertile female dogs are being kept."

- (3) After section 54(3) of the Principal Act **insert—**

"(3A) The Council must refuse to register, renew the registration of, or transfer the registration of, a premises on which a domestic animal business is or is proposed to be conducted that is an animal shelter, a pet shop or a pound if a relevant person in relation to the domestic animal business is a relevant person in relation to a breeding domestic animal business (wherever situated).

(3B) The Council must refuse to register, renew the registration of or transfer the registration of a premises on which a domestic animal business is or is proposed to be conducted that is a breeding domestic animal business, if a relevant person in relation to that domestic animal business is a relevant person in relation to an animal shelter, pet shop or pound (wherever situated)."

(4) In section 54(4) of the Principal Act—

(a) for "For the purposes of this section"
substitute "In this section";

(b) for the definition of *relevant person*
substitute—

"relevant person, in relation to a domestic animal business means any of the following—

(a) the proprietor of the business;

(b) the person who conducts the business;

(c) the person applying for registration, renewal of registration or transfer of registration of premises on which the business is being or is to be conducted;";

(c) for paragraph (c) in the definition of *specified offence* **substitute**—

"(c) section 12AF;".

29 New sections inserted after section 54

After section 54 of the Principal Act **insert**—

"54A Registration where another domestic animal business on rateable property

(1) If an application is made to register, renew the registration of or transfer registration of premises for a breeding domestic animal business, the Council must refuse to register the premises in respect of which the application is made if—

(a) another breeding domestic animal business is being conducted, or is proposed to be conducted, on the

rateable property on which the premises is located; or

- (b) an animal shelter is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located; or
 - (c) a pet shop is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located.
- (2) If an application is made to register, renew the registration of or transfer the registration of premises for an animal shelter, the Council must refuse to register the premises in respect of which the application is made if a breeding domestic animal business or a pet shop is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located.
- (3) If an application is made to register, renew the registration of or transfer the registration of premises for a pet shop, the Council must refuse to register the premises in respect of which the application is made if a breeding domestic animal business or an animal shelter is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located.

54B Registration of breeding domestic animal business premises—10 relevant fertile female dog limit

- (1) The Council must refuse to register the premises on which a breeding domestic animal business is proposed to be conducted, if the Council is satisfied that more than

10 relevant fertile female dogs are proposed to be kept at the premises.

- (2) Subsection (1) does not apply if the breeding domestic animal business is to be conducted by a proprietor who is an approved commercial dog breeder.

**54C Transfer of registration of breeding domestic animal business premises—
10 relevant fertile female dog limit**

- (1) The Council must refuse to transfer the registration of premises on which a breeding domestic animal business is being conducted to another premises, if the Council is satisfied that more than 10 relevant fertile female dogs are proposed to be kept at the other premises.
- (2) Subsection (1) does not apply if the breeding domestic animal business is to be conducted by a proprietor who is an approved commercial dog breeder.

**54D Renewal of registration of breeding domestic animal business premises—
10 relevant fertile female dog limit**

- (1) On and from 10 April 2020, the Council must refuse to renew the registration of a premises on which a breeding domestic animal business is being conducted, if the Council is satisfied that more than 10 relevant fertile female dogs are being kept or are proposed to be kept at the premises.
- (2) Subsection (1) does not apply if the breeding domestic animal business is being conducted by a proprietor who is an approved commercial dog breeder.

54E Pre-2020 renewal of registration of breeding domestic animal business premises—fertile female dogs

- (1) The Council must refuse to renew the registration of a premises on which a breeding domestic animal business is being conducted if the Council is satisfied that more than 10 relevant fertile female dogs are being kept at the premises and a relevant fertile female dog is being kept at the premises that was not for all of the period of 12 months immediately preceding the Council's decision kept at the premises.
- (2) Subsection (1) does not apply if the breeding domestic animal business is to be conducted by a proprietor who is an approved commercial dog breeder.
- (3) The power of a Council to act under section 54(1) is subject to this section.
- (4) This section is repealed on 10 April 2020."

30 Council to give notice

In section 55 of the Principal Act, after "section 54" **insert** ", 54A, 54B, 54C, 54D or 54E".

31 Council to hear proprietor or applicant

In section 56 of the Principal Act, after "section 54" **insert** ", 54A, 54B, 54C, 54D or 54E".

32 New Division inserted after Division 3 of Part 4

After Division 3 of Part 4 of the Principal Act
insert—

**"Division 3AA—Commercial dog
breeder approval**

58AA Approval of commercial dog breeders

- (1) The Minister may approve the proprietor of a breeding domestic animal business that is conducted on a registered premises to conduct that business on that premises as a commercial dog breeder, on receiving an application for the grant or renewal of approval under section 58AC.
- (2) Within 40 days of receiving an application under section 58AC for the grant or renewal of approval, the Minister must give the applicant for the approval written notice—
 - (a) of the decision; and
 - (b) if the approval is granted or renewed, of any other conditions imposed on the approval under section 58AF(6).
- (3) A decision by the Minister to grant or renew an approval under subsection (1) takes effect on the later of the following—
 - (a) the day the notice under subsection (2) is given to the applicant;
 - (b) the date specified in the notice.

**58AB Considerations in deciding to grant or
renew approval**

- (1) The Minister must not grant or renew an approval of the proprietor of a breeding domestic animal business to conduct that

- business as a commercial dog breeder under section 58AA unless—
- (a) the chief veterinary officer has recommended, under section 58AE, that the Minister do so; and
 - (b) the Minister is satisfied that the approval should be granted or renewed after considering—
 - (i) the chief veterinary officer's recommendation under section 58AE and the reasons for making it; and
 - (ii) any information contained in or accompanying the application under section 58AC.
- (2) The Minister may refuse to grant or renew the approval of the proprietor of a breeding domestic animal business as a commercial dog breeder if—
- (a) the proprietor has been found guilty of—
 - (i) an offence under this Act or regulations made under this Act; or
 - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
 - (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i) or (ii); or

- (b) the Minister reasonably believes that the proprietor has failed to comply with this Act or any regulations made under this Act; or
- (c) the Minister reasonably believes that—
 - (i) in the case of a grant of an approval, the applicant will not be able to comply with a condition on the approval under section 58AF; or
 - (ii) in the case of a renewal of an approval, the applicant has not complied with a condition on the approval under section 58AF.

58AC Application to Minister for commercial dog breeder approval

- (1) The proprietor of a breeding domestic animal business may apply to the Minister for the grant or renewal of a commercial dog breeder approval.
- (2) An application under subsection (1)—
 - (a) must be in the form approved by the Minister; and
 - (b) must contain and be accompanied by any information required by the Minister; and
 - (c) must be accompanied by a business plan for the next 3 years of the business which includes and is accompanied by any prescribed information about the business; and
 - (d) must contain and be accompanied by any other prescribed information about the business or other relevant matters; and

- (e) must be accompanied by the prescribed fee.
- (3) An approved commercial dog breeder may apply for a renewal of the current approval no later than 60 days before the expiry of the approval.

58AD Chief veterinary officer may ask for report and monitoring

- (1) For the purpose of making a recommendation under section 58AE, the chief veterinary officer may—
 - (a) ask the relevant Council for a report on the premises on which the domestic animal business is conducted; and
 - (b) ask for a Departmental authorised officer to enter and search the premises under Part 7, for the purpose of monitoring compliance with a relevant provision (within the meaning of section 74AB), and give a report on that entry and search.
- (2) For the purpose of subsection (1)(a), a report of the Council must include a copy of any report from an entry and search of the premises under Part 7 carried out in the 5 years preceding the application for grant or renewal of approval.
- (3) For the purpose of subsection (1)(b), a Departmental authorised officer may exercise any power that a Council authorised officer has under Part 7.

58AE Chief veterinary officer may make recommendation

- (1) After considering any report under section 58AD(1), the chief veterinary officer may make a recommendation as to whether or not the proprietor of a breeding domestic animal business should be granted a commercial dog breeder approval or the commercial dog breeder approval of the proprietor of a breeding domestic animal business should be renewed.
- (2) The chief veterinary officer must give reasons for any recommendation made under subsection (1).

58AF Conditions of commercial dog breeder approval

- (1) It is a condition of a commercial dog breeder approval that a Departmental authorised officer may monitor compliance with a relevant provision under Part 7 on the premises on which the breeding domestic animal business is being conducted when—
 - (a) the approval is being renewed; or
 - (b) the premises on which the breeding domestic animal business is being conducted is being transferred.
- (2) It is a condition of a commercial dog breeder approval that the holder of the approval must not keep more than 50 relevant fertile female dogs.
- (3) It is a condition of a commercial dog breeder approval that the approved commercial dog breeder submit a report to the Minister containing the prescribed information at the time required by the Minister.

- (4) It is a condition of a commercial dog breeder approval that the approved commercial dog breeder maintains public liability insurance for the breeding domestic animal business as prescribed.
- (5) It is a condition of a commercial dog breeder approval that the manager of the breeding domestic animal business and any employees of the business have the prescribed qualifications or training.
- (6) A commercial dog breeder approval is subject to any other conditions—
 - (a) that are imposed on the approval by the Minister; or
 - (b) that are prescribed, including conditions for or with respect to—
 - (i) the keeping of dogs and related matters; and
 - (ii) the premises on which dogs are kept and related matters; and
 - (iii) the staffing of premises and related matters.
- (7) An approved commercial dog breeder must comply with any condition of the approval under this section.

Penalty: In the case of a natural person,
246 penalty units;
In the case of a body corporate,
600 penalty units.

58AG Period of approval

- (1) A commercial dog breeder approval remains in force—
 - (a) for the initial grant of the approval, for a period of 12 months after the approval is granted; and
 - (b) for any renewal of the approval, for a period of 3 years after the approval is renewed.
- (2) If an approved commercial dog breeder has applied for renewal of an approval, the approval remains in force until the application for renewal is determined.
- (3) If an application for approval is made because an approved commercial dog breeder is selling or otherwise transferring the breeding domestic animal business to another proprietor, the commercial dog breeder approval remains in force until the application for approval of the new proprietor has been determined.

58AH Transfer of premises

- (1) If an approved commercial dog breeder transfers the premises of the breeding domestic animal business for which the breeder is approved to another premises, on the transfer of the premises the approval is cancelled.
- (2) Despite subsection (1), if a new application for approval for the new premises has been made before the expiry of the existing commercial dog breeder approval, the existing approval remains in force until the application is determined.

58AI Automatic cancellation or suspension of approval

- (1) If the relevant Council—
 - (a) cancels or does not renew the registration of a premises on which a breeding domestic animal business is being conducted for which there is a commercial dog breeder approval, the approval is cancelled; or
 - (b) suspends the registration of a premises on which a breeding domestic animal business is being conducted for which there is a commercial dog breeder approval, the approval is suspended.
- (2) A Council must give the Minister notice of any suspension, cancellation or refusal to renew to which subsection (1) applies.

