

# Dog Amendment (Stop Puppy Farming) Bill 2021

## Contents

<b>Part 1 — Preliminary</b>		
1.	Short title	2
2.	Commencement	2
<b>Part 2 — <i>Dog Act 1976</i> amended</b>		
<b>Division 1 — Act amended</b>		
3.	Act amended	3
<b>Division 2 — Amendments commencing on day after Royal Assent</b>		
4.	Section 33 amended	3
5.	Section 33B amended	3
<b>Division 3 — Amendments commencing on proclamation</b>		
6.	Long title amended	3
7.	Section 2A inserted	4
	2A. Objects of Act	4
8.	Section 3 amended	5
9.	Section 7 amended	9
10.	Section 9 amended	9
11.	Sections 9A and 9B inserted	9
	9A. Delegation by CEO	9
	9B. Designated persons	10
12.	Section 10 amended	11
13.	Section 12A amended	11
14.	Sections 13A and 13B inserted	12
	13A. Centralised registration system	12
	13B. Dog owner numbers	13

Contents

---

15.	Section 14 replaced	13
	14. Local governments to keep record of registered dogs in centralised registration system	13
16.	Section 15 amended	14
17.	Section 16 amended	14
18.	Section 16A amended	16
19.	Section 17A amended	17
20.	Section 20 amended	17
21.	Section 25 amended	17
22.	Section 26D replaced	18
	26D. Notice of change to recorded information	18
23.	Part IV inserted	18
	<b>Part IV — Sterilisation and breeding of dogs</b>	
	<b>Division 1 — Requirement for sterilisation</b>	
	26E. Dogs must be sterilised unless exempt	18
	26F. Unsterilised dog must not be identified as sterilised	20
	26G. Certificate of sterilisation to be given	20
	26H. Information that must be included in advertising material for dog and given to new owner	20
	<b>Division 2 — Breeding of dogs</b>	
	26I. Application for approval to breed	21
	26J. Approval to breed	21
	26K. Cancellation of approval to breed	22
24.	Sections 26L and 26M inserted	23
	26L. Only holder of approval may breed dogs	23
	26M. Court may order sterilisation	24
25.	Section 27 amended	24
26.	Section 29 amended	25
27.	Section 30A amended	26
28.	Section 30 amended	28
29.	Section 33A amended	28
30.	Section 33K amended	28
31.	Section 34 amended	29
32.	Part VIA inserted	30
	<b>Part VIA — Pet shops and supply of dogs to relevant pet shop businesses</b>	
	<b>Division 1 — Preliminary</b>	
	38A. Supply of dogs to relevant pet shop businesses	30

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

38B.	Pet shop for relevant pet shop business must be approved	30
38C.	Application for pet shop approval	31
38D.	Pet shop approval	31
38E.	Cancellation of pet shop approval	32
38F.	Continuation of pet shop approval until application for renewal decided	33

**Division 3 — Obligations of person conducting relevant pet shop business**

38G.	Relevant pet shop business only to supply dogs obtained from holder of dog supply approval	33
38H.	Pet shop to display certificate of registration	34
38I.	Person conducting relevant pet shop business to provide certain information	34
38J.	Person conducting relevant pet shop business to provide copy of health certificate	35
38K.	Person conducting relevant pet shop business to keep records relating to source of dogs	35
38L.	Person conducting relevant pet shop business to provide information to local government	36
38M.	Self-incrimination	37

**Division 4 — Dog supply approval**

38N.	Only holder of dog supply approval may supply dogs to relevant pet shop businesses	38
38O.	Person conducting refuge operations or operating dog management facility may apply for dog supply approval	39
38P.	Dog supply approval	40
38Q.	Cancellation of dog supply approval	41
38R.	Notice of certain decisions made under this Division	41
38S.	Record of dog supply approval	42
38T.	Notice of change to information	43
38U.	Certificate and unique number to be given to holder of dog supply approval	43

**Division 5 — Obligations of holder of dog supply approval**

38V.	Holder of dog supply approval to keep records	43
------	---	----

Contents

---

38W.	Holder of dog supply approval to provide information to CEO	44
38X.	Holder of dog supply approval to provide information to local government	45
38Y.	Self-incrimination	46
33.	Section 43AA inserted	46
43AA.	False or misleading information	46
34.	Section 43A amended	47
35.	Section 43B inserted	48
43B.	General powers of relevant persons	48
36.	Section 44 amended	49
37.	Section 45 amended	49
38.	Section 45A amended	50
39.	Part X heading replaced	50
	<b>Part X — Miscellaneous</b>	
40.	Part X Division 1 heading inserted	50
	<b>Division 1 — Regulations</b>	
41.	Section 54 amended	50
42.	Part X Division 2 inserted	51
	<b>Division 2 — Local government approvals</b>	
	<b>Subdivision 1 — Applications for approval</b>	
54A.	Applications	51
54B.	Record of approval	52
54C.	Notice of change to information	52
54D.	Certificate and unique number to be given to holder of approval	53
	<b>Subdivision 2 — Objection and review process</b>	
54E.	Notice of certain decisions made by local government	53
54F.	Objection may be lodged	54
54G.	Dealing with objection	55
54H.	Review of decisions	55
54I.	Suspension of effect of some decisions	56
43.	Part XA inserted	57
	<b>Part XA — Review</b>	
54J.	Review of amendments made by <i>Dog Amendment (Stop Puppy Farming) Act 2021</i>	57
44.	Part XI Division 3 inserted	58
	<b>Division 3 — Transitional provisions for the <i>Dog Amendment (Stop Puppy Farming) Act 2021</i></b>	
62.	Transitional provision for centralised registration system	58

45.	Sections 63 to 65 inserted	59
	63. Registered unsterilised dogs	59
	64. Application for registration	60
	65. Transition period for relevant pet shop businesses	60
	<b>Division 4 — Amendments to provisions inserted by section 23 consequential on <i>TAB (Disposal) Act 2019</i> section 120</b>	
46.	Section 26E amended	61
47.	Section 26H amended	61
	<b>Division 5 — Amendment to provision inserted by section 24 consequential on <i>TAB (Disposal) Act 2019</i> section 120</b>	
48.	Section 26L amended	61
	<b>Part 3 — <i>Cat Act 2011</i> amended</b>	
49.	Act amended	62
50.	Section 3 amended	62
51.	Section 8 amended	63
52.	Section 12 replaced	63
	12. Local governments to keep record of registered cats in centralised registration system	63
53.	Section 16 amended	63
54.	Section 24 amended	63
55.	Section 25 replaced	64
	25. Notice of change to recorded information	64
56.	Section 33 amended	64
57.	Section 36 amended	65
58.	Sections 40A and 40B inserted	65
	40A. Record of approval to breed cats	65
	40B. Notice of change to information	66
59.	Part 4 Division 1A inserted	66
	<b>Division 1A — Centralised registration system</b>	
	41A. Centralised registration system	66
60.	Section 76 amended	67
61.	Section 86A inserted	68
	86A. Delegation by Department CEO	68
62.	Section 88 inserted	68
	88. Transitional provision for the <i>Dog Amendment (Stop Puppy Farming) Act 2021</i>	68



Western Australia

LEGISLATIVE ASSEMBLY

**Dog Amendment (Stop Puppy Farming)  
Bill 2021**

**A Bill for**

**An Act —**

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

The Parliament of Western Australia enacts as follows:

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## **Part 1 — Preliminary**

### **1. Short title**

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

### **2. Commencement**

This Act comes into operation as follows —

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



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**Part 2 — *Dog Act 1976* amended**

**Division 1 — Act amended**

**3. Act amended**

This Part amends the *Dog Act 1976*.

