

LEGISLATIVE ASSEMBLY

DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL
2016

(Amendments and New Clauses to be moved by Ms Allan)

1. Clause 2, line 13, omit "33 and 35" and insert "34 and 36".
2. Clause 2, line 16, omit "Sections 22 and 90(2)" and insert "Section 22 and Division 2 of Part 3".
3. Clause 2, after line 17 insert—
 - "(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."
4. Clause 2, line 18, omit "(3)" and insert "(7)".
5. Clause 2, line 18, omit "(4)" and insert "(8)".
6. Clause 2, line 21, omit "(4)" and insert "(8)".
7. Clause 2, line 21, omit "(3)" and insert "(7)".
8. Clause 2, line 22, omit "2017" and insert "2018".
9. Clause 5, lines 23 to 31 and page 4, lines 1 to 8, omit all words and expressions on these lines and insert—
 - "(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".
10. Clause 5, page 4, after line 24 insert—

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;".

11. Clause 5, page 5, after line 7 insert—

"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;".

12. Clause 5, page 5, after line 10 insert—

"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;".

13. Clause 5, page 5, line 19, omit "definition" and insert "definitions".

14. Clause 5, page 5, line 22, omit '58R(1);' and insert "58N(1);".

15. Clause 5, page 5, after line 22 insert—

'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;".

16. Clause 5, page 6, after line 4 insert—

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

() 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;".

() **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;".'

17. Clause 5, page 6, line 16, omit 'old.'" and insert "old."
18. Clause 5, page 6, after line 16 insert—
 - '(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.'".
19. Clause 6, lines 19 to 23, omit all words and expressions on these lines and insert—
 - '(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**.'
20. Clause 6, after line 26 insert—
 - '() In section 5A(2) of the Principal Act **omit** "an applicable organisation or".'
21. Clause 6, lines 28 to 30, omit all words and expressions on these lines and 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."!
22. Clause 7, page 8, line 23, after "organisation approval" insert "or applicable organisation approval".
23. Clause 7, page 9, lines 6,7 and 8, omit all words and expressions on these lines and insert—
- "(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).".
24. Clause 7, page 9, line 31, after "organisation approval" insert "and an applicable organisation approval".
25. Clause 7, page 9, line 33, omit "30" and insert "31".
26. Clause 7, page 10, line 6, after "organisation approval" insert "or an applicable organisation approval".
27. Clause 7, page 10, lines 10 and 11, omit all words and expressions on these lines and insert—

- "(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)."
28. Clause 7, page 10, lines 13 and 14, omit "**dog obedience training organisation**".
 29. Clause 7, page 10, line 16, after "organisation approval" insert "or an applicable organisation approval".
 30. Clause 7, page 10, lines 17 and 18, omit "a dog obedience training organisation approval" and insert "such an approval".
 31. Clause 7, page 10, lines 26 and 27, omit "dog obedience training organisation".
 32. Clause 7, page 11, line 3, omit "dog obedience training".
 33. Clause 7, page 11, lines 4 and 5, omit "a dog obedience training organisation approval" and insert "an approval".
 34. Clause 7, page 11, line 10, omit "dog obedience training".
 35. Clause 8, lines 25 and 26, omit all words and expressions on these lines and insert—

"(c) to appoint Departmental authorised officers under section 71 or restricted authorised officers under section 71A; or".
 36. Clause 8, line 33, omit 'premises.'" and insert "premises; or".
 37. Clause 8, after line 33 insert—

'(e) under Division 3B of Part 4.'".
 38. Clause 8, page 12, lines 1 to 10, omit all words and expressions on these lines.
 39. Clause 10, lines 26 to 31, omit all words and expressions on these lines and insert—

'(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.'".
 40. Clause 10, line 32, omit all words and expressions on these lines and insert—

'(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.".'.

41. Clause 11, omit this clause.
42. Clause 13, page 18, lines 4 and 5, omit "under section 69(1)(aa)" and insert "under section 69 in respect of the registration or renewal of registration of a dog".
43. Clause 13, page 18, lines 16 and 17, omit "under section 69(1)(a)" and insert "under section 69 in respect of the registration or renewal of registration of a cat".
44. Clause 22, line 5, before "A proprietor" insert "(1)".
45. Clause 22, line 12, omit 'units.'".' and insert "units.".
46. Clause 22, after line 12 insert—

'(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.'".'.
47. Clause 23, after line 25 insert—

"(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.".
48. Clause 23, line 26, omit "(2)" and insert "(3)".
49. Clause 29, page 26, line 9, before "The Council" insert "(1)".
50. Clause 29, page 26, after line 14 insert—

"(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."