58AJ Revocation of approval by Minister

- (1) The Minister may revoke a commercial dog breeder approval if—
 - (a) the approved commercial dog breeder has been found guilty of—
 - (i) an offence under this Act or regulations made under this Act; or
 - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
 - (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i) or (ii); or

- (b) the Minister reasonably believes that the approved commercial dog breeder has failed to comply with this Act or any regulations made under this Act; or
 - (c) the Minister reasonably believes that the approved commercial dog breeder has not complied with a condition on the approval under section 58AF.
- (2) The Minister must give written notice of the Minister's decision under subsection (1) to the holder of the approval.
- (3) A decision by the Minister to revoke an approval under subsection (1) takes effect on the later of the following—
- (a) the day the notice under subsection (2) is given to the holder of the approval;
 - (b) the date specified in the notice.

58AK Notice of and submissions on proposal to revoke a commercial dog breeder approval

- (1) If the Minister proposes to revoke a commercial dog breeder approval, before doing so the Minister must give notice in writing to the holder of the approval stating—
- (a) the reasons for the proposal; and
 - (b) that the holder may make submissions to the Minister on the proposal within the period specified in the notice.
- (2) The holder of the approval may make written submissions to the Minister in relation to the proposal to revoke the approval within the period specified in the notice under subsection (1).

- (3) The Minister must consider any submission made under subsection (2), before deciding to revoke the approval.

58AL Council to be notified of commercial dog breeder approval

The Minister must give notice of the grant, renewal, revocation or cancellation of a commercial dog breeder approval to the relevant Council as soon as possible after it occurs."

33 New Division 3B inserted in Part 4

After Division 3A of Part 4 of the Principal Act
insert—

"Division 3B—Animal sale permits

58L Definitions

In this Division—

animal means any animal referred to in paragraph (c) of the definition of *pet shop*;

relevant Council means the Council of the municipal district in which the sale of animals is to take place under an animal sale permit.

58M Application for animal sale permit

- (1) A person may apply to the Minister for an animal sale permit to sell animals from a place that is not one of the following—
- (a) a premises registered under Part 4 for the purpose of conducting a domestic animal business from which such a class of animal may be sold;
 - (b) a person's residence.

- (2) An application for an animal sale permit must—
- (a) be in the form approved by the Minister, which must require the applicant to provide information concerning the matters in section 58O(1); and
 - (b) be accompanied by the prescribed application fee; and
 - (c) include a copy of an agreement entered into between a veterinary practitioner and the applicant confirming that the veterinary practitioner will remain on call for the duration of the sale; and
 - (d) include the full name and contact details of the applicant; and
 - (e) include any other prescribed information.

58N Issue of animal sale permit

- (1) The Minister may issue a permit authorising the applicant to sell animals at a place specified in the permit for the period specified in the permit which must not be more than one day.
- (2) The Minister may refuse to issue an animal sale permit if—
- (a) the Minister is not satisfied that the applicant meets the prescribed criteria; or
 - (b) the applicant has been found guilty of—
 - (i) an offence against this Act or regulations made under this Act; or

- (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
 - (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i) or (ii); or
 - (c) the Minister believes on reasonable grounds that to issue the permit would be inconsistent with the purposes of this Act.
- (3) An animal sale permit must specify the following—
- (a) each species of animal that may be sold under the permit;
 - (b) the day on which the sale is to take place;
 - (c) the place at which the sale is to take place;
 - (d) any conditions imposed on the permit.

580 Conditions on animal sale permit

- (1) The Minister may impose any conditions on an animal sale permit that the Minister considers necessary including in relation to the following matters—
- (a) the animal accommodation at the place of the proposed sale;
 - (b) the guarantee of sale to be offered by the applicant when selling animals under the permit;

- (c) the animal care policies and procedures which the applicant has, or intends to have, in place before, during and after the proposed sale, including veterinary support and emergency management and evacuation plans.
- (2) It is a condition of an animal sale permit that the permit holder must give access or ensure that access to the place of sale is given to a Council authorised officer or restricted authorised officer for the purposes of inspecting the place at any reasonable time before or during the sale.
- (3) It is a condition of an animal sale permit that a person who is given a direction under section 58Q(1) must—
 - (a) immediately cease any activities authorised under the permit; and
 - (b) take any action that is included in the notice under section 58Q(2)(e).
- (4) An animal sale permit is subject to any conditions prescribed by this Act, the regulations made under this Act or imposed by the Minister under subsection (1).

58P Minister must notify Council of issue of permit before the sale

The Minister must, before the day of the sale under an animal sale permit, give a copy of the permit, including any conditions imposed on the permit, to the relevant Council.

58Q Authorised officer may close down sale

- (1) A Council authorised officer or a restricted authorised officer may, in accordance with subsection (2), direct the person apparently in charge of the sale under an animal sale

permit to close down the sale at any time if the authorised officer reasonably believes that the welfare of any animal to be sold at the sale is at risk.

- (2) For the purposes of subsection (1), the authorised officer must give a direction to a person under subsection (1) verbally and give to that person at the same time a notice that contains the following—
- (a) the reasons for the closure of the sale;
 - (b) the time the notice was issued;
 - (c) a statement that no further activities authorised under the animal sale permit may continue;
 - (d) the time by which any activities authorised under the animal sale permit must cease;
 - (e) any action that must be taken by the person given the direction to address the animal welfare issues identified in the notice.
- (3) An authorised officer who has given a direction under subsection (1) must without delay notify the Minister and the relevant Council of the closure of the sale.

58R Holder of permit must submit report

- (1) The holder of an animal sale permit must submit a report that complies with subsection (2) to the Minister no later than 28 days after the day of the sale specified in the permit.

Penalty: In the case of a natural person,
30 penalty units;
In the case of a body corporate,
150 penalty units.

- (2) The report must contain the following information—
- (a) each species of animal and the number of each species of animal offered for sale;
 - (b) the number of animals of each species of animal sold;
 - (c) any non-compliance, of which the holder of the permit was aware at the time of preparing the report, with—
 - (i) any guarantee of sale offered by the holder of the permit; or
 - (ii) the animal care policies and procedures that the holder of the permit had in place during the sale;
 - (d) any offence, with which the holder of the permit has been charged, against a law referred to in section 58N(2)(b) relating to the conduct of the sale of animals under the animal sale permit;
 - (e) any adverse welfare outcomes for the animals offered for sale under the animal sale permit of which the holder of the permit was aware at the time of preparing the report.
- (3) The Minister must cause a copy of a report under this section to be given to the relevant Council as soon as practicable after receiving the report.

58S Offences relating to non-compliance with animal sale permit

- (1) The holder of an animal sale permit must comply with any condition imposed on the permit.

Penalty: In the case of a natural person,
30 penalty units;
In the case of a body corporate,
150 penalty units.

- (2) The holder of an animal sale permit must ensure that the person in charge of the animal sale authorised under the permit complies with any condition imposed on the permit.

Penalty: In the case of a natural person,
30 penalty units;
In the case of a body corporate,
150 penalty units.

Division 3C—Bird sales held by declared bird organisations

58T Minister may declare an organisation to be a declared bird organisation

- (1) The Minister may declare that an organisation is a declared bird organisation if—
- (a) the organisation has applied to the Minister to be declared a declared bird organisation; and
 - (b) the Minister is satisfied that the organisation represents members with an interest in—
 - (i) birds and bird keeping; and
 - (ii) the promotion of aviculture; and

- (iii) the wellbeing of birds, whether in captivity or in the wild; and
 - (c) the Minister is satisfied that the organisation has processes in place to educate its members about, and to ensure that its members comply with—
 - (i) the Code of Practice for the Housing of Caged Birds made under the **Prevention of Cruelty to Animals Act 1986**, as varied from time to time; or
 - (ii) any other code of practice relating to caged birds approved by the Minister for the purposes of this section.
- (2) An application for a declaration under subsection (1) must be made in the form approved by the Minister.
- (3) A declaration under this section remains in force until the earlier of—
 - (a) the end of the period (if any) specified in the declaration; or
 - (b) the revocation of the declaration.
- (4) The Minister must cause a notice of a declaration made under this section, or a revocation of such a declaration, to be published in the Government Gazette.

58U Notice to Secretary of caged bird sales

- (1) A declared bird organisation that intends to conduct a caged bird sale from any place other than the following places must give notice in accordance with this section, to the Secretary of its intention to hold the caged bird sale—

- (a) a premises registered under Part 4 for the purpose of conducting a domestic animal business from which caged birds may be sold;
 - (b) a person's residence.
- Penalty: 10 penalty units.
- (2) The declared bird organisation must notify the Secretary in writing of the caged bird sale at least 14 days before the caged bird sale commences.
 - (3) The notification to the Secretary must include the day or days on which the caged bird sale is to be conducted and any other prescribed details.
 - (4) A declared bird organisation does not commit an offence under subsection (1), if the organisation intends to conduct the caged bird sale in accordance with an animal sale permit."

34 Repeal of sections 60, 61 and 62

Sections 60, 61 and 62 of the Principal Act are **repealed**.

35 New sections inserted in Division 5 of Part 4

After the heading to Division 5 of Part 4 of the Principal Act **insert**—

"63AAA Definition

In this Division—

approved source means any of the following—

- (a) an animal shelter that is conducted on premises that are registered under section 47;

(b) a pound that is conducted on premises that are registered under section 47;

(c) a registered foster carer.

63AAB Offences as to sale or giving away of animals by pet shops

- (1) A person must not, in the conduct of the business of a pet shop, sell or give away a dog or cat unless the dog or cat is from an approved source.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

- (2) A person must not, in the conduct of the business of a pet shop, cause or allow a dog or cat that is not from an approved source to be sold or given away.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

- (3) The proprietor of a pet shop must not act as an agent in the sale or giving away of a dog or cat that is not from an approved source.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

- (4) A person must not, in the conduct of the business of a pet shop, accept or receive a dog or cat for sale or giving away that is not from an approved source.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

63AAC Offences as to sale or giving away or provision of animals to pet shops

- (1) A person must not sell, give away or provide a dog or cat that is not from an approved source to the proprietor of a pet shop or an agent of the proprietor.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

- (2) A person must not cause or allow a dog or cat that is not from an approved source to be sold, given away or provided to the proprietor of a pet shop or an agent of the proprietor.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

63AAD Offences where dog or cat is in foster care and that is not of a certain age

- (1) A person must not sell, give away or provide to the proprietor of a pet shop or an agent of the proprietor a dog or cat that is—

- (a) in foster care with a registered foster carer; and
 - (b) under—
 - (i) 6 months of age, if a dog; or
 - (ii) 8 weeks of age, if a cat.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.
- (2) A person must not cause or allow a dog or cat to be sold, given away or provided to the proprietor of a pet shop or an agent of the proprietor if the dog or cat is—
 - (a) in foster care with a registered foster carer; and
 - (b) under—
 - (i) 6 months of age, if a dog; or
 - (ii) 8 weeks of age, if a cat.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.
- (3) The proprietor of a pet shop must not act as an agent in the sale or giving away of a dog or cat that is—
 - (a) in foster care with a registered foster carer; and

(b) under—

(i) 6 months of age, if a dog; or

(ii) 8 weeks of age, if a cat.