**Division 2 — Amendments commencing on day after Royal Assent**

**4. Section 33 amended**

Delete section 33(1) and (3).

**5. Section 33B amended**

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

32(4)

**Division 3 — Amendments commencing on proclamation**

**6. Long title amended**

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

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

1 **7. Section 2A inserted**

2 After section 2 insert:

3

4 **2A. Objects of Act**

5 (1) The objects of this Act are to —

- 6 (a) provide for the identification of dogs; and
- 7 (b) provide for the registration of dogs; and
- 8 (c) promote the responsible breeding of dogs; and
- 9 (d) promote the responsible ownership and control  
10 of dogs; and
- 11 (e) provide for the effective management of  
12 dangerous dogs; and
- 13 (f) regulate the supply of dogs to and by relevant  
14 pet shop businesses.

15 (2) The objects of this Act are to be primarily achieved by  
16 the following —

- 17 (a) imposing obligations in relation to  
18 microchipping dogs;
- 19 (b) imposing obligations in relation to registering  
20 dogs;
- 21 (c) establishing a centralised registration system  
22 for recording information in relation to dogs  
23 and dog owners;
- 24 (d) imposing obligations in relation to sterilising  
25 dogs;
- 26 (e) regulating the transfer of ownership of dogs and  
27 the information included in any advertising of  
28 dogs;
- 29 (f) providing for the granting of approvals to  
30 breed;

- 1 (g) imposing obligations in relation to the keeping  
2 and control of dogs;
- 3 (h) imposing obligations in relation to dangerous  
4 dogs, including restrictions on breeding and  
5 transferring ownership;
- 6 (i) prohibiting the supply of dogs to relevant pet  
7 shop businesses unless the dog is stray,  
8 abandoned, seized or surrendered and the  
9 supplier holds a dog supply approval;
- 10 (j) imposing obligations on persons conducting  
11 relevant pet shop businesses;
- 12 (k) providing for the enforcement of this Act.  
13

14 **8. Section 3 amended**

15 (1) In section 3(1) delete the definition of *sterilised*.

16 (2) In section 3(1) insert in alphabetical order:  
17

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

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

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

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

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 8**

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

5 **Department** means the department of the Public  
6 Service principally assisting the Minister in the  
7 administration of this Act;

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

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

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

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

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

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

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

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

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

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

- 1                    **refuge operations** means operations conducted by a  
2 non-profit organisation for the purposes of providing  
3 temporary shelter or care to, and finding suitable  
4 homes for, stray, abandoned, seized or surrendered  
5 dogs;
- 6                    **relevant pet shop business** —
- 7                    (a) means a business, or a part of a business, that is  
8 conducted at, in or from a shop and involves  
9 supplying, or offering to supply, dogs; but
- 10                   (b) does not include —
- 11                        (i) refuge operations; or
- 12                        (ii) operations conducted at, in or from a  
13 dog management facility by the operator  
14 of the dog management facility; or
- 15                        (iii) a business, or a part of a business, of a  
16 prescribed class;
- 17                    **shop** means a shop that is open to the public generally  
18 at specified times or otherwise on a regular basis;
- 19                    **sterilised** has the meaning given in subsection (1A);
- 20                    **supply** includes —
- 21                        (a) sell, trade, give away, take consideration for;  
22 and
- 23                        (b) agree to supply, or cause or permit a supply;
- 24
- 25                    (3) In section 3(1) in the definition of **CEO** delete “department of  
26 the Public Service principally assisting the Minister in the  
27 administration of this Act;” and insert:
- 28
- 29                    Department;
- 30

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 8**

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- 1 (4) In section 3(1) in the definition of *microchip database*  
2 paragraph (a) delete “and its owner; and” and insert:  
3  
4 (which may include information about its breeder or its owner);  
5 and  
6  
7 (5) In section 3(1) in the definition of *microchip database company*  
8 paragraph (b) delete “dog and its owner;” and insert:  
9  
10 dog;  
11  
12 (6) In section 3(1) in the definition of *transfer* paragraph (a) delete  
13 “for, transfer ownership of and offer for sale; and” and insert:  
14  
15 for and transfer ownership of; and  
16  
17 (7) After section 3(1) insert:  
18  
19 (1A) For the purposes of this Act, a dog is *sterilised* if the  
20 dog has been made permanently infertile.  
21  
22 (8) Delete section 3(2) and insert:  
23  
24 (2) A person who is shown in the centralised registration  
25 system as being the last person recorded as the  
26 registered owner of a dog is taken to be the owner of  
27 that dog, whether or not the registration in their name  
28 continues in force, unless they prove that they are not  
29 the owner of the dog.  
30

1 **9. Section 7 amended**

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

3

4 Penalty for this subsection:

5

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

7

8 Animals,

9

10 **10. Section 9 amended**

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

12

13 (1) It

14

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

16

17 (2) Nothing in subsection (1) prevents the CEO from —

18 (a) performing the CEO’s functions under this Act;

19 or

20 (b) doing anything the CEO considers appropriate

21 for the purposes of performing those functions.

22

23 **11. Sections 9A and 9B inserted**

24 After section 9 insert:

25

26 **9A. Delegation by CEO**

27 (1) The CEO may delegate to a person any power or duty

28 of the CEO under another provision of this Act.

- 1 (2) The delegation must be in writing signed by the CEO.
- 2 (3) A person to whom a power or duty is delegated under  
3 this section cannot delegate that power or duty.
- 4 (4) A person exercising or performing a power or duty that  
5 has been delegated to the person under this section is  
6 taken to do so in accordance with the terms of the  
7 delegation unless the contrary is shown.
- 8 (5) Nothing in this section limits the ability of the CEO to  
9 perform a function through an officer or agent.
- 10 **9B. Designated persons**
- 11 (1) The CEO may, in writing, authorise persons to perform  
12 the functions conferred on designated persons under  
13 this Act (each a *designated person*).
- 14 (2) An authorisation under this section may —  
15 (a) limit the functions of the designated person to  
16 functions specified in the authorisation; and  
17 (b) be cancelled by the CEO at any time.
- 18 (3) The CEO is to issue to each designated person a  
19 certificate stating that the person is a designated person  
20 for the purposes of this Act.
- 21 (4) A designated person must produce the certificate issued  
22 under subsection (3) at the reasonable request of a  
23 person in respect of whom the designated person  
24 exercises, has exercised, or is about to exercise any  
25 power under this Act.  
26



1 **12. Section 10 amended**

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

3

4 section 9(1)

5

6 **13. Section 12A amended**

7 Delete section 12A(2) and insert:

8

9 (2) With the authority of a warrant or the consent of an  
10 occupier who has reached 18 years of age, the  
11 following persons may enter and inspect any premises  
12 for any purpose relating to the enforcement of this Act  
13 and may make any enquiries they think necessary —

14 (a) an authorised person;

15 (b) a designated person;

16 (c) in the case of a warrant issued to a person  
17 referred to in paragraph (a) or (b) — any other  
18 person named in the warrant.

19 (2A) Without limiting subsection (2), the purpose of  
20 determining whether grounds exist for the cancellation  
21 of an approval to breed, a pet shop approval or a dog  
22 supply approval is a purpose relating to the  
23 enforcement of this Act.