51. Clause 29, page 26, line 18, before "The Council" insert "(1)".
52. Clause 29, page 26, after line 24 insert—

"(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."
53. Clause 29, page 26, line 28, before "On and from" insert "(1)".
54. Clause 29, page 26, after line 35 insert—

"(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."
55. Clause 29, page 27, after line 13 insert—

"(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."
56. Clause 29, page 27, line 14, omit "(2)" and insert "(3)".
57. Clause 29, page 27, line 16, omit "(3)" and insert "(4)".
58. Clause 32, page 28, lines 5 to 32, page 29, lines 1 to 33, page 30, lines 1 to 26, omit all words and expressions on these lines.
59. Clause 32, page 30, line 27, omit "**58Q**" and insert "**58M**".
60. Clause 32, page 31, lines 6 to 11, omit all words and expressions on these lines.
61. Clause 32, page 31, line 12, omit "(3)" and insert "(2)".
62. Clause 32, page 31, line 15, after "Minister" insert ", which must require the applicant to provide information concerning the matters in section 58O(1)".
63. Clause 32, page 31, lines 18 and 19, omit all words and expressions on these lines.
64. Clause 32, page 31, line 20, omit "(d)" and insert "(c)".
65. Clause 32, page 31, line 23, omit "will—" and insert "will remain on call for the duration of the sale; and".
66. Clause 32, page 31, lines 24 to 29, omit all words and expressions on these lines.
67. Clause 32, page 31, line 30, omit "(e)" and insert "(d)".
68. Clause 32, page 32, lines 1 to 4, omit all words and expressions on these lines.

69. Clause 32, page 32, line 5, omit "(g)" and insert "(e)".
70. Clause 32, page 32, line 7, omit "**58R**" and insert "**58N**".
71. Clause 32, page 33, lines 3 and 4, omit ", and the number of each species of animal,".
72. Clause 32, page 33, lines 6 to 8, omit all words and expressions on these lines.
73. Clause 32, page 33, line 9, omit "(c)" and insert "(b)".
74. Clause 32, page 33, line 11, omit "(d)" and insert "(c)".
75. Clause 32, page 33, line 13, omit "(e)" and insert "(d)".
76. Clause 32, page 33, line 14, omit "**58S**" and insert "**58O**".
77. Clause 32, page 34, line 5, omit "58U(1)" and insert "58Q(1)".
78. Clause 32, page 34, line 9, omit "58U(2)(e)" and insert "58Q(2)(e)".
79. Clause 32, page 34, line 14, omit "**58T**" and insert "**58P**".
80. Clause 32, page 34, line 19, omit "to—" and insert "to the relevant Council.".
81. Clause 32, page 34, lines 20 to 22, omit all words and expressions on these lines.
82. Clause 32, page 34, line 23, omit "**58U**" and insert "**58Q**".
83. Clause 32, page 35, line 22, omit "**58V**" and insert "**58R**".
84. Clause 32, page 36, line 19, omit "58R(2)(b)" and insert "58N(2)(b)".
85. Clause 32, page 37, line 1, omit "**58W**" and insert "**58S**".
86. Clause 32, page 37, line 18, omit 'units.'" and insert "units.".
87. Clause 32, page 37, after line 18 insert—

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.". '.

88. Clause 34, page 38, line 5, omit "**disposal**" and insert "**giving away**".

89. Clause 34, page 38, line 8, after "sell" insert "or give away".

90. Clause 34, page 38, line 18, after "sold" insert "or given away".

91. Clause 34, page 38, line 24, after "sale" insert "or giving away".
92. Clause 34, page 39, line 3, omit "disposal" and insert "giving away".
93. Clause 34, page 39, line 9, omit "**disposal**" and insert "**giving away or provision**".
94. Clause 34, page 39, line 11, omit "dispose of" and insert "give away".
95. Clause 34, page 39, line 21, omit "disposed of" and insert "given away".
96. Clause 34, page 39, line 29, omit "**of or under 6 months**" and insert "**that is not of a certain age**".
97. Clause 34, page 39, line 30, omit "dispose of" and insert "give away".
98. Clause 34, page 40, line 1, omit all words and expressions on this line and insert—
"(b) under—
 - (i) 6 months of age, if a dog; or
 - (ii) 8 weeks of age, if a cat."
99. Clause 34, page 40, line 7, omit "disposed of " and insert "given away".
100. Clause 34, page 40, line 12, omit all words and expressions on this line and insert—
"(b) under—
 - (i) 6 months of age, if a dog; or
 - (ii) 8 weeks of age, if a cat."
101. Clause 34, page 40, line 18, after "sale" insert "or giving away".
102. Clause 34, page 40, line 21, omit all words and expressions on this line and insert—
"(b) under—
 - (i) 6 months of age, if a dog; or
 - (ii) 8 weeks of age, if a cat."
103. Clause 34, page 40, line 28, omit "disposal " and insert "giving away".
104. Clause 34, page 41, line 1, omit all words and expressions on this line and insert—
"(b) under—
 - (i) 6 months of age, if a dog; or
 - (ii) 8 weeks of age, if a cat."
105. Clause 34, page 41, line 6, omit "**etc.**".
106. Clause 34, page 41, lines 8 and 9, omit "sell or exchange a dog or cat for payment or reward" and insert "sell a dog or cat".