Penalty: In the case of a natural person,
164 penalty units;

In the case of a body corporate,
600 penalty units.

(4) A person must not, in the conduct of a business that is a pet shop, accept or receive a dog or cat for sale or giving away that is—

(a) in foster care with a registered foster carer; and

(b) under—

(i) 6 months of age, if a dog; or

(ii) 8 weeks of age, if a cat.

Penalty: In the case of a natural person,
164 penalty units;

In the case of a body corporate,
600 penalty units.

63AAE Offence to sell a dog or cat to an animal shelter or pound

(1) A person must not sell a dog or cat to the proprietor or an agent of the proprietor of an animal shelter or a pound.

Penalty: In the case of a natural person,
164 penalty units;

In the case of a body corporate,
600 penalty units.

- (2) A person must not cause or allow a dog or cat to be sold to the proprietor or an agent of the proprietor of an animal shelter or a pound.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units."

36 Domestic animal management plans

For section 68A(1) of the Principal Act
substitute—

- "(1) Subject to subsection (1A), each Council must, in consultation with the Secretary, prepare a domestic animal management plan on 4 December 2021 and at the end of each period of 4 years after that day.
- (1A) A Council may apply to the Secretary for an extension of time within which to prepare a domestic animal management plan.
- (1B) The Secretary may grant an extension of time under subsection (1A) if the Secretary believes that special circumstances exist that warrant the granting of an extension."

37 New Parts inserted after Part 5A

After Part 5A of the Principal Act **insert—**

"Part 5B—Foster carer registration

68B Grant of foster carer registration

On application under section 68C, a Council may register a person to provide foster care on a premises in the municipal district of the Council, if the person provides or intends to provide foster care on that premises.

68C Application for foster carer registration

A person who provides or intends to provide foster care on a premises in the municipal district of a Council may apply to that Council for a foster carer registration.

68D Renewal of foster carer registration

- (1) On the expiry of a foster carer registration, the Council may renew the registration.
- (2) Before a foster carer registration expires, the holder may apply to the Council for renewal of the registration.
- (3) An application under subsection (2) must be made to the Council at least 60 days before the expiry of the registration.

68E Matters to be considered in granting or renewing foster carer registration

The Council must have regard to the following matters in deciding whether or not to grant or renew a foster carer registration—

- (a) the applicant has failed to comply with any requirement of this Act or regulations made under this Act;
- (b) the applicant has been found guilty of—
 - (i) an offence against this Act or regulations made under this Act;
or
 - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
 - (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds

with a law referred to in
subparagraph (i) or (ii);

- (c) the applicant is or has been subject to a notice to comply under this Act or a control order under the **Prevention of Cruelty to Animals Act 1986**;
- (d) the premises on which the applicant is providing or proposes to provide the foster care is on the same rateable property as a registered premises or proposed registered premises of a domestic animal business;
- (e) the applicant is a proprietor of a domestic animal business (whether in the municipal district of the Council or another municipal district).

68F Duration of foster carer registration

A foster carer registration remains in force until 10 April of the year following the granting or renewal of registration.

68G Form of application for registration or renewal of registration

An application under section 68C or 68D(2) must—

- (a) be in the form required by the Council;
and
- (b) include any information required by the Council and any prescribed information; and
- (c) be accompanied by the fee fixed by the Council.

68H Foster carer registration fees

- (1) A Council may, by resolution, fix fees to be paid for a foster carer registration.

- (2) If a foster carer registration only applies for part of a year, the Council may permit a pro rata fee to be paid for that registration which represents the proportion of the year for which the registration applies.

68I Conditions on foster carer registration

- (1) A foster carer registration is subject to—
- (a) any prescribed conditions; and
 - (b) any conditions imposed on the registration by the Council that the Council considers necessary.
- (2) A registered foster carer must comply with the conditions to which the foster care registration is subject.

Penalty: 5 penalty units.

68J Suspension or cancellation of registration

- (1) The Council may suspend or cancel a foster carer registration if—
- (a) the holder of the registration is a person to whom a paragraph of section 68E applies; or
 - (b) the holder has failed to comply with a condition of the registration.
- (2) The Council must notify the registered foster carer of a suspension or cancellation under subsection (1).
- (3) A suspension or cancellation under subsection (1) comes into effect on the day specified in the notice under subsection (2), which must not be before the day on which the notice is given to the registered foster carer.

- (4) If a Council suspends a registration—
- (a) the suspension remains in force for the period specified in the notice under subsection (2); and
 - (b) a foster carer whose registration is suspended is taken not to be registered for the period that the suspension remains in force.

68K Notice of and submissions on proposal to suspend, cancel or not renew foster carer registration

- (1) If the Council proposes to suspend, cancel or not renew a foster carer registration, before doing so the Council must give notice in writing to the holder of the registration stating—
- (a) the reasons for the proposal; and
 - (b) that, under subsection (2), the holder of the registration may make submissions to the Council on the proposal within the period specified in the notice.
- (2) The holder of the registration may make written submissions to the Council in relation to the proposal to suspend, cancel or not renew the registration within the period specified in the notice under subsection (1).
- (3) The Council must consider any submission made under subsection (2), before deciding to suspend, cancel or not renew the registration."

38 Payments to the Treasurer

In section 69(1)(b) of the Principal Act, for "\$10.00" **substitute** "\$20.00".

39 Heading to Part 7 substituted

For the heading to Part 7 of the Principal Act
substitute—

"Part 7—General enforcement".

40 New Division heading inserted in Part 7

After the heading to Part 7 of the Principal Act
insert—

**"Division 1—Appointment of
authorised officers".**

**41 Departmental authorised officers, consequential
amendment**

Insert the following heading to section 71 of the
Principal Act—

**"Appointment of Departmental authorised
officers".**

**42 Restricted authorised officers, consequential
amendment**

For the heading to section 71A of the Principal
Act **substitute—**

**"Appointment of restricted authorised
officers".**

**43 Council authorised officers, consequential
amendment**

For the heading to section 72 of the Principal Act
substitute—

"Appointment of Council authorised officers".

**44 Council contracted authorised officers,
consequential amendment**

For the heading to section 72A of the Principal Act **substitute**—

"Appointment of Council contracted authorised officers".

45 New Division heading inserted in Part 7

After section 73A of the Principal Act **insert**—

"Division 2—General enforcement powers of authorised officers".

46 Powers of authorised officers

(1) **Insert** the following heading to section 74 of the Principal Act—

"Entry, search and other powers of authorised officers for some purposes".

(2) In section 74(1) of the Principal Act—

(a) for "An authorised officer appointed by the Minister under section 71" **substitute** "A Departmental authorised officer";

(b) in paragraph (ca), for "section 63AE; or" **substitute** "section 63AE—";

(c) **omit** paragraph (d).

(3) In section 74(1A) of the Principal Act—

(a) for "An authorised officer appointed by the Minister under section 71A" **substitute** "A restricted authorised officer";

(b) **omit** paragraph (c).

(4) In section 74(1B) of the Principal Act—

(a) for "An authorised officer appointed by a Council under section 72" **substitute** "A Council authorised officer";

- (b) in paragraph (ca), for "this Act; or"
substitute "this Act—";
 - (c) **omit** paragraph (d).
- (5) In section 74(1C) of the Principal Act—
- (a) for "an authorised officer appointed by a Council under section 72" **substitute** "a Council authorised officer";
 - (b) in paragraph (ca), for "this Act;" **substitute** "this Act.";
 - (c) **omit** paragraph (d).
- (6) In section 74(2) of the Principal Act—
- (a) in paragraph (a), for "any building not occupied as a place of residence or any land or vehicle" **substitute** "any premises or part of premises not occupied as a place of residence or any vehicle";
 - (b) in paragraph (b), for "any building, land or vehicle" **substitute** "any premises or any vehicle";
 - (c) in paragraph (g), for "an authorised officer appointed by a Council under section 72" **substitute** "a Council authorised officer".
- (7) After section 74(3) of the Principal Act **insert**—
- "(4) The powers of an authorised officer under the other provisions of this Act are in addition to the powers of an authorised officer under this section."

47 Powers of Council contracted authorised officers

- (1) For the heading to section 74A of the Principal Act **substitute**—
- "Council contracted authorised officers may request name and address, ask questions".**

(2) In section 74A of the Principal Act —

- (a) for "An authorised officer appointed under section 72A" **substitute** "A Council contracted authorised officer";
- (b) for "12A," **substitute** "12A(1), 12A(2), 13,".

48 New Division inserted after section 74A

After section 74A of the Principal Act **insert**—

**"Division 3—Enforcement powers—
domestic animal businesses and the
keeping of GRV greyhounds**

74AB Definition

In this Division—

relevant provision means any of the following—

- (a) section 12A(1) or (2) or 13(1) or (2);
- (b) a provision of Part 4 or 4AA;
- (c) a regulation that relates to a provision referred to in paragraph (a) or (b).

74AC Entry and search powers to monitor compliance of domestic animal businesses and keeping of GRV greyhounds

- (1) For the purpose of monitoring compliance with a relevant provision, a restricted authorised officer, a Council authorised officer or a Departmental authorised officer may enter and search any premises or vehicle in which the authorised officer reasonably suspects that a domestic animal business is being conducted or that a GRV greyhound is being kept.