24

1 **14. Sections 13A and 13B inserted**

2 At the end of Part II insert:

3

4 **13A. Centralised registration system**

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

- 1           **13B. Dog owner numbers**
- 2           (1) Regulations under section 54 may require, or otherwise
- 3           deal with, the issue, for the purposes of this Act, of a
- 4           unique number (a *dog owner number*) to —
- 5                 (a) a person who owns, or has previously owned,
- 6                 1 or more dogs; or
- 7                 (b) a person of a prescribed class.
- 8           (2) Regulations under section 54 may deal with any matter
- 9           relating to dog owner numbers and may, without
- 10           limitation, require a person to have a dog owner
- 11           number before transferring ownership of a dog to
- 12           another person.
- 13

14   **15. Section 14 replaced**

15           Delete section 14 and insert:

16

17           **14. Local governments to keep record of registered**

18           **dogs in centralised registration system**

- 19           (1) A local government is to keep, using the centralised
- 20           registration system, an accurate and up-to-date record
- 21           of dogs registered by the local government.
- 22           (2) The local government is to record in the centralised
- 23           registration system the information prescribed in
- 24           respect of —
- 25                 (a) each dog registered by the local government;
- 26                 and
- 27                 (b) each application for, or renewal of, registration
- 28                 of a dog refused by the local government.
- 29

1 **16. Section 15 amended**

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

3

4 dangerous dog or a dog that is not sterilised,

5

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

7

8 or a dog that is not sterilised

9

10 **17. Section 16 amended**

11 (1) In section 16(1):

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

13

14 section 9(1)

15

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

18

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

22

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

24 (a) delete “prescribed” and insert:

25

26 approved

27

- 1 (b) after paragraph (a) insert:  
2  
3 (aa) if the owner of the dog has been issued with a  
4 dog owner number, that number; and  
5  
6 (c) after paragraph (d) insert:  
7  
8 (da) a statement as to whether the dog is sterilised  
9 and, if the dog is not sterilised, on what basis  
10 the dog is not required under this Act to be  
11 sterilised; and  
12 (db) if known —  
13 (i) details (including the dog owner  
14 number) of the breeder and any previous  
15 owner of the dog; and  
16 (ii) if the dog was obtained from or through  
17 a relevant pet shop business, the pet  
18 shop number for the pet shop;  
19 and  
20  
21 (d) delete paragraph (f) and insert:  
22  
23 (f) a statement as to whether the owner of the dog  
24 is subject to an order under section 46A(2); and  
25 (g) a statement as to whether the owner of the dog  
26 holds an approval to breed.  
27  
28 (3) In section 16(1BB) delete “prescribed” and insert:  
29  
30 approved  
31

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 18**

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- 1 (4) In section 16(2):  
2 (a) in paragraph (a) delete “Act; or” and insert:  
3  
4 Act and enter the information required under  
5 section 14(2)(a) in the centralised registration system; or  
6  
7 (b) in paragraph (b) delete “any,” and insert:  
8  
9 any, and enter the information required under  
10 section 14(2)(b) in the centralised registration system.  
11  
12 (c) delete the passage that begins with “and in either” and  
13 continues to the end of the subsection.
- 14 (5) After section 16(3)(da) insert:  
15  
16 (db) the dog is required under this Act to be  
17 sterilised but is not sterilised; or  
18

19 **18. Section 16A amended**

- 20 (1) Delete section 16A(1) and insert:  
21  
22 (1) If the ownership of a dog, other than a dangerous dog,  
23 is transferred to another person, the registered owner  
24 must, within 28 days after the transfer, notify the local  
25 government with which the dog is registered, in a  
26 manner and form approved by the CEO, of —  
27 (a) the name and residential address of the new  
28 owner; and  
29 (b) if the new owner has been issued with a dog  
30 owner number, that number.  
31 Penalty for this subsection: a fine of \$5 000.  
32

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

2

3               the centralised registration system

4

5       **19. Section 17A amended**

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

8

9               section 9(1)

10

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

12

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

15

16       **20. Section 20 amended**

17       (1) Delete section 20(1)(b).

18       (2) In section 20(1) in the Penalty delete “Penalty:” and insert:

19

20               Penalty for this subsection:

21

22       (3) Delete section 20(2).

23       **21. Section 25 amended**

24               In section 25 after “section 24” insert:

25

26               that has been given to it

27

1 **22. Section 26D replaced**

2 Delete section 26D and insert:

3

4 **26D. Notice of change to recorded information**

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

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

16 Penalty: a fine of \$5 000.

17

18 **23. Part IV inserted**

19 After section 26D insert:

20

21 **Part IV — Sterilisation and breeding of dogs**

22 **Division 1 — Requirement for sterilisation**

23 **26E. Dogs must be sterilised unless exempt**

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

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



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

1 (b) that the certificate applies indefinitely.

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

4 **26F. Unsterilised dog must not be identified as sterilised**

5 (1) Regulations under section 54 may deal with any matter  
6 in relation to the identification of a dog as sterilised,  
7 including prescribing manners in which dogs may or  
8 must be identified as sterilised.

9 (2) If a dog is not sterilised, a person must not —

10 (a) identify, using a prescribed manner, the dog as  
11 sterilised; or

12 (b) give a certificate of sterilisation in relation to  
13 the dog.

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

15 **26G. Certificate of sterilisation to be given**

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

18 Penalty: a fine of \$5 000.

19 **26H. Information that must be included in advertising**  
20 **material for dog and given to new owner**

21 (1) A person who offers a dog as being for sale or  
22 otherwise available for transfer of ownership must  
23 include the following information in the offer or in any  
24 advertising material in respect of the dog —

25 (a) if the owner of the dog has been issued with a  
26 dog owner number — that number;

27 (b) any information prescribed for the purposes of  
28 this subsection.

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

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

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

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

## 14           **Division 2 — Breeding of dogs**

### 15           **26I. Application for approval to breed**

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

### 22           **26J. Approval to breed**

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

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 23**

---

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

20 **26K. Cancellation of approval to breed**

- 21 A local government may cancel an approval to breed
- 22 that the local government granted to a person only if
- 23 the person requests that the local government cancel
- 24 the approval or the local government is satisfied that —
- 25 (a) any of the things set out in section 26J(2)
- 26 applies in relation to the person; or
- 27 (b) the person has not complied with a condition
- 28 imposed on the approval; or
- 29 (c) the person no longer keeps any dogs in the
- 30 district of the local government; or

- 1 (d) the person has not complied with a requirement  
2 under this Act or the *Animal Welfare Act 2002*;  
3 or  
4 (e) a circumstance prescribed for the purposes of  
5 this section applies.  
6

7 **24. Sections 26L and 26M inserted**

8 At the end of Part IV Division 2 insert:  
9

10 **26L. Only holder of approval may breed dogs**

- 11 (1) If the owner of a dog does not hold an approval to  
12 breed granted by the local government in whose district  
13 the dog is ordinarily kept, the owner of the dog must  
14 ensure that the dog does not give birth.

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

- 16 (2) It is a defence to a charge under subsection (1) to prove  
17 that —

18 (a) after the dog gives birth, an approval to breed is  
19 granted to the owner by the local government in  
20 whose district the dog is ordinarily kept; and

21 (b) the application for the grant of the approval was  
22 made before the day on which the dog gives  
23 birth or within 7 days after that day.