107. Clause 34, page 41, lines 17 and 18, omit "or exchanged for payment or reward".
108. Clause 35, line 30, omit "3 November 2017" and insert "4 December 2021".
109. Clause 36, page 46, line 22, omit "registration." and insert 'registration.'.'.
110. Clause 36, page 46, lines 23 to 29, page 47, lines 1 to 31, page 48, lines 1 to 32, page 49, lines 1 to 35, page 50, lines 1 to 32, page 51, lines 1 to 34, page 52, lines 1 to 33, page 53, lines 1 to 8, omit all words and expressions on these lines.
111. Clause 46, line 18, omit all words and expressions on this line and insert—
'(b) for "12A," **substitute** "12A(1), 12A(2), 13,".'.
112. Clause 47, lines 28 and 29, omit all words and expressions on these lines and insert—
"(a) section 12A(1) or (2) or 13(1) or (2);".
113. Clause 47, page 57, lines 9 and 10, omit "or Council authorised officer" and insert ", a Council authorised officer or a Departmental authorised officer".
114. Clause 47, page 59, lines 25 and 26, omit "or Council authorised officer" and insert ", a Council authorised officer or a Departmental authorised officer".
115. Clause 64, line 19, after "means" insert "a Departmental authorised officer,".
116. Clause 65, line 10, before "After" insert "(1)".
117. Clause 65, line 13, after "means" insert "a Departmental authorised officer,".
118. Clause 65, lines 27 to 29, omit "44B, 45A, 63A, 63AAB, 63AAC, 63AAD or 63AAE" and insert "45A, 58AF or 63A".
119. Clause 65, page 72, after line 2 insert—
'(2) In section 82B(2)(b) of the Principal Act, for "or 63A" **substitute** "63A, 63AAB, 63AAC, 63AAD or 63AAE".'.
120. Clause 73, line 18, after "If" insert "a Departmental authorised officer,".
121. Clause 75, page 77, lines 8 to 10, omit "44B, 45A, 63A, 63AAB, 63AAC, 63AAD, 63AAE" and insert "45A, 58AF, 63A".
122. Clause 75, page 77, after line 27 insert—
'(3) In section 84Q(2A) of the Principal Act, after "63A" **insert** ", 63AAB, 63AAC, 63AAD, 63AAE".'.
123. Clause 83, line 28, before "In" insert "(1)".

124. Clause 83, lines 29 and 30, omit "44B, 45, 45A, 63A, 63AAB, 63AAC, 63AAD, 63AAE" and insert "45, 45A, 58AF, 63A".
125. Clause 83, after line 30 insert—
 - '(2) In section 84WA(1) of the Principal Act, after "63A" insert ", 63AAB, 63AAC, 63AAD, 63AAE".'
126. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit "12A," and insert "12A(1), 12A(2)," (where twice occurring).
127. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit "12B(1), 12B(2), 12B(3), 12C(1), 12C(2), 12C(3)," (where twice occurring).
128. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), after "37(2)," insert "37A,".
129. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit "41EA(1),".
130. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit "58V(1)" and insert "58R(1), 58U(1)".
131. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit "63AAE(1), 63AAE(2),".
132. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit "63AAB(1), 63AAB(2), 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4),".
133. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), after "63J(1)" (where secondly occurring) insert ", 96".
134. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), omit "12A," and insert "12A(1), 12A(2)," (where twice occurring).
135. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1) of that clause, omit "12B(1), 12B(2), 12B(3), 12C(1), 12C(2), 12C(3),".
136. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), after "37(2)," insert "37A,".
137. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), omit "41EA(1)," (where twice occurring).
138. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), omit "58V(1),".
139. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1) of that clause, omit "63AAB(1), 63AAB(2), 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4), 63AAE(1), 63AAE(2),".

140. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), omit "12B(1), 12B(3),".
141. Clause 90, page 84, lines 1 to 4, omit all words and expressions on these lines and insert—
- '() 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),".
142. Clause 93, line 9, omit 'permit; or'.' and insert "permit; or".
143. Clause 93, after line 9 insert—
- '(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'.
144. Clause 95, page 86, line 21, omit 'and'.' and insert "and".
145. Clause 95, page 86, after line 21 insert—
- '(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'.
146. Clause 95, page 87, line 10, omit "and" and insert 'and'.
147. Clause 95, page 87, lines 11 to 19, omit all words and expressions on these lines.
148. Clause 98, line 12, before "In Column" insert "(1)".
149. Clause 98, after line 18 insert—
- '(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.".
150. Part heading preceding clause 99, omit this heading and insert the following headings—

"Part 3—Further amendment of the Domestic Animals Act 1994

Division 1—Advertising and information register amendments".

151. After the New Clauses proposed by amendment number 155 insert the following heading—

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

152. Clause 99, omit this clause.

NEW CLAUSES

153. Insert the following New Clause to follow clause 13—

'AA 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".

154. Insert the following New Clause to follow clause 31—

'BB 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."

155. Insert the following New Clauses to follow clause 98 and the headings proposed by amendment number 150—

'CC 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;".

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

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

EE 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*."

FF 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);".

GG 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."

HH Powers of Council contracted authorised officers

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

II 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".

JJ 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,".

KK 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".

LL 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.".

156. Insert the following New Clauses to follow the heading proposed by amendment number 151—

MM Seizure of dogs or cats for certain offences

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

NN Prosecution of suspected persons

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

OO Orders prohibiting ownership of dogs or cats

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

PP 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)".'