- (2) An authorised officer may enter and search any premises or vehicle under subsection (1)—
- (a) by any reasonable means; and
 - (b) with any reasonable assistance that the authorised officer requires.
- (3) An authorised officer who enters and searches any premises or vehicle under subsection (1) may do all or any of the following—
- (a) inspect any animal, enclosure or thing in the premises or vehicle;
 - (b) in the case of any document in the premises or vehicle, do all or any of the following—
 - (i) require the document to be produced for examination;
 - (ii) examine, make copies of or take extracts from the document, or arrange for the making of copies or the taking of extracts;
 - (iii) remove the document for so long as is reasonably necessary to make copies of or take extracts from the document;
 - (c) bring any equipment into the premises or vehicle, if the authorised officer reasonably believes that the equipment is necessary for the examination or processing of any thing (including any document) in the premises or vehicle in order to determine whether the thing may be seized under paragraph (d);

- (d) seize any document or other thing, other than an animal, in the premises or vehicle, if the authorised officer reasonably believes that the thing is connected with a contravention of a relevant provision;
 - (e) secure any animal or thing in the premises or vehicle against interference, if the authorised officer reasonably believes that the animal or thing is connected with a contravention of a relevant provision;
 - (f) make any still or moving image or audio-visual recording of any document, animal or other thing in the premises or vehicle, if the authorised officer reasonably believes that it is connected with a contravention of a relevant provision;
 - (g) take and keep a sample of any thing in the premises or vehicle, if the authorised officer reasonably believes that the thing is connected with a contravention of a relevant provision;
 - (h) ask questions of a person present in the premises or vehicle if the authorised officer reasonably believes that the person may be connected with a contravention of a relevant provision.
- (4) A power under this section must not be exercised in any part of a premises that is residential.
- (5) If an authorised officer exercises a power of entry to any premises or vehicle under this section without the owner or occupier being present the authorised officer must,

on leaving the premises or vehicle, leave a notice setting out—

- (a) the time of entry; and
- (b) the purpose of entry; and
- (c) a description of things done while in the premises or vehicle; and
- (d) the time of departure; and
- (e) the procedure for contacting the authorised officer for further details of the entry.

74AD Application for search warrant under section 74AE

- (1) A restricted authorised officer, a Council authorised officer or a Departmental authorised officer may apply to a magistrate for the issue of a search warrant in relation to any premises or vehicle if the authorised officer reasonably believes that there is in the premises or vehicle any thing, or kind of thing, that is relevant to determining if an offence against a relevant provision has been committed.
- (2) An application under subsection (1) must not be made without the written approval of the Secretary.
- (3) In this section and section 74AE a reference to *premises* includes the whole or any part of a premises that is residential.

74AE Search warrant

- (1) If a magistrate is satisfied by the evidence, on oath or by affidavit, that there is in the premises or vehicle specified in an application under section 74AD any thing, or kind of thing, that is relevant to

determining if an offence against a relevant provision has been committed, the magistrate may issue the search warrant applied for in accordance with the **Magistrates' Court Act 1989**.

- (2) A search warrant issued under subsection (1) may authorise a person authorised in the warrant to execute the warrant to do all or any of the following—
- (a) enter the premises or vehicle specified in the warrant;
 - (b) search for any thing, or kind of thing, named or described in the warrant;
 - (c) seize any document or other thing, other than an animal, that is or is of a kind named or described in the warrant which the authorised officer reasonably believes to be connected with a contravention of a relevant provision;
 - (d) do all or any of the following in relation to any thing that is or is of a kind named or described in the warrant and which the authorised officer reasonably believes to be connected with a contravention of a relevant provision—
 - (i) secure the thing against interference;
 - (ii) examine, inspect and take and keep samples of or from the thing;
 - (e) as to any document, or document of a kind, named or described in the warrant, do all or any of the following—

- (i) require the document to be produced for inspection and examination;
 - (ii) examine the document;
 - (iii) if the authorised officer reasonably believes the document is connected with a contravention of a relevant provision, make copies of or take extracts from the document, or arrange for the making of copies of or the taking of extracts from the document and remove the document for so long as is reasonably necessary to make copies of or take extracts from the document;
- (f) make any still or moving image or audio-visual recording of any thing that is or is of a kind named or described in the warrant, if the authorised officer believes on reasonable grounds that it is connected with a contravention of a relevant provision;
- (g) take and keep a sample of any thing that is or is of a kind named or described in the warrant, if the authorised officer reasonably believes that the thing is connected with a contravention of a relevant provision.
- (3) A search warrant issued under subsection (1)—
- (a) may authorise an authorised officer to execute the warrant; and

- (b) may authorise any other person named or otherwise identified in the warrant to assist the authorised officer to execute the warrant.

74AF Seizure and samples of things not mentioned in the warrant

- (1) A search warrant under this Division authorises the person executing the warrant, in addition to seizing any thing or kind of thing named or described in the warrant, to seize any document or other thing (that is not an animal) if the person reasonably believes—
 - (a) that the thing is of a kind that could have been included in the search warrant and that is connected with a contravention of a relevant provision; and
 - (b) that it is necessary to seize the thing in order to prevent its concealment, loss or destruction or its use in the contravention of the relevant provision.
- (2) A search warrant under this Division authorises the person executing the warrant, in addition to seizing any thing or kind of thing named or described in the warrant, to take a sample of or from any thing, if the person reasonably believes, that—
 - (a) the thing is of a kind that could have been included in the search warrant; and
 - (b) the sample is of or from a thing that is connected with a contravention of a relevant provision.

74AG Requirements for search warrants

A search warrant under this Division must state—

- (a) the purpose for which the warrant is required and the nature of any alleged contravention; and
- (b) any conditions to which the warrant is subject; and
- (c) whether entry is authorised to be made at any time of the day or night or during stated hours of the day or night; and
- (d) a day, not later than 28 days after the issue of the warrant, on which the warrant ceases to have effect.

74AH Application of Magistrates' Court Act 1989

- (1) Despite section 78 of the **Magistrates' Court Act 1989**, a search warrant under this Division must not authorise an authorised officer to arrest a person.
- (2) Except as provided by this Division, the rules to be observed with respect to search warrants under the **Magistrates' Court Act 1989** extend and apply to warrants under this Division.

74AI Announcement before entry

- (1) On executing a search warrant under this Division the authorised officer executing the warrant—
 - (a) must announce that the authorised officer is authorised by the warrant to enter the premises or vehicle; and

- (b) if the authorised officer has been unable to obtain unforced entry, must give any person at the premises or vehicle an opportunity to allow entry to the premises.
- (2) An authorised officer need not comply with subsection (1) if the authorised officer believes on reasonable grounds that immediate entry to the premises or vehicle is required to ensure—
 - (a) the safety of any person; or
 - (b) that the effective execution of the search warrant is not frustrated.

74AJ Details of warrant to be given to occupier

- (1) If the occupier is present at the premises when a search warrant under this Division is being executed, the authorised officer must—
 - (a) show the authorised officer's identification to the occupier; and
 - (b) give a copy of the warrant to the occupier.
- (2) If the occupier is not present at the premises when a search warrant under this Division is being executed, the authorised officer must, if there is a person present at the premises—
 - (a) show the authorised officer's identification to the person; and
 - (b) give the person a copy of the warrant.
- (3) If a person is present at a vehicle when a search warrant under this Division is being executed, the authorised officer must—
 - (a) show the authorised officer's identification to the person; and

- (b) give a copy of the warrant to the person.
- (4) If a person is not present at a vehicle when a search warrant under this Division is being executed, the authorised officer must—
 - (a) leave information as to a means of contacting the authorised officer on the vehicle; and
 - (b) leave a copy of the warrant on the vehicle."

49 New Division heading inserted before section 74B

Before section 74B of the Principal Act **insert**—

**"Division 4—Miscellaneous
enforcement powers".**

50 Taking samples from dogs, consequential amendments

- (1) In section 74B(1) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer or Council contracted authorised officer".
- (2) In section 74B(2) of the Principal Act, for "An authorised officer" **substitute** "A Council authorised officer or Council contracted authorised officer".
- (3) In section 74B(4) of the Principal Act **omit** the definition of *authorised officer*.

51 Procedures for taking samples from dogs, consequential amendment

In section 74C(1) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer or Council contracted authorised officer".

52 Procedures for seizure of documents

In section 75(1) of the Principal Act, for "section 74(2)(e)" **substitute** "this Part".

53 New section inserted after section 75

After section 75 of the Principal Act **insert**—

"75AA Copies of certain seized things to be given

- (1) If an authorised officer seizes under section 74 or 74AC or under a warrant under section 74AE—
 - (a) a document; or
 - (b) a thing that can be readily copied; or
 - (c) a storage device that contains information that can be readily copied—

the authorised officer must, as soon as practicable after completing the search, give—
 - (d) a copy of the document, information or thing; and
 - (e) a receipt for the document, information or thing—

to the owner or custodian of the document, information or thing.
- (2) Subsection (1) does not apply if the authorised officer is unable to discover the identity of the owner or custodian of the document, information or thing.
- (3) In the case of a paper document, the authorised officer must certify on any copy of the document given to a person under this section that the copy is an accurate copy of the document.

- (4) In any proceeding under this Act a copy of a document, thing or information given to an owner or custodian in accordance with this section is evidence and in the absence of evidence to the contrary is proof that the copy is a copy of that document, thing or information."

54 Seizure of records, consequential amendment

In section 75A(1) of the Principal Act, for "an authorised officer appointed under section 71" **substitute** "a Departmental authorised officer".

55 New Division heading inserted after section 76A

After section 76A of the Principal Act **insert**—

**"Division 5—Enforcement powers—
breeding restricted breed dogs".**

56 Documents to be made available for inspection, consequential amendments

- (1) In section 76B(1) of the Principal Act, for "an authorised officer who is appointed by a Council under section 72" **substitute** "a Council authorised officer".
- (2) In section 76B(2) of the Principal Act, for "An authorised officer who is appointed by a Council under section 72" **substitute** "A Council authorised officer".

57 Approval for search warrant, consequential amendment

In section 76C of the Principal Act, for "an authorised officer who is appointed by a Council under section 72" **substitute** "a Council authorised officer".

**58 Search warrant for section 41EB offence,
consequential amendments**

- (1) In section 76D(1) of the Principal Act, for "An authorised officer who is appointed by a Council under section 72 and" **substitute** "A Council authorised officer".
- (2) In section 76D(2) of the Principal Act, for "an authorised officer, who is appointed under section 72 by the Council for the municipal district in which the offence is alleged to have been committed, and who is named in the warrant, together with any other person or persons named or otherwise identified in the warrant" **substitute** "a Council authorised officer authorised in the warrant to execute the warrant,".
- (3) After section 76D(2) of the Principal Act **insert**—
 - "(2A) A search warrant issued under subsection (2)—
 - (a) may authorise a Council authorised officer of the Council to execute the warrant; and
 - (b) may authorise any other person named or otherwise identified in the warrant to assist the Council authorised officer to execute the warrant."
- (4) In section 76D(3) of the Principal Act—
 - (a) for "An authorised officer who is appointed by a Council under section 72" **substitute** "A Council authorised officer of a Council";
 - (b) after "of the Council" **insert** "that appointed the authorised officer".

59 Division 1 of Part 7A repealed

Division 1 of Part 7A of the Principal Act is **repealed**.