- 24 (3) It is a defence to a charge under subsection (1) to prove  
25 that the dog —

26 (a) is a greyhound that is registered under the  
27 *Racing and Wagering Western Australia*  
28 *Act 2003* section 41 and the registration is in  
29 effect at the time of the birth; or

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 25**

---

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

7 **26M. Court may order sterilisation**

- 8 (1) If a person is convicted of an offence under  
9 section 26L(1), the court may, in addition to any  
10 penalty imposed under that section, order that the  
11 person ensure that any, or all, dogs owned by the  
12 person, as specified in the order, are sterilised within  
13 the time ordered by the court.
- 14 (2) A court that makes an order under subsection (1) is to  
15 ensure that a copy of the order is provided to the local  
16 government of the district in which the person subject  
17 to the order lives.
- 18 (3) An order under subsection (1) may be enforced as if it  
19 were a judgment of the court.  
20

21 **25. Section 27 amended**

- 22 (1) In section 27(2) in the Penalty delete “Penalty:” and insert:  
23  
24 Penalty for this subsection:  
25
- 26 (2) In section 27(4) delete “the prescribed manner and form,” and  
27 insert:  
28  
29 a manner and form approved by the local government,  
30

1 **26. Section 29 amended**

2 (1) After section 29(3)(ca) insert:

3

4 (caa) a dog is required under this Act to be sterilised  
5 but is not sterilised; or

6

7 (2) After section 29(3) insert:

8

9 (4AA) In relation to subsection (3)(caa), an authorised person  
10 may enter any premises and seize and detain the dog  
11 under subsection (3) if —

12 (a) the entry is under a warrant issued under  
13 subsection (5C); or

14 (b) an occupier of the premises who has reached  
15 18 years of age consents to the entry.

16

17 (3) In section 29(4) delete “fees” and insert:

18

19 fees, costs

20

21 (4) After section 29(5b) insert:

22

23 (5C) If a justice of the peace is satisfied that there are  
24 reasonable grounds to believe that a dog is required  
25 under this Act to be sterilised but is not sterilised, the  
26 justice of the peace may issue a warrant authorising  
27 any authorised person to enter any premises and seize  
28 and detain the dog under subsection (3).

29

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 27**

---

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

2

3 sections 30A and 33G,

4

5 **27. Section 30A amended**

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

8

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

12

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

14

15 (1A) The operator of a dog management facility may cause a  
16 dog kept at the facility to be sterilised before the dog is  
17 reclaimed or otherwise transferred from the facility  
18 if —

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

21 (b) the operator —

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

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

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



- 1           (1B) If the operator of a dog management facility proposes  
2           to cause a dog kept at the facility to be sterilised, the  
3           operator must, if the operator knows the identity of the  
4           owner of the dog, give notice in writing to the  
5           owner —
- 6                   (a) stating that the operator proposes to cause the  
7                   dog to be sterilised; and
- 8                   (b) inviting the owner, within the period specified  
9                   in the notice (which must not be less than  
10                  7 days from the day the notice is given), to  
11                  make submissions to the operator as to why the  
12                  dog is not required under this Act to be  
13                  sterilised.
- 14           (2) The owner of a dog kept at a dog management facility  
15           is liable to pay to the operator of the facility the  
16           reasonable costs associated with any of the  
17           following —
- 18                   (a) the implantation of a microchip in the dog  
19                   under subsection (1);
- 20                   (b) the sterilisation of the dog under  
21                   subsection (1A).
- 22

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

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

1 **28. Section 30 amended**

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

3

4 Penalty for this subsection:

5

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

7

8 subsection (1)

9

10 **29. Section 33A amended**

11 (1) In section 33A(2)(a) delete “a pet shop or”.

12 (2) In section 33A(3) in the Penalty delete “Penalty:” and insert:

13

14 Penalty for this subsection:

15

16 **30. Section 33K amended**

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

18

19 Penalty for this subsection:

20

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

22

23 Penalty for this subsection:

24

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

26

27 Penalty for this subsection:

28

- 1       (4) In section 33K(4) delete “transferred —” and insert:  
2
- 3               transferred, in addition to the information referred to in  
4               section 26H(2) —  
5
- 6       (5) In section 33K(4) in the Penalty delete “Penalty:” and insert:  
7
- 8               Penalty for this subsection:  
9
- 10       (6) In section 33K(5A) after “transferred,” insert:  
11
- 12               in addition to the information referred to in section 26H(2),  
13
- 14       (7) In section 33K(5A) in the Penalty delete “Penalty:” and insert:  
15
- 16               Penalty for this subsection:  
17
- 18       (8) In section 33K(5) in the Penalty delete “Penalty:” and insert:  
19
- 20               Penalty for this subsection:  
21
- 22       **31. Section 34 amended**
- 23               In section 34(4) in the Penalty delete “Penalty:” and insert:  
24
- 25               Penalty for this subsection:  
26

1 **32. Part VIA inserted**

2 After section 38 insert:

3

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

6 **Division 1 — Preliminary**

7 **38A. Supply of dogs to relevant pet shop businesses**

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

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

16 **Division 2 — Approval of pet shop for relevant pet shop**  
17 **business**

18 **38B. Pet shop for relevant pet shop business must be**  
19 **approved**

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

24 Penalty: a fine of \$10 000.

- 1           **38C.   Application for pet shop approval**
- 2           (1) A person who intends to conduct, or who conducts, a  
3           relevant pet shop business may apply to the local  
4           government in whose district the pet shop is located  
5           for —
- 6                 (a) the grant of an approval for the pet shop (a *pet*  
7                 *shop approval*); or
- 8                 (b) the renewal of the pet shop approval for the pet  
9                 shop.
- 10          (2) An application for the grant or renewal of a pet shop  
11          approval must be made in accordance with Part X  
12          Division 2.
- 13           **38D.   Pet shop approval**
- 14          (1) On receiving an application for the grant or renewal of  
15          a pet shop approval, a local government is to —
- 16                 (a) grant or refuse to grant the pet shop approval;  
17                 or
- 18                 (b) renew or refuse to renew the pet shop approval.
- 19          (2) The local government may refuse to grant or renew a  
20          pet shop approval only if the local government is  
21          satisfied that at least one of the following applies —
- 22                 (a) the applicant is a convicted person;
- 23                 (b) in the case of a renewal — a circumstance in  
24                 section 38E(c), (d), (e) or (f);
- 25                 (c) the facilities that the applicant proposes to use,  
26                 or uses, to keep dogs for the purposes of the  
27                 relevant pet shop business do not meet the  
28                 requirements of any relevant written law;
- 29                 (d) a circumstance prescribed for the purposes of  
30                 this subsection.

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 32**

---

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

14 **38E. Cancellation of pet shop approval**

- 15 A local government may cancel a pet shop approval  
16 that the local government granted to a person only if  
17 the person requests that the local government cancel  
18 the approval or the local government is satisfied that —  
19 (a) any of the things set out in section 38D(2)(a),  
20 (c) or (d) applies in relation to the person; or  
21 (b) the person does not need the approval; or  
22 (c) the person has not complied with a condition  
23 imposed on the approval; or  
24 (d) the person has not complied with a requirement  
25 under this Act or the *Animal Welfare Act 2002*;  
26 or  
27 (e) there has been a contravention of this Act or the  
28 *Animal Welfare Act 2002* in relation to the  
29 relevant pet shop business conducted by the  
30 person or the pet shop to which the approval  
31 relates; or

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

3 **38F. Continuation of pet shop approval until application**  
4 **for renewal decided**

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

17 **Division 3 — Obligations of person conducting relevant**  
18 **pet shop business**

19 **38G. Relevant pet shop business only to supply dogs**  
20 **obtained from holder of dog supply approval**

21 A person who conducts a relevant pet shop business  
22 must ensure that a dog is not supplied or offered for  
23 supply in the course of the relevant pet shop business  
24 unless the dog was supplied to the relevant pet shop  
25 business by the holder of a dog supply approval.  
26 Penalty: a fine of \$10 000.

1           **38H.    Pet shop to display certificate of registration**

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

5                   Penalty: a fine of \$5 000.

6           **38I.    Person conducting relevant pet shop business to  
7                   provide certain information**

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

10                   (a) any person who is supplied with a dog in the  
11                   course of the relevant pet shop business is  
12                   provided, before the dog is supplied, with —

13                           (i) the prescribed information about the  
14                           person who supplied the dog to the  
15                           relevant pet shop business; and

16                           (ii) the pet shop number for the pet shop;  
17                   and

18                   (b) any person to whom the supply of a dog is  
19                   offered in the course of the relevant pet shop  
20                   business is, if the person requests, provided  
21                   with —

22                           (i) the prescribed information about the  
23                           person who supplied the dog to the  
24                           relevant pet shop business; and

25                           (ii) the pet shop number for the pet shop.

26                   Penalty: a fine of \$5 000.



- 1           **38J.    Person conducting relevant pet shop business to**  
2           **provide copy of health certificate**
- 3           A person who conducts a relevant pet shop business  
4           must ensure that —
- 5                 (a) any person who is supplied with a dog in the  
6                     course of the relevant pet shop business is  
7                     provided, before the dog is supplied, with a  
8                     copy of the health certificate for the dog; and
- 9                 (b) any person to whom the supply of a dog is  
10                    offered in the course of the relevant pet shop  
11                    business is, if the person requests, provided  
12                    with a copy of the health certificate for the dog.

13           Penalty: a fine of \$5 000.

- 14           **38K.    Person conducting relevant pet shop business to**  
15           **keep records relating to source of dogs**
- 16                 (1) In this section —
- 17                     *relevant dog*, in relation to a person who conducts a  
18                     relevant pet shop business, means each of the  
19                     following —
- 20                         (a) a dog kept for the purposes of the relevant pet  
21                             shop business;
- 22                         (b) a dog that is supplied or offered for supply in  
23                             the course of the relevant pet shop business.
- 24                 (2) A person who conducts a relevant pet shop business  
25                     must keep, in relation to each relevant dog, a record  
26                     that —
- 27                         (a) contains the prescribed information about the  
28                             dog, including information about the person  
29                             who supplied the dog to the relevant pet shop  
30                             business; and
- 31                         (b) includes any evidence necessary to enable the  
32                             information in the record to be verified.

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 32**

---

- 1 (3) The person must keep the record, even if the person  
2 ceases to conduct the relevant pet shop business —  
3 (a) in the prescribed way, if any; and  
4 (b) until —  
5 (i) in relation to a dog kept for the purposes  
6 of the relevant pet shop business — the  
7 end of the period of 5 years after the day  
8 on which the relevant dog ceased being  
9 kept for the purposes of the relevant pet  
10 shop business; and  
11 (ii) in relation to a dog that is supplied or  
12 offered for supply in the course of the  
13 relevant pet shop business — the end of  
14 the period of 5 years after the day on  
15 which the dog is supplied or first  
16 offered for supply.
- 17 (4) If the regulations prescribe a time within which a  
18 record referred to in subsection (2) must be made, the  
19 record must be made within that time.
- 20 (5) A person who fails to comply with this section  
21 commits an offence.  
22 Penalty for this subsection: a fine of \$10 000.

23 **38L. Person conducting relevant pet shop business to**  
24 **provide information to local government**

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

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

12          **38M. Self-incrimination**

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

**Division 4 — Dog supply approval**

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

(1) A person (the *supplier*) must not supply a dog to a relevant pet shop business unless —

(a) the dog is a stray, abandoned, seized or surrendered dog that is being kept —

(i) as part of refuge operations conducted by the supplier; or

(ii) in a dog management facility operated by the supplier;

and

(b) the supplier holds a dog supply approval.

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

(2) A person (the *supplier*) must not supply a dog to a relevant pet shop business unless the supplier has —

(a) obtained, in respect of the dog, a certificate issued by a veterinarian that declares that the veterinarian has completed a health assessment of the dog and that outlines the prescribed information in relation to the health status of the dog (a *health certificate*); and

(b) provided the person who conducts the relevant pet shop business, or the person acting on their behalf, with a copy of the health certificate.

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

- 1           **380.    Person conducting refuge operations or operating**  
2           **dog management facility may apply for dog supply**  
3           **approval**
- 4           (1)    A person who conducts refuge operations or is the  
5           operator of a dog management facility may apply to the  
6           CEO for the grant of an approval to supply to relevant  
7           pet shop businesses dogs kept as part of the refuge  
8           operations or in the dog management facility (a ***dog***  
9           ***supply approval***).
- 10          (2)    An application for the grant of an approval must —
- 11               (a)    be made in a manner and form approved by the  
12               CEO; and
- 13               (b)    contain the information prescribed; and
- 14               (c)    without limiting paragraph (b), contain  
15               information regarding the intended sources of  
16               dogs to be supplied; and
- 17               (d)    be accompanied by the fee, if any, prescribed;  
18               and
- 19               (e)    comply with any other requirements that are  
20               prescribed.
- 21          (3)    The CEO may require the applicant to give the CEO,  
22               within a specified time, any document or information  
23               that the CEO requires to determine the application and  
24               may require the applicant to verify the information by  
25               statutory declaration.
- 26          (4)    The CEO may refuse to consider an application if the  
27               applicant does not comply with a requirement under  
28               subsection (3) within the specified time.

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

1           **38Q.   Cancellation of dog supply approval**

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

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

23           **38R.   Notice of certain decisions made under this Division**

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

- 1 (c) a decision to impose or amend conditions on a  
2 dog supply approval.
- 3 (2) Within 7 days after the day on which the CEO makes a  
4 decision referred to in subsection (1), the CEO is to  
5 give to the applicant for, or holder of, the approval to  
6 which the decision relates written notice of the decision  
7 and the reasons for the decision.
- 8 (3) The regulations may provide for the review by the  
9 State Administrative Tribunal of a decision of the CEO  
10 referred to in subsection (1) and may provide for the  
11 effect of a decision to be suspended while a right of  
12 review exists or a review is underway.
- 13 **38S. Record of dog supply approval**
- 14 (1) As soon as practicable after the CEO makes a decision  
15 to grant or refuse to grant a dog supply approval, the  
16 CEO is to enter the decision and the prescribed  
17 information in the centralised registration system.
- 18 (2) The CEO is to ensure that the information recorded  
19 under subsection (1) is updated to reflect —
- 20 (a) any change to the information notified under  
21 section 38T; and
- 22 (b) any imposition or amendment of conditions on  
23 the dog supply approval; and
- 24 (c) any cancellation of the dog supply approval;  
25 and
- 26 (d) the outcome of any review provided for under  
27 section 38R(3).