60 Seizure of dangerous dogs, consequential amendments

- (1) In section 78(1) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".
- (2) In section 78(2) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

61 Seizure of restricted breed dogs, consequential amendments

- (1) In section 79(1) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".
- (2) In section 79(2) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".
- (3) In section 79(3) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

62 Seizure of dogs believed to be restricted breed dogs, consequential amendment

In section 80 of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

63 Seizure of dog urged or trained to attack etc., consequential amendments

- (1) In section 81(1) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".
- (2) In section 81(2) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

64 Seizure of unregistered dog or cat, consequential amendment

In section 82 of the Principal Act, for
"An authorised officer of a Council"
substitute "A Council authorised officer".

65 Seizure from unregistered breeding domestic animal business

(1) For section 82A(1) of the Principal Act
substitute—

"(1) In this section—

authorised officer means a Departmental authorised officer, a Council authorised officer, a Council contracted authorised officer or a restricted authorised officer."

(2) In section 82A(2) of the Principal Act—

(a) in paragraph (b), for "revoked under section 54 or 57A" **substitute** "revoked under Division 3 of Part 4";

(b) in paragraph (ba), for "refused under section 54(3)" **substitute** "refused under Division 3 of Part 4".

(3) In section 82A(3) of the Principal Act, for
"An authorised officer of a Council" **substitute**
"A Council authorised officer".

(4) In section 82A(4) of the Principal Act—

(a) in paragraph (a), for "an authorised officer appointed under section 71A or 72A" **substitute** "a Council contracted authorised officer or a restricted authorised officer";

(b) in paragraph (b), for "an authorised officer appointed under section 72" **substitute** "a Council authorised officer".

66 New section 82B inserted

(1) After section 82A of the Principal Act **insert**—

"82B Seizure of dog or cat for certain offences

(1) In this section—

authorised officer means a Departmental authorised officer, a Council authorised officer or a restricted authorised officer.

(2) An authorised officer may—

- (a) seize a dog that is on premises where GRV greyhounds are being kept if the authorised officer reasonably believes that there has been, is or is about to be, a contravention of Part 4AA; or
- (b) seize a dog or cat that is on premises where a domestic animal business is being conducted if the authorised officer reasonably believes that there has been, is or is about to be, a contravention of section 45A, 58AF or 63A or of a notice to comply under section 76A.

(3) An authorised officer must not enter premises for the purpose of seizing a dog or cat under subsection (2) unless the entry is under section 74AC or by warrant under section 74AE or section 84E."

(2) In section 82B(2)(b) of the Principal Act, for "or 63A" **substitute** "63A, 63AAB, 63AAC, 63AAD or 63AAE".

67 Seizure of non-compliant dog or cat, consequential amendment

In section 83 of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

68 Section 84B substituted

For section 84B of the Principal Act **substitute**—

"84B Seizure of dog or cat outside premises

A Council authorised officer or a Council contracted authorised officer may seize a dog or cat that is outside its owner's premises if—

- (a) the Magistrates' Court has made an order under section 84W with respect to the owner of the dog or cat and the order has not been complied with; and
- (b) the authorised officer reasonably suspects that the owner of the dog or cat has committed an offence under section 23(4), 24(1), 24(2) or 25(1); and
- (c) the premises is in the municipal district of the Council that has contracted or appointed the authorised officer."

69 Seizure of abandoned dog or cat, consequential amendment

For section 84C(1) of the Principal Act **substitute**—

"(1) A Council authorised officer may enter any premises in the municipal district of the Council appointing the authorised officer at the request of the owner of the premises if the authorised officer reasonably suspects that there is an abandoned dog or cat in or on the premises.

- (1A) Premises that may be entered under subsection (1) include a person's residence."

70 Seizure of dog for breeding offence, consequential amendments

- (1) In section 84CA(1) of the Principal Act, for "an authorised officer who is appointed by a Council under section 72" **substitute** "a Council authorised officer".
- (2) In section 84CA(2) of the Principal Act—
 - (a) for "An authorised officer appointed by a Council under section 72" **substitute** "A Council authorised officer";
 - (b) for "of that Council" **substitute** "of the Council that appointed the authorised officer".

71 Delivery of seized dog or cat, consequential amendments

- (1) In section 84D(1) of the Principal Act, for "an authorised officer of the Council" **substitute** "a Council authorised officer".
- (2) In section 84D(2) of the Principal Act, for "an authorised officer of the Council" **substitute** "a Council authorised officer".

72 Section 84E substituted

For section 84E of the Principal Act **substitute**—

"84E Search warrants for dogs or cats

- (1) An authorised officer who may seize a dog or cat under this Part (other than section 84CA) may apply to a magistrate for the issue of a search warrant for a premises, if the authorised officer believes on reasonable grounds that there is present on the premises any dog or cat that the authorised officer may so seize.

- (2) If a magistrate is satisfied, by the evidence on oath or by affidavit, that there is on the premises specified in the application under subsection (1) any dog or cat which the authorised officer may seize, the magistrate may issue the search warrant applied for in accordance with the **Magistrates' Court Act 1989**.
- (3) A search warrant issued under subsection (2) may authorise the authorised officer named in the warrant to execute the warrant to do any of the following with any necessary equipment—
- (a) enter the premises specified in the warrant;
 - (b) search for any dog or cat named or described in the warrant;
 - (c) examine any dog or cat, named or described in the warrant for the purposes of identifying the owner of the dog or cat;
 - (d) if necessary, seize any dog or cat named or described in the warrant.
- (4) A search warrant issued under subsection (2)—
- (a) may authorise the authorised officer who applied for the warrant or another authorised officer of the same class as the authorised officer who applied for the warrant to execute the warrant; and
 - (b) may authorise any other person named or otherwise identified in the warrant to assist the authorised officer to execute the warrant.

- (5) In this section a reference to *premises* includes the whole or any part of the premises that is residential."

73 Search warrant for breeding offence, consequential amendments

- (1) In section 84EA(1) of the Principal Act, for "an authorised officer who is appointed by a Council under section 72" **substitute** "a Council authorised officer".
- (2) In section 84EA(2) of the Principal Act—
- (a) for "An authorised officer who is appointed by a Council under section 72" **substitute** "A Council authorised officer";
- (b) in paragraph (b), after "of the Council" **insert** "that appointed the authorised officer".
- (3) In section 84EA(3) of the Principal Act, for "an authorised officer who is appointed under section 72 by the Council for the municipal district in which the offence under section 41EB is alleged to have been committed and who is named in the warrant, together with any other person or persons named or otherwise identified in the warrant (including a police officer) to assist the authorised officer, and" **substitute** "a Council authorised officer authorised in the warrant to execute the warrant".
- (4) After section 84EA(3) of the Principal Act **insert**—
- "(3A) A search warrant issued under subsection (3)—
- (a) may authorise a Council authorised officer to execute the warrant; and

(b) may authorise any other person named or otherwise identified in the warrant to assist the authorised officer to execute the warrant."

(5) In section 84EA(4) of the Principal Act, for "An authorised officer who is appointed by a Council under section 72" **substitute** "A Council authorised officer of a Council".

74 Custody of dogs or cats seized under section 82B

At the end of section 84J of the Principal Act, **insert—**

"(2) If a Departmental authorised officer, a Council authorised officer or a restricted authorised officer has seized a dog or cat under section 82B, the Council or person or body holding the dog or cat may retain custody of the dog or cat until the dog or cat is recovered under Division 5 or disposed of under Division 6 (as the case may be)."

75 Recovery of dog or cat

(1) In section 84M(1) of the Principal Act, after "82," **insert** "82B,".

(2) In section 84M(2) of the Principal Act, after "84Q(2)" **insert** "or (2A)".

76 Prosecution of suspected persons

(1) In section 84Q(1) of the Principal Act—

(a) for "an authorised officer" **substitute** "a Council authorised officer";

(b) after "seized under this Part" **insert** "other than section 82A or 82B".

(2) After section 84Q(2) of the Principal Act **insert**—

"(2A) If a Council, person or body has custody of a dog or cat that has been seized under section 82B and the Council, person or body proposes to prosecute the owner of the dog or cat for an offence under section 45A, 58AF, 63A, in relation to the dog or cat, the Council, person or body—

(a) must commence prosecution as soon as possible after the seizure and after sufficient information is available to enable the commencement of prosecution; and

(b) must retain custody of the dog or cat and any offspring of the dog or cat until the outcome of the prosecution is known.

(2B) If the outcome of the prosecution referred to in subsection (2A) is that the owner of the dog or cat is found guilty of the offence, the dog or cat and any offspring of the dog or cat are forfeited to the Council or to the person or body who has custody of the dog or cat and offspring (if any).".

(3) In section 84Q(2A) of the Principal Act, after "63A" **insert** ", 63AAB, 63AAC, 63AAD, 63AAE".

77 Owner to provide address, consequential amendment

In section 84R of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer".

**78 Destruction of dog if owner not identified,
consequential amendment**

In section 84S of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer".

**79 Destruction of dog if a danger to the public,
consequential amendments**

In section 84TA(1) of the Principal Act—

- (a) in paragraph (a), for "the authorised officer" **substitute** "the Council authorised officer";
- (b) in paragraph (c), for "an authorised officer" **substitute** "a Council authorised officer".

**80 Immediate destruction of dog, consequential
amendment**

In section 84TB(1) of the Principal Act, for "An authorised officer" **substitute** "A Council authorised officer".

**81 Destruction of declared dangerous dog,
consequential amendment**

In section 84TC(1)(b) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer".

82 Disposal of forfeited dog or cat

- (1) For the heading to section 84TD of the Principal Act **substitute**—
"Disposal of forfeited dog or cat".
- (2) In section 84TD of the Principal Act, for "under section 82A(4)" **substitute** "under section 82A(4) or 84Q(2B)".

83 Section 84VA substituted

For section 84VA of the Principal Act
substitute—

"84VA Recovery of costs for forfeited dogs or cats

- (1) The Council, person or body to which a dog or cat has been forfeited under section 82A(4) or 84Q(2B) may recover any reasonable cost incurred by the Council, person or body for the care, transport, maintenance and disposal of the dog or cat for the whole or any part of the time from when the dog or cat is seized under Division 2 until the time when the dog or cat is disposed of under section 84TD.
- (2) The Council, person or body may recover costs under subsection (1)—
 - (a) from the owner or person in charge of the dog or cat when the dog or cat was seized; and
 - (b) in a court of competent jurisdiction as a debt due to the Council, person or body.
- (3) In recovering costs under this section any amount that has been recovered under an order of the Magistrates' Court under section 84WC must be taken into account."

84 Orders prohibiting ownership of dogs or cats

- (1) In section 84WA(1) of the Principal Act, for "section 45, 63A" **substitute** "section 45, 45A, 58AF, 63A".
- (2) In section 84WA(1) of the Principal Act, after "63A" **insert** ", 63AAB, 63AAC, 63AAD, 63AAE".

85 New section inserted after section 84WA

After section 84WA of the Principal Act **insert**—

"84WAB Offence not to comply with order under section 84WA

- (1) A person who is subject to an order under section 84WA must comply with the order.

Penalty 240 penalty units or imprisonment for 2 years.

- (2) Nothing in this section affects the powers of the court, or of the Supreme Court, in relation to contempt of court."

86 Section 84WB repealed

Section 84WB of the Principal Act is **repealed**.

87 Order for bond or costs, dog or cat not returned

For section 84WC(1) of the Principal Act **substitute**—

- "(1) In a proceeding before the Magistrates' Court for an offence against this Act or regulations made under this Act, the Court, on application under subsection (1C), may make an order that either of the following be paid—
- (a) a bond or security to provide for the care and maintenance of the dog or cat that is the subject of the proceeding;
 - (b) any identified costs for the care, transport and maintenance of the dog or cat that is the subject of the proceeding.

- (1A) The Magistrates' Court may make an order under subsection (1) if—
- (a) the dog or cat has been seized under this Part; and
 - (b) the dog or cat—
 - (i) is in the custody of a Council, person or body pending the outcome of the proceeding; or
 - (ii) has been forfeited under section 82A(4) or 84Q(2B).
- (1B) The bond, security or costs to be paid—
- (a) may be for the whole or any part of the time for which the proceeding is prosecuted and for any period of time between the seizure of the dog or cat and the commencement of the proceeding; and
 - (b) must be paid by—
 - (i) for a dog or cat to which subsection (1A)(b)(i) applies, the owner or person in charge of the dog or cat at the time of seizure of the dog or cat; or
 - (ii) for a dog or cat to which subsection (1A)(b)(ii) applies, the proprietor of the domestic animal business from which the dog or cat was seized, or, for a GRV greyhound, the person who kept the GRV greyhound.
- (1C) An application may be made under subsection (1) by the person prosecuting the offence on behalf of the Council, person or body who has custody of the dog or cat or to whom the dog or cat has been forfeited."

88 Power of court to order payment of costs of disposal of dogs and cats

- (1) In section 84X(1)(ba) of the Principal Act after "or (bb)" **insert** "or (2B)".
- (2) In section 84X(1) of the Principal Act, for paragraph (e) **substitute**—
 - "(e) in the case of an offence involving a dog, that the owner and the dog attend dog obedience training provided by or on behalf of an approved dog obedience training organisation."

89 Search warrant for failure to comply with court order, consequential amendments

- (1) In section 84XB(1) of the Principal Act—
 - (a) for "An authorised officer who is appointed by a Council under section 72" **substitute** "A Council authorised officer";
 - (b) for "of that Council" **substitute** "of the Council that appointed the authorised officer".
- (2) In section 84XB(2) of the Principal Act, for "an authorised officer who is appointed under section 72 by the Council for the municipal district in which the premises is located and who is named in the warrant" **substitute** "a Council authorised officer authorised in the warrant to execute the warrant".
- (3) After section 84XB(2) of the Principal Act **insert**—
 - "(3) A search warrant issued under subsection (2) may authorise a Council authorised officer appointed by the Council for the municipal district in which the premises is situated to execute the warrant."

90 Compliance with order under section 84XA

At the end of section 84XH of the Principal Act
insert—

"(2) Nothing in this section affects the powers of the Magistrates' Court, or of the Supreme Court, in relation to contempt of court."

91 Power to serve infringement notice

(1) For the Table at the foot of section 85(1) of the Principal Act **substitute—**

"

<i>Column 1</i>	<i>Column 2</i>
<i>Class of authorised officer</i>	<i>Sections of this Act</i>
Departmental authorised officer	10(1), 10(2), 10(3), 12A(1), 12A(2), 20(1), 21, 22, 23(4), 24(1), 24(2), 25(1), 26(1), 27(1), 32(1), 32(4), 37(1C), 37(2), 37A, 38(1), 38(2), 41D(b), 41D(ba), 41D(bb)), 41D(c), 41E(2), 41F(1), 41F(2), 41G(1), 58R(1), 58U(1), 63A(1), 63D, 63F, 63G, 63H(1), 63H(2), 63I(1), 63J(1), 96
Restricted authorised officer	12A(1), 12A(2), 63A(1), 63AE(1), 63D, 63F, 63G, 63H(1), 63H(2), 63I(1), 63J(1), 96
Council authorised officer	10(1), 10(2), 10(3), 12A(1), 12A(2), 13(1), 13(2), 20(1), 21, 22, 23(4), 24(1), 24(2), 25(1), 26(1), 27(1), 29(5), 29(7), 32(1), 32(4) 37(1C), 37(2), 37A, 38(1), 38(2), 39, 41D(b), 41D(ba), 41D(bb), 41D(c), 41E(2), 41F(1), 41F(2), 41G(1), 41H, 41I, 45A(1), 63A(1), 63AE(1), 63J(1), 96

Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017
No. 69 of 2017

Part 2—Amendment of the Domestic Animals Act 1994

<i>Column 1</i>	<i>Column 2</i>
<i>Class of authorised officer</i>	<i>Sections of this Act</i>
Council contracted authorised officer	10(1), 10(2), 10(3), 12A(1), 12A(2), 13(1), 20(1), 21, 22, 23(4), 24(1), 25(1), 26(1), 27(1), 29(5), 29(7), 32(1), 32(4), 38(1), 38(2), 39, 41E(2), 41G(1), 41H, 41I

”.

(2) In the Table at the foot of section 85(1) of the Principal Act—

- (a) in Column 2 opposite the reference to Departmental authorised officer in Column 1, after "63A(1)," **insert** "63AAE(1), 63AAE(2),";
- (b) in Column 2 opposite the reference to Restricted authorised officer in Column 1, after "63A(1)," **insert** "63AAB(1), 63AAB(2), 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4), 63AAE(1), 63AAE(2),";
- (c) in Column 2 opposite the reference to Council authorised officer in Column 1, after "63A(1)," **insert** "63AAB(1), 63AAB(2), 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4), 63AAE(1), 63AAE(2),".

92 Filing of charge sheets, consequential amendment

For section 92(b) of the Principal Act **substitute**—

- "(b) a Departmental authorised officer, a restricted authorised officer or a Council authorised officer."

93 Payment of fines, consequential amendment

In section 95(a) of the Principal Act, for
"an authorised officer of a Council" **substitute**
"a Council authorised officer of a Council".

94 Offence to sell certain animals outside certain places

After section 96(aa) of the Principal Act **insert**—

- "(ab) unless the animal is sold at a place specified in an animal sale permit and under and in accordance with that permit; or
- (ac) unless, in the case of a caged bird, the bird is sold at a caged bird sale that is notified to the Secretary by a declared bird organisation in accordance with section 58U; or".

95 Power to make declarations as to restricted breed dogs, consequential amendments

- (1) In section 98A(1) of the Principal Act, for
"an authorised officer" **substitute** "a Council authorised officer".
- (2) Section 98A(2) of the Principal Act is **repealed**.

96 Regulations

- (1) After section 100(1)(ab) of the Principal Act **insert**—
 - "(ac) in relation to applicable organisations and approved dog obedience training organisations—
 - (i) reports to be provided by applicable organisations, including the form and content of the reports, the intervals at which the reports must be provided and any information or documents accompanying the reports; and

- (ii) fees to be charged for assessing an application by an organisation under section 5A, 5B or 5C; and
 - (iii) reports to be provided by approved dog obedience training organisations or dog obedience training organisations seeking approval, including the form and content of the reports and any information or documents accompanying the reports; and
- (ad) requirements relating to the provision of dog obedience training by or on behalf of approved dog obedience training organisations, including requirements as to the training of individuals to carry out dog obedience training for or on behalf of those organisations; and
- (ae) animal sale permits including—
 - (i) fees to be charged for applications for animal sale permits; and
 - (ii) prescribing criteria in relation to applicants for animal sale permits; and
 - (iii) prescribing conditions that apply to animal sale permits; and
 - (iv) any other matter relating to the sale of animals under animal sale permits; and
- (af) the sale of caged birds, including the details to be included in a notification of a caged bird sale given to the Secretary by a declared bird organisation under section 58U; and".

(2) After section 100(1)(e) of the Principal Act **insert**—

- "(ea) the prohibition or regulation of the sale or giving away of dogs and cats kept in foster care; or
- (eb) prescribing records to be kept by registered foster carers, including, in relation to any dog or cat kept in foster care by the carer—
 - (i) details of the dog or cat; and
 - (ii) details of the person from whom the dog or cat has been obtained and to whom the dog or cat is sold or given; and
- (ec) prescribing requirements for medical treatment to be carried out on any dog or cat kept in foster care before the dog or cat is sold or given away (including vaccination, worming and desexing); and
- (ed) information to be given in applications for registration, renewals of registration and transfers of registration of premises where domestic animal businesses are conducted; and".

(3) After section 100(1) of the Principal Act **insert**—

- "(1A) As to fees that may be prescribed under this Act, the regulations may provide for—
 - (a) maximum or minimum fees; and
 - (b) the reduction, waiver or refund, in whole or in part, of fees; and
 - (c) scales of fees according to different cases or different classes of case; and
 - (d) methods of calculation of fees according to different cases or different classes of case."

**97 Council to give information to Secretary,
consequential amendment**

In section 100A(1)(b) of the Principal Act, for "an authorised officer of a Council" **substitute** "a Council authorised officer".

98 New sections inserted after section 100A

After section 100A of the Principal Act **insert**—

"100B Offence to disclose information

- (1) A person who is or was engaged in the administration of Part 5B or 5C must not disclose any information obtained under, or in relation to the administration of Part 5B or 5C, except as permitted under section 100C.

Penalty: 10 penalty units.

- (2) For the purpose of the **Freedom of Information Act 1982**, information referred to in subsection (1) is information of a kind to which section 38 of that Act applies.

100C Permitted disclosures

A person who is or was engaged in the administration of Part 5B or 5C may disclose information obtained under, or in relation to, the administration of Part 5B or 5C—

- (a) in connection with the administration of Part 5B or 5C; or
(b) in accordance with a requirement imposed under an Act; or
(c) to a Council.

100D Disclosure of information by Councils

A Council may disclose information held by that Council to—

- (a) another Council; or
- (b) a restricted authorised officer; or
- (c) a Departmental authorised officer—

for the purpose of the performance of functions under Part 4 or Part 4AA or regulations under those Parts by that person."