1           **38T.    Notice of change to information**

2                   The holder of a dog supply approval must, within  
3                   7 days after the day on which the holder becomes  
4                   aware of a change to any of the information prescribed  
5                   under section 38S(1) in respect of the dog supply  
6                   approval, give notice in writing of the change to the  
7                   CEO.

8                   Penalty: a fine of \$5 000.

9           **38U.    Certificate and unique number to be given to holder**  
10           **of dog supply approval**

11                   (1) If the CEO grants a dog supply approval to a person,  
12                   the CEO must —

13                           (a) give the person a certificate containing the  
14                           prescribed information; and

15                           (b) issue the person with a unique number for the  
16                           dog supply approval.

17                   (2) The CEO may give a person who holds a dog supply  
18                   approval a new certificate if the CEO is satisfied that  
19                   the person's certificate has been stolen, lost, damaged  
20                   or destroyed.

21                           **Division 5 — Obligations of holder of dog supply**  
22                           **approval**

23           **38V.    Holder of dog supply approval to keep records**

24                   (1) A person who holds a dog supply approval must keep,  
25                   in relation to each dog supplied by the person to a  
26                   relevant pet shop business, a record that —

27                           (a) contains the prescribed information in relation  
28                           to the source and history of the dog; and

29                           (b) includes any evidence necessary to enable the  
30                           information in the record to be verified.

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 32**

---

- 1 (2) The person must keep the record, even if the person  
2 ceases to hold the dog supply approval —  
3 (a) in the prescribed way, if any; and  
4 (b) for 5 years after the day on which the dog was  
5 supplied by the person.
- 6 (3) If the regulations prescribe a time within which a  
7 record referred to in subsection (1) must be made, the  
8 record must be made within that time.
- 9 (4) A person who fails to comply with this section  
10 commits an offence.  
11 Penalty for this subsection: a fine of \$5 000.
- 12 **38W. Holder of dog supply approval to provide**  
13 **information to CEO**
- 14 (1) The CEO may request a person who holds or has held a  
15 dog supply approval to provide the CEO with any of  
16 the following —  
17 (a) any record, information or evidence the person  
18 is required to keep under section 38V;  
19 (b) any other information, evidence or document  
20 that the CEO requires to determine if the dog  
21 supply approval should remain in force.
- 22 (2) The CEO may take extracts from, or make copies of,  
23 any record, information, evidence or document  
24 provided.
- 25 (3) A request made under subsection (1) must specify the  
26 time within which the record, information, evidence or  
27 document must be provided to the CEO.
- 28 (4) A person must comply with a request made of the  
29 person under subsection (1) within the time specified in

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

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

4 **38X. Holder of dog supply approval to provide**  
5 **information to local government**

6 (1) In this section, a relevant pet shop business is an  
7 ***applicable pet shop business*** in relation to a local  
8 government if the pet shop is located in the local  
9 government's district.

10 (2) A local government may request a person who holds or  
11 has held, or purports to hold or have held, a dog supply  
12 approval, and who supplies or has supplied dogs to an  
13 applicable pet shop business, to provide the local  
14 government with any of the following —

15 (a) evidence that the person holds or has held the  
16 dog supply approval;

17 (b) a copy of the health certificate of any dog  
18 supplied by the person to an applicable pet shop  
19 business in the previous 5 years or, if a shorter  
20 period, the period since the person was granted  
21 the dog supply approval.

22 (3) The local government may take extracts from, or make  
23 copies of, any evidence or copy provided.

24 (4) A request made under subsection (2) must specify the  
25 time within which the evidence or copy must be  
26 provided to the local government.

27 (5) A person must comply with a request made of the  
28 person under subsection (2) within the time specified in  
29 the request (or, if another time is agreed between the  
30 local government and the person, within that time).

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

1           **38Y. Self-incrimination**

2           (1) A person is not excused from complying with a request  
3           under this Division to provide information, evidence, a  
4           record or a document on the ground that the  
5           information, evidence, record or document might  
6           incriminate the person or make the person liable to a  
7           penalty.

8           (2) However, any information, evidence, record or  
9           document provided by an individual in compliance  
10          with a request made of the individual under this  
11          Division is not admissible in evidence against the  
12          individual in any proceedings for an offence other  
13          than —

14               (a) if it is provided in compliance with a request  
15               under section 38W(1)(a) — proceedings for an  
16               offence against this Act or for perjury; or

17               (b) in any other case — proceedings for perjury or  
18               an offence against section 43AA.  
19

20          **33. Section 43AA inserted**

21               After section 43 insert:  
22

23          **43AA. False or misleading information**

24          (1) A person must not do anything set out in  
25          subsection (2) —

26               (a) in, or in connection with, an application for an  
27               approval under this Act; or

28               (b) in, or in connection with, a notice or document  
29               given under this Act; or

30               (c) in dealing with a person who is performing a  
31               function under this Act; or

- 1                   (d) in compliance, or purported compliance, with a  
2                   requirement under this Act.  
3                   Penalty for this subsection: a fine of \$5 000.
- 4                   (2) The things to which subsection (1) applies are making  
5                   a statement or giving information that —  
6                   (a) the person knows is false or misleading in a  
7                   material particular; or  
8                   (b) omits anything without which the statement or  
9                   information is, to the person’s knowledge,  
10                  misleading in a material particular.  
11

12 **34. Section 43A amended**

- 13                  (1) At the beginning of section 43A insert:  
14
- 15                  (1) In this section —  
16                         *relevant person* means an authorised person or a  
17                         designated person.  
18
- 19                  (2) In section 43A delete the passage that begins with “A person  
20                  who” and ends with “residence.” and insert:  
21
- 22                  (2) A person who is alleged by a relevant person to be  
23                  concerned in the commission of an offence against this  
24                  Act must give to that relevant person on demand their  
25                  full name, date of birth and residential address.  
26
- 27                  (3) In section 43A in the Penalty delete “Penalty:” and insert:  
28
- 29                  Penalty for this subsection:  
30

1 **35. Section 43B inserted**

2 After section 43A insert:

3

4 **43B. General powers of relevant persons**

5 (1) In this section —

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

8 (a) an offence is being, or has been, committed  
9 against this Act; or

10 (b) grounds exist for the cancellation of an  
11 approval to breed, a pet shop approval or a dog  
12 supply approval;

13 *relevant person* means an authorised person or a  
14 designated person.

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

18 (a) examine, seize, copy or take extracts from a  
19 document;

20 (b) take photographs, films and audio, video or  
21 other recordings;

22 (c) direct a person to answer questions;

23 (d) examine, including by scanning, a dog;

24 (e) take any other action that the relevant person  
25 believes, on reasonable grounds, is necessary.  
26

1 **36. Section 44 amended**

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

3

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

5

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

8

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

15

16 **37. Section 45 amended**

17 In section 45(1):

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

20

21 a certain

22

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

24

25 a certain age

26

1 **38. Section 45A amended**

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

6

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

11

12 **39. Part X heading replaced**

13 Delete the heading to Part X and insert:

14

15 **Part X — Miscellaneous**

16

17 **40. Part X Division 1 heading inserted**

18 At the beginning of Part X insert:

19

20 **Division 1 — Regulations**

21

22 **41. Section 54 amended**

23 After section 54(2B) insert:

24

25 (2C) Without limiting subsection (1), regulations may —

26 (a) require or permit any notice, information or  
27 document required or authorised to be given  
28 under this Act to be given in a certain way or  
29 ways, including —



- 1 (i) by using the centralised registration  
2 system; or  
3 (ii) by any other means by which the notice,  
4 information or document can be  
5 accessed electronically;  
6 and  
7 (b) make provision for or in relation to the time at  
8 which the notice, information or document is  
9 taken to have been given.  
10

11 **42. Part X Division 2 inserted**

12 At the end of Part X insert:  
13

14 **Division 2 — Local government approvals**

15 **Subdivision 1 — Applications for approval**

16 **54A. Applications**

- 17 (1) An application for the grant of an approval to breed, or  
18 for the grant or renewal of a pet shop approval, must —  
19 (a) be made in a manner and form approved by the  
20 CEO; and  
21 (b) contain the information prescribed; and  
22 (c) be accompanied by the fee, if any, prescribed;  
23 and  
24 (d) comply with any other requirements that are  
25 prescribed.  
26 (2) A local government that receives an application may  
27 require the applicant to give the local government,  
28 within a specified time, any document or information  
29 that the local government requires to determine the

1 application and may require the applicant to verify the  
2 information by statutory declaration.