99 Amendment to Schedule 1—Registration fees

- (1) In Column 2 of Part 1 of Schedule 1 to the Principal Act, for "Dogs that have undergone obedience training which complies with the regulations." **substitute** "Dogs that have undergone dog obedience training provided by or on behalf of an approved dog obedience training organisation."
- (2) In Column 2 of Part 1 of Schedule 1 to the Principal Act, for "Dogs kept for working stock." **substitute** "Dogs kept or used as or being trained to be farm working dogs."

Part 3—Further amendment of the Domestic Animals Act 1994

Division 1—Advertising and information register amendments

100 Amendment of definitions

Insert the following definitions in section 3(1) of the Principal Act—

"information register means the register established and maintained under section 68M;

source number means a number issued under Division 3 of Part 5C;"

101 Repeal of section 12A(2), advertising of dogs or cats

Section 12A(2) of the Principal Act is **repealed**.

102 New sections inserted after section 12A

After section 12A of the Principal Act **insert**—

"12B Offence as to advertising dogs or cats for sale

A person must not advertise a dog or cat for sale, or cause a dog or cat to be advertised for sale, unless—

- (a) the advertisement includes the source number of the person who is selling the dog or cat; and
- (b) one of the following applies—
 - (i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;

- (ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A).

Penalty: 5 penalty units.

12C Offence as to publication of advertisements for dogs or cats for sale

A person must not publish an advertisement of a dog or cat for sale, or cause the publication of an advertisement of a dog or cat for sale, unless—

- (a) the advertisement includes the source number of the person who is selling the dog or cat; and
- (b) one of the following applies—
 - (i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;
 - (ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A).

Penalty: In the case of a natural person,
5 penalty units;
In the case of a body corporate,
20 penalty units.

12D Interpretation of sell

In section 12B and 12C a reference to *selling* or *sale* includes a reference to *giving away*."

103 Amendments consequential to repeal of section 12A(2) and insertion of new sections 12B and 12C

- (1) In section 74A of the Principal Act, for "12A(2)," substitute "12B, 12C,".
- (2) For section 74AB(a) of the Principal Act substitute—
"(a) section 12A(1), 12B, 12C, 13(1) or 13(2);".

104 New Part inserted after Part 5B

After Part 5B of the Principal Act insert—

**"Part 5C—Information register
and source numbers**

Division 1—Definition

68L Definition

- (1) In this Part—
inspect, in relation to the information register, includes the obtaining of information kept on the register either orally or in writing.
- (2) In this Part, a reference to *sell* or *selling* includes a reference to *give away* or *giving away*, and a reference to *sale* includes a reference to *giving away*.

Division 2—Information register

68M Secretary to keep information register

- (1) The Secretary must establish and maintain a register—
 - (a) of information relating to—
 - (i) domestic animal businesses; and

- (ii) registered foster carers; and
 - (iii) recreational breeders; and
 - (iv) microbreeders and others who sell dogs or cats; and
 - (b) of source numbers issued under Division 3 and related matters; and
 - (c) of information relating to the keeping and breeding of dogs or cats.
- (2) The register must contain—
- (a) the source numbers issued by the Secretary under Division 3 and related information; and
 - (b) the information given to the Secretary under this Part; and
 - (c) any other prescribed information.

68N Information as to domestic animal businesses to be given to Secretary

- (1) For the purpose of keeping and maintaining the information register, a Council must give to the Secretary the information set out in section 68Q(1) and (2) relating to each registration of a premises by the Council under Part 4.
- (2) The Council must give the information to the Secretary under subsection (1) within 7 days after making a decision under Part 4 to grant the registration or renew or transfer the registration under that Part.

68O Information as to registered foster carers to be given to Secretary

- (1) For the purpose of keeping and maintaining the information register, a Council must give to the Secretary the information set out in

section 68Q(1)(a), (c)(ii) and (iii), (d)(ii), (h), (i) and (j), relating to each registration of a foster carer by the Council under Part 5B.

- (2) The Council must give the information to the Secretary under subsection (1) within 7 days after making a decision under Part 5B to grant or renew the registration.

68P Information to be given to Secretary for source number applications

- (1) A recreational breeder who is applying for a source number under Division 3 must give the information set out in section 68Q(1)(a), (c), (d)(i), (e), (f), (g), (h), (i), and (j) and (3) relating to the recreational breeder, to the Secretary with the application for the source number.
- (2) A microbreeder who is applying for a source number under Division 3 must give the information set out in section 68Q(1)(a), (c), (e), (h), (i) and (j), relating to the microbreeder, to the Secretary with the application for the source number.
- (3) Any other person or body who is applying for a source number under Division 3 must give the information set out in section 68Q(1)(a), (c)(ii) and (iii), (h), (i) and (j), relating to the person or body, to the Secretary with the application for the source number.

68Q Information to be given under section 68N, 68O or 68P

- (1) For the purpose of this Division, the following information relating to the proprietor of a domestic animal business, a registered foster carer, a recreational

breeder, a microbreeder or a person or body (*relevant person or body*) is set out—

- (a) the name of the relevant person or body;
- (b) if the relevant person or body is a body corporate, the names of the office holders of the body corporate;
- (c) the following details about the relevant person or body—
 - (i) the address;
 - (ii) the telephone number;
 - (iii) the email address;
- (d) the address of the premises at which a relevant person or body—
 - (i) who carries out breeding of dogs or cats, carries out that breeding; or
 - (ii) who is a registered foster carer, keeps the animals;
- (e) for a relevant person or body who carries out breeding of dogs or cats, the number of registered dogs and cats kept at the premises, and for each registered dog and cat—
 - (i) the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat; and
 - (ii) any name and the breed, sex, age and colour of the dog or cat; and

- (iii) for a female dog or cat, the number of litters the animal has had and the date on which the dog or cat had the litter; and
 - (iv) if the dog or cat has been desexed;
- (f) the details of any conviction or finding of guilt of the relevant person or body for—
 - (i) an offence against this Act or regulations made under this Act; or
 - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
 - (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds to a law referred to in subparagraph (i) or (ii);
- (g) the details of—
 - (i) any order under section 84WA or 84XA to which a relevant person or body has been subject; or
 - (ii) any order under a law of another State or a Territory of the Commonwealth that corresponds to one of those orders;
- (h) the source number of the relevant person or body;

- (i) the name of the Council of the municipality in which the premises is located at which a relevant person or body who does so—
 - (i) carries on business; or
 - (ii) carries out the breeding of dogs or cats;
 - (j) any other prescribed matter.
- (2) For the purpose of this Division, the following additional information is set out for domestic animal businesses—
- (a) the registration number of the premises on which the domestic animal business is being conducted;
 - (b) the type of domestic animal business that is being conducted;
 - (c) the name of the owner of the land on which the premises is situated;
 - (d) the date on which the premises was registered, or the registration of the premises was renewed or transferred;
 - (e) the date of the most recent inspection of the premises by a Council authorised officer.
- (3) For the purpose of this Division, the following additional information is set out for recreational breeders—
- (a) the name of the applicable organisation of which the recreational breeder is a member;
 - (b) the membership number of the applicable organisation of which the recreational breeder is a member;

- (c) the date of the most recent inspection of the premises by the applicable organisation (if known).

68R Secretary to be given information as to refusal etc. of registration

- (1) For the purpose of keeping and maintaining the information register, a Council—
 - (a) must give the information set out in subsection (2) to the Secretary within 7 days after making a decision under Part 4—
 - (i) to refuse to grant, renew or transfer a registration under that Part; or
 - (ii) to suspend or revoke a registration under that Part; and
 - (b) must give the information set out in subsection (3) to the Secretary within 7 days of making a decision under Part 5B—
 - (i) not to grant or renew a registration under that Part; or
 - (ii) to suspend or cancel a registration under that Part.
- (2) For the purpose of subsection (1)(a), the following information is set out—
 - (a) the name of the domestic animal business or proposed domestic animal business;
 - (b) the name of the applicant for registration or the proprietor of the domestic animal business or proposed domestic animal business and, if the applicant or proprietor is a body

corporate, the names of the office holders of the body corporate;

- (c) the following details for the domestic animal business or proposed domestic animal business—
 - (i) the address;
 - (ii) the telephone number;
 - (iii) the email address;
- (d) for registered premises, the registration number of the premises;
- (e) for registered premises, the date on which the premises was first registered;
- (f) the type of domestic animal business or proposed domestic animal business;
- (g) for the land on which the premises is situated—
 - (i) the name of the owner of the land; and
 - (ii) the address of the land; and
 - (iii) a description of the land and premises, including whether the premises is an original or transferred premises;
- (h) the reason for deciding to refuse to register or renew or transfer registration or suspend or revoke registration, including the relevant provision of this Act under which the decision was made;
- (i) for revocation of registration, the date of revocation;

- (j) any details, within the knowledge of the Council, of any conviction or finding of guilt of the applicant or proprietor of the domestic animal business for—
 - (i) an offence against this Act or regulations made under this Act; or
 - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act;
 - (k) the source number of the business;
 - (l) for a refusal to renew registration or revocation of registration of premises on which a breeding domestic animal business is conducted by an approved commercial dog breeder, the date of the refusal to renew or revocation;
 - (m) any other prescribed matter.
- (3) For the purposes of subsection (1)(b), the following information is set out—
- (a) the name of the foster carer;
 - (b) the address where the foster carer keeps the animals being cared for;
 - (c) the following details for the foster carer—
 - (i) the telephone number;
 - (ii) the email address (if known);
 - (d) the source number of the foster carer;
 - (e) for cancellation of registration, the date of cancellation;

(f) the reason for deciding to refuse to grant or renew registration or to suspend or cancel registration, including the relevant provision of this Act under which the decision was made;

(g) any other prescribed matter.

68S Applicable organisation to give information as to cessation of membership of recreational breeder to Secretary

(1) For the purpose of keeping and maintaining the information register, an applicable organisation must give the information set out in subsection (2) to the Secretary within 7 days after—

(a) the organisation makes a decision to disqualify, cancel, suspend or not renew the membership of a recreational breeder; or

(b) the recreational breeder resigns from the organisation.

(2) The following information is set out for the purpose of subsection (1)—

(a) the name of the recreational breeder;

(b) the membership number of the recreational breeder;

(c) if the recreational breeder's membership was disqualified, cancelled, suspended or not renewed, the date on which that happened;

(d) if the recreational breeder resigned from the applicable organisation, the date on which that happened;

- (e) the name of the Council of the municipality in which the premises is located at which the recreational breeder carried out recreational breeding;
- (f) the name of the applicable organisation.

68T Other information to be included on the information register

If the Minister has granted or refused an application by the proprietor of a breeding domestic animal business for a commercial dog breeder approval, the Secretary must insert that information in the information register within 7 days of the Minister's decision.

68U Persons who may inspect the information register

- (1) In accordance with the regulations (if any), the following persons may inspect information in the information register—
 - (a) the Secretary or a person employed by the Department acting in the course of the person's duties under this Act;
 - (b) a Council authorised officer, restricted authorised officer or Departmental authorised officer acting in the course of the officer's duties under this Act.
- (2) In accordance with the regulations (if any), a member of the public who is proposing to purchase or obtain an animal may inspect the following information in the information register—

- (a) for purchasing or obtaining from a domestic animal business—
 - (i) the information referred to in section 68Q(1)(h) and (i) and (2)(a); and
 - (ii) if the proprietor of the domestic animal business has consented to the giving of all or any of the information referred to in section 68Q(1)(a) and (c)(ii) and (iii), the information consented to;
- (b) for purchasing or obtaining from a registered foster carer—
 - (i) the information referred to in section 68Q(1)(h) and (i); and
 - (ii) if the registered foster carer has consented to the giving of all or any of the information referred to in section 68Q(1)(a), (c)(ii) and (iii), the information consented to;
- (c) for purchasing or obtaining from a recreational breeder—
 - (i) the information referred to in section 68Q(1)(h) and (i) and (3)(a) and (b); and
 - (ii) if the recreational breeder has consented to the giving of all or any of the information referred to in section 68Q(1)(a), (c)(ii) and (iii), the information consented to;

- (d) for purchasing or obtaining from a microbreeder or other person or body, the information referred to in section 68Q(1)(h) and (i).
- (3) For the purposes of subsection (2)(a)(ii), (b)(ii) and (c)(ii), the consent must be given at any time before the information is inspected.

68V Inspections by police officers and public sector bodies

- (1) On application to the Secretary, a police officer or a member, officer or employee of a public sector body (within the meaning of the **Public Administration Act 2004**), who is investigating a relevant offence, may inspect the information register for the purpose of the investigation.
- (2) The Secretary may grant an application under subsection (1), if the Secretary is satisfied, on the information given in the application, that the inspection is necessary for the purposes of the investigation.
- (3) In this section—
relevant offence means—
 - (a) an offence against this Act or regulations made under this Act; or
 - (b) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
 - (c) an offence against Division 9AA of Part I of the **Crimes Act 1958**.

68W Offences as to information register

A person must not inspect or attempt to inspect all or any part of the information register unless the person does so in accordance with this Part.

Penalty: 10 penalty units.

Division 3—Source numbers

68X Secretary may issue source numbers

For the purposes of this Part, the Secretary, in accordance with this Division, may issue source numbers to persons or bodies.

68Y Issue of source numbers to domestic animal businesses

- (1) The Secretary must issue a source number to the proprietor of a domestic animal business on receiving the information from the Council under section 68Q that the Council has registered the premises on which the business is being conducted.
- (2) The Secretary must renew the issue of a source number to the proprietor of a domestic animal business on receiving the information from the Council under section 68Q that the Council has renewed the registration of the premises on which the business is being conducted.
- (3) The Secretary must notify the Council and the proprietor of the domestic animal business of the source number issued under this section.
- (4) If the Council suspends or revokes the registration of a premises on which a domestic animal business is being conducted, any source number issued

under this section is also suspended or revoked on the same terms that apply to the suspension or revocation of the registration.

68Z Issue of source numbers to registered foster carers

- (1) The Secretary must issue a source number to a registered foster carer on receiving the information from the Council under section 68Q that the Council has registered the foster carer.
- (2) The Secretary must renew the issue of a source number to a registered foster carer on receiving the information from the Council under section 68Q that the Council has renewed the registration of the foster carer.
- (3) The Secretary must notify the Council and the registered foster carer of the source number issued under this section.
- (4) If the Council suspends or cancels the registration of a foster carer, any source number issued under this section is also suspended or cancelled on the same terms that apply to the suspension or cancellation of the registration.

68ZA Issue of source numbers to recreational breeders

The Secretary may issue or renew the issue of a source number to a recreational breeder, who may apply for the issue or renewal under section 68ZD, on receiving an application from the recreational breeder under section 68ZD that—

- (a) sets out the information required by section 68P(1); and
- (b) complies with this Division.

68ZB Issue of source numbers to other persons or bodies

- (1) The Secretary may issue or renew the issue of a source number to a microbreeder, who may apply for the issue or renewal under section 68ZD, on receiving an application from the microbreeder that—
 - (a) sets out the information required by section 68P(2); and
 - (b) complies with this Division.
- (2) The Secretary may issue or renew the issue of a source number to a person or body who is not a microbreeder, who may apply for the issue or renewal under section 68ZD, on receiving an application from the person or body that—
 - (a) sets out the information required by section 68P(3); and
 - (b) complies with this Division.
- (3) To avoid doubt, this section does not apply to the proprietor of a domestic animal business, a foster carer or a recreational breeder.

68ZC Period for which source numbers remains in force

A source number issued by the Secretary under section 68ZA or 68ZB remains in force for 12 months from the date of issue.

68ZD Application for source numbers or renewal of source numbers

- (1) For the purposes of section 68ZA or 68ZB, a recreational breeder, a microbreeder or a person or body who is selling or who proposes to sell dogs or cats by advertising or proposing to advertise the dogs or cats for sale may apply to the Secretary for the issue of a source number.
- (2) A person or body who has a source number may apply for the renewal of the source number before the source number ceases to be in force.
- (3) An application under this section—
 - (a) must be in the form approved by the Secretary; and
 - (b) must be accompanied by—
 - (i) the prescribed fee; and
 - (ii) any other prescribed information and any information or documents required by the Secretary.

68ZE Secretary's decision on application to issue or renew

- (1) The Secretary must decide whether or not to issue or renew a source number within 21 days of receiving an application for the issue or renewal of the number under this Division.
- (2) As soon as possible after making a decision under subsection (1), the Secretary must give written notice to the applicant—

- (a) of the decision; and
- (b) of the number, if the decision is to issue or renew the issue of a source number.

68ZF Grounds for refusal to issue or suspension or revocation

The Secretary may decide not to issue or renew the issue of a source number or to suspend or to revoke a source number—

- (a) if the applicant has been convicted or found guilty of—
 - (i) an offence against section 9(1), 10(1), 12AF, 12A(8) or 15C(1) or (2) the **Prevention of Cruelty to Animals Act 1986**; or
 - (ii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i); or
- (b) if the applicant has ever been subject to—
 - (i) an order under section 84WA or 84XA; or
 - (ii) an order under a law of another State or a Territory of the Commonwealth that corresponds to one of those orders; or
- (c) if the person has given false or misleading information on or with the application; or
- (d) for any other prescribed reason.

68ZG Notice of cessation of source number

- (1) At least 28 days before a source number ceases to be in force, the Secretary must give written notice of that fact to the person or body to whom the number was issued.
- (2) A notice under subsection (1) must set out the day on which the source number ceases to be in force.".'.

105 Powers of Council contracted authorised officers

In section 74A of the Principal Act, for "13" **substitute** "12B, 12C, 13".

106 Definition, relevant provision

In section 74AB of the Principal Act, in paragraph (a) of the definition of *relevant provision*, for "12A(1) or (2)" **substitute** "12A(1), 12B, 12C".

107 Power to serve infringement notices

In the Table at the foot of section 85(1) of the Principal Act—

- (a) in Column 2 opposite the reference to Departmental authorised officer in Column 1, for "12A(1), 12A(2)," **substitute** "12A, 12B, 12C,";
- (b) in Column 2 opposite the reference to Restricted authorised officer in Column 1, for "12A(1), 12A(2)," **substitute** "12A, 12B, 12C,";
- (c) in Column 2 opposite the reference to Council authorised officer in Column 1, for "12A(1), 12A(2)," **substitute** "12A, 12B, 12C,";

- (d) in Column 2 opposite the reference to Council contracted authorised officer in Column 1, for "12A(1), 12A(2)," **substitute** "12A, 12B, 12C,".

108 Regulations

After section 100(1)(d) of the Principal Act
insert—

- "(da) matters relating to the information register including—
- (i) circumstances in which the information register may be inspected; and
 - (ii) the manner in which the information may be inspected; and
 - (iii) the information that any particular person or class of person may obtain from the register; and
 - (iv) information to be given to the Secretary for the Secretary to include in the information register; and
 - (v) any other relevant matters; and
- (db) matters relating to the issue of source numbers, including—
- (i) fees for the issue or renewal of numbers; and
 - (ii) information to be included in applications for the issue or renewal of numbers; and
 - (iii) reasons for the cancellation, suspension or non-renewal of numbers; and"

109 New section 105A inserted

After section 105 of the Principal Act **insert—**

"105A Transitional provision—Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017

(1) In this section—

commencement day means the day on which section 104 of the **Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017** comes into operation;

relevant information means any information in relation to a domestic animal business or foster carer that the Council would, if section 104 of the **Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017** were in operation, be required to give to the Secretary under Division 2 of Part 5C, as proposed to be inserted by that section.

(2) For the purpose of establishing the information register, under Part 5C, as proposed to be inserted by section 104 of the **Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017**, a Council must, if so requested by the Secretary before the commencement day, give any relevant information to the Secretary relating to any domestic animal business in respect of which the Council has registered premises under Part 4 or in relation to any foster carer registered by the Council under Part 5B."

**Division 2—Amendments relating to
commencement of 10 fertile
female dog limit**

110 Seizure of dogs or cats for certain offences

In section 82B(2)(b) of the Principal Act, for
"45A" **substitute** "44B(1), 45A".

111 Prosecution of suspected persons

In section 84Q(2A) of the Principal Act, for
"45A" **substitute** "44B(1), 45A".

112 Orders prohibiting ownership of dogs or cats

In section 84WA(1) of the Principal Act, for
"section 45" **substitute** "section 44B(1), 45".

113 Power to serve infringement notice

In the Table at the foot of section 85(1) of
the Principal Act, in Column 2 opposite the
reference to Council authorised officer in
Column 1, for "41I" **substitute** "41I, 44B(1)".

Part 4—Repeal of amending Act

114 Repeal of amending Act

This Act is **repealed** on 10 April 2021.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

[†] *Minister's second reading speech—*

Legislative Assembly: 12 October 2016

Legislative Council: 30 November 2017

The long title for the Bill for this Act was "A Bill for an Act to amend the **Domestic Animals Act 1994** to regulate the number of fertile female dogs to be kept by breeding domestic animal businesses, to further regulate the breeding of dogs and cats and the sale of dogs and cats in pet shops, to provide for registration of foster carers and for single use permits to sell certain animals, to further provide for the administration and enforcement of that Act and legal proceedings and to provide for other minor and related matters and for other purposes."