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

7 **54B. Record of approval**

8 (1) As soon as practicable after a local government makes  
9 a decision to grant or refuse to grant an approval to  
10 breed or a pet shop approval, or to renew or refuse to  
11 renew a pet shop approval, the local government is to  
12 enter the decision and the prescribed information in the  
13 centralised registration system.

14 (2) A local government is to ensure that the information  
15 recorded under subsection (1) is updated to reflect —

- 16 (a) any change to the information notified under  
17 section 54C; and  
18 (b) any imposition or amendment of conditions on  
19 the approval to breed or pet shop approval; and  
20 (c) any expiry or cancellation of the approval to  
21 breed or pet shop approval; and  
22 (d) the outcome of any objection or review under  
23 section 54G or 54H.

24 **54C. Notice of change to information**

25 The holder of an approval to breed or a pet shop  
26 approval must, within 7 days after the day on which the  
27 holder becomes aware of a change to any of the  
28 information prescribed under section 54B(1) in respect  
29 of the approval, give notice in writing of the change to  
30 the local government that granted the approval.

31 Penalty: a fine of \$5 000.

1           **54D.     Certificate and unique number to be given to holder**  
2           **of approval**

- 3           (1) If a local government grants an approval to breed or a  
4           pet shop approval to a person, the local government  
5           must —  
6                 (a) give the person a certificate containing the  
7                 prescribed information; and  
8                 (b) in the case of a pet shop approval — issue the  
9                 person with a unique number for the pet shop to  
10                which the approval relates (a *pet shop*  
11                *number*).  
12           (2) If a local government renews a pet shop approval held  
13           by a person, the local government must give the person  
14           a certificate containing the prescribed information.  
15           (3) A local government may give a person who holds an  
16           approval to breed or a pet shop approval granted by the  
17           local government a new certificate if the local  
18           government is satisfied that the person’s certificate has  
19           been stolen, lost, damaged or destroyed.

20                           **Subdivision 2 — Objection and review process**

21           **54E.     Notice of certain decisions made by local**  
22           **government**

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

**Dog Amendment (Stop Puppy Farming) Bill 2021**

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 42**

---

- 1 (c) a decision to cancel an approval to breed or a  
2 pet shop approval (other than a decision to  
3 cancel the approval at the request of the person  
4 who held the approval);
- 5 (d) a decision to impose or amend conditions on an  
6 approval to breed or a pet shop approval.
- 7 (2) Within 7 days after the day on which a local  
8 government makes a decision referred to in  
9 subsection (1), the local government is to give to the  
10 applicant for, or holder of, the approval to which the  
11 decision relates written notice of —
- 12 (a) the decision; and  
13 (b) the reasons for the decision; and  
14 (c) the person's rights under sections 54F and 54H  
15 either —
- 16 (i) to lodge a written objection against the  
17 decision with the local government,  
18 with a subsequent right to apply to the  
19 State Administrative Tribunal for a  
20 review of the decision made by the local  
21 government on the objection; or  
22 (ii) to apply directly to the State  
23 Administrative Tribunal for a review of  
24 the decision.

25 **54F. Objection may be lodged**

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

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

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

5           **54G. Dealing with objection**

6           (1) The objection is to be dealt with by the council of the  
7           local government or by a committee authorised by the  
8           council to deal with the objection.

9           (2) A committee cannot deal with an objection against a  
10           decision that the committee made or a decision that the  
11           council made.

12           (3) The person who made the objection is to be given a  
13           reasonable opportunity to make submissions on how to  
14           dispose of the objection.

15           (4) The objection may be disposed of by —  
16               (a) dismissing the objection; or  
17               (b) varying the decision objected to; or  
18               (c) revoking the decision objected to, with or  
19               without substituting for it another decision.

20           (5) The local government is to ensure that the person who  
21           made the objection is given notice in writing of how it  
22           has been decided to dispose of the objection and the  
23           reasons for disposing of it in that way.

24           **54H. Review of decisions**

25           (1) A person who has been given notice under section 54E  
26           of a decision by a local government may apply to the  
27           State Administrative Tribunal for a review of the  
28           decision if the person —

29               (a) has not lodged an objection to the decision  
30               under section 54F; or

- 1 (b) has lodged an objection but, at the expiration of  
2 35 days after the day on which the objection  
3 was lodged, has not been given notice in  
4 writing of how it has been decided to dispose of  
5 the objection.
- 6 (2) An application under subsection (1) must be made —  
7 (a) if subsection (1)(a) applies — within 42 days  
8 after the day on which the person is given the  
9 notice under section 54E; or  
10 (b) if subsection (1)(b) applies — more than  
11 35 days, but within 77 days, after the day on  
12 which the person lodged the objection.
- 13 (3) If the person lodged an objection and has been given  
14 notice in writing of how it has been decided to dispose  
15 of the objection, the person may apply to the State  
16 Administrative Tribunal, within 42 days after the day  
17 on which the person was given the notice, for a review  
18 of the decision on the objection.

19 **54I. Suspension of effect of some decisions**

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

- 1                                   (ii) a pet shop approval not being renewed.
- 2                   (2) The effect of the decision is suspended, and the  
3 approval is taken to continue to have effect, until —
- 4                           (a) if an application is made to the State  
5 Administrative Tribunal under section 54H for  
6 a review of the decision — the State  
7 Administrative Tribunal determines the  
8 application; or
- 9                           (b) in any other case — there is no longer any right  
10 to lodge an objection under section 54F or  
11 apply to the State Administrative Tribunal  
12 under section 54H in relation to the decision.
- 13                   (3) Subsection (2) does not apply if the State  
14 Administrative Tribunal orders that the effect of the  
15 decision should not be suspended.  
16

17 **43. Part XA inserted**

18 Before Part XI insert:  
19

**Part XA — Review**

21 **54J. Review of amendments made by *Dog Amendment***  
22 ***(Stop Puppy Farming) Act 2021***

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

***Dog Amendment (Stop Puppy Farming) Bill 2021***

**Part 2** Dog Act 1976 amended

**Division 3** Amendments commencing on proclamation

**s. 44**

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

6 **44. Part XI Division 3 inserted**

7 After Part XI Division 2 insert:  
8

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

11 **62. Transitional provision for centralised registration**  
12 **system**

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



- 1                   (b) cause or permit information to be transferred  
2                   from a register maintained by a local  
3                   government to the centralised registration  
4                   system.
- 5                   (3) If a local government records information in the  
6                   centralised registration system under subsection (2)(a),  
7                   or information from a register maintained by the local  
8                   government is transferred to the centralised registration  
9                   system under subsection (2)(b), before the  
10                  commencement day the information is taken, for the  
11                  purposes of this Act, to be information recorded by the  
12                  local government on a register maintained by the local  
13                  government.  
14

15   **45.       Sections 63 to 65 inserted**

16               After section 62 insert:  
17

18               **63.       Registered unsterilised dogs**

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

- 1           **64.     Application for registration**
- 2                     An application for registration delivered under
- 3                     section 16(1) but not finally dealt with under
- 4                     section 16(2) before the day on which the *Dog*
- 5                     *Amendment (Stop Puppy Farming) Act 2021* section 17
- 6                     comes into operation is, on and from that day, to be
- 7                     dealt with as if the *Dog Amendment (Stop Puppy*
- 8                     *Farming) Act 2021* section 17(5) had not been enacted.
- 9           **65.     Transition period for relevant pet shop businesses**
- 10           (1) In this section —
- 11                     *application day* means the prescribed date;
- 12                     *commencement day* means the day on which the *Dog*
- 13                     *Amendment (Stop Puppy Farming) Act 2021* section 32
- 14                     comes into operation;
- 15                     *pre-existing dog*, in relation to a relevant pet shop
- 16                     business, means a dog that is supplied to the relevant
- 17                     pet shop business (within the meaning of section 38A)
- 18                     before the application day.
- 19           (2) If, immediately before the commencement day, a
- 20                     person conducts a relevant pet shop business —
- 21                     (a) sections 38B, 38G, 38H, 38I, 38J, 38K and 38L
- 22                     do not apply to the person in relation to the
- 23                     relevant pet shop business and the pet shop
- 24                     before the application day; and
- 25                     (b) sections 38G, 38I, 38J, 38K and 38L do not
- 26                     apply to the person in relation to a pre-existing
- 27                     dog.
- 28           (3) Section 38N does not apply to a person before the
- 29                     application day.
- 30

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

3     **46.     Section 26E amended**

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

5     **47.     Section 26H amended**

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

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

9     **48.     Section 26L amended**

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

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**Part 3 — *Cat Act 2011* amended**

**49. Act amended**

This Part amends the *Cat Act 2011*.

**50. Section 3 amended**

(1) In section 3(1) delete the definition of *register*.

(2) In section 3(1) insert in alphabetical order:

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

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

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

infertile;

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

for and transfer ownership of; and

1 **51. Section 8 amended**

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

4  
5 a manner and form approved by the Department CEO; and  
6

7 **52. Section 12 replaced**

8 Delete section 12 and insert:  
9

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

12 (1) A local government is to keep, using the centralised  
13 registration system, an accurate and up-to-date record  
14 of cats registered by the local government.

15 (2) The local government is to record in the centralised  
16 registration system the information prescribed in  
17 respect of each cat registered by the local government.  
18

19 **53. Section 16 amended**

20 In section 16 after “section 15” insert:  
21

22 that has been given to it  
23

24 **54. Section 24 amended**

25 In section 24(a)(ii) delete “section 12(3)” and insert:  
26

27 section 12(2)  
28

1     **55.     Section 25 replaced**

2                      Delete section 25 and insert:

3

4                      **25.     Notice of change to recorded information**

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

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

16                      Penalty: a fine of \$5 000.

17

18     **56.     Section 33 amended**

19                      In section 33:

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

24  
25                      microchipped and is required under section 14 to be  
26                      microchipped; or  
27

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

4  
5 sterilised and is required under section 18 to be  
6 sterilised,  
7

8 **57. Section 36 amended**

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

11  
12 a manner and form approved by the Department CEO; and  
13

14 **58. Sections 40A and 40B inserted**

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

16  
17 **40A. Record of approval to breed cats**

18 (1) As soon as practicable after a local government makes  
19 a decision to grant or refuse to grant, or to renew or  
20 refuse to renew, an approval to breed cats, the local  
21 government is to enter the decision and the prescribed  
22 information in the centralised registration system.

23 (2) A local government is to ensure that the information  
24 recorded under subsection (1) is updated to reflect —

25 (a) any change to the information notified under  
26 section 40B; and

27 (b) any expiry or cancellation of the approval; and

28 (c) the outcome of any objection or review under  
29 Part 4 Division 5.

1                      **40B.    Notice of change to information**

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

8                                      Penalty: a fine of \$5 000.

9

10                    **59.       Part 4 Division 1A inserted**

11                                      At the beginning of Part 4 insert:

12

13                                      **Division 1A — Centralised registration system**

14                    **41A.    Centralised registration system**

15                                      (1) The Department CEO must establish and maintain an  
16                                      electronic database or system in which information  
17                                      relating to cats can be recorded (the *centralised*  
18                                      *registration system*).

19                                      (2) The Department CEO and each local government is  
20                                      to —

21    (a) record in the centralised registration system any  
22    information that is prescribed; and

23    (b) ensure that the information recorded by it in the  
24    centralised registration system is accurate and  
25    kept up-to-date.

26                                      (3) The Department CEO or a local government may cause  
27                                      any error in, or omission from, the centralised  
28                                      registration system to be corrected.



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

14   **60.       Section 76 amended**

15           After section 76(2) insert:

- 16
- 17          (3) Without limiting subsection (1), regulations may —
- 18               (a) require or permit any notice, information or  
19               document required or authorised to be given  
20               under this Act to be given in a certain way or  
21               ways, including —
- 22                       (i) by using the centralised registration  
23                       system; or
- 24                       (ii) by any other means by which the notice,  
25                       information or document can be  
26                       accessed electronically;
- 27               and
- 28               (b) make provision for or in relation to the time at  
29               which the notice, information or document is  
30               taken to have been given.  
31

32

**s. 61**

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1    **61.        Section 86A inserted**

2                      At the end of Part 6 insert:

3

4                      **86A.        Delegation by Department CEO**

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

8                      (2) The delegation must be in writing signed by the  
9                                      Department CEO.

10                     (3) A person to whom a power or duty is delegated under  
11                                      this section cannot delegate that power or duty.

12                     (4) A person exercising or performing a power or duty that  
13                                      has been delegated to the person under this section is  
14                                      taken to do so in accordance with the terms of the  
15                                      delegation unless the contrary is shown.

16                     (5) Nothing in this section limits the ability of the  
17                                      Department CEO to perform a function through an  
18                                      officer or agent.

19

20    **62.        Section 88 inserted**

21                      At the end of Part 7 insert:

22

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

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

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

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

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

- 9                    (2) The Department CEO may establish and maintain the  
10 centralised registration system before the  
11 commencement day and may —
- 12                    (a) permit a local government to record in the  
13 centralised registration system any information  
14 that the local government is required under this  
15 Act to record in a register maintained by it; and
- 16                    (b) cause or permit information to be transferred  
17 from a register maintained by a local  
18 government to the centralised registration  
19 system.
- 20                    (3) If a local government records information in the  
21 centralised registration system under subsection (2)(a),  
22 or information from a register maintained by the local  
23 government is transferred to the centralised registration  
24 system under subsection (2)(b), before the  
25 commencement day the information is taken, for the  
26 purposes of this Act, to be information recorded by the  
27 local government on a register maintained by the local  
28 government.
- 29

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