



New South Wales

Companion Animals Amendment (Puppy Farms) Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Companion Animals Act 1998* (*the Act*) to—

- (a) regulate the conduct of businesses breeding companion animals and other companion animal businesses, and
- (b) provide enforcement powers for the purposes of regulating the conduct of companion animal businesses.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Companion Animals Act 1998 No 87**

Schedule 1[2] inserts proposed sections 61A and 61B to require assistance dog providers to give information to the Minister each financial year. **Schedule 1[1]** inserts a definition for the purposes of proposed sections 61A and 61B.

Schedule 1[3] inserts a 2-year temporary arrangement to limit the number of fertile female dogs or fertile female cats that a person may have (proposed sections 61C–61F).

Schedule 1[4] inserts proposed Part 6A, which contains provisions for the regulation of companion animal businesses. Proposed Part 6A—

- (a) inserts proposed Division 1 (proposed sections 61G–61L), which inserts definitions for the purposes of the proposed part, including the following—
 - (i) **breeding arrangement**—meaning an arrangement between a companion animal breeding business and a person in relation to a dog or cat, where the dog or cat lives in the person’s care and the proprietor of the business may require the person to return the dog or cat for breeding purposes (proposed section 61I),
 - (ii) **business code of practice**—meaning a code of practice that specifies standards for the conduct of companion animal businesses, including a business code of practice made by the Departmental Chief Executive and published in the Gazette (proposed section 61J),
 - (iii) **companion animal breeding business**—meaning an enterprise that carries out the breeding of certain dogs or cats for sale and has 3 or more fertile female dogs or 3 or more fertile female cats (proposed section 61L),
 - (iv) **companion animal business**—meaning a pet shop or a companion animal breeding business (proposed section 61K), and
- (b) inserts proposed Division 2, which contains provisions for the registration of companion animal business premises. Proposed Division 2—
 - (i) enables a person to apply to register premises on which a companion animal business is to be conducted, and a proprietor of a companion animal business to apply to renew or transfer the registration of premises (proposed sections 61M–61O), and
 - (ii) enables a council to grant an application to register premises or to renew or transfer the registration of premises, or to refuse the application or suspend or revoke the registration on discretionary or mandatory grounds (proposed sections 61P–61S), and
 - (iii) enables a court to suspend or revoke the registration of premises or refer the matter to council for determination (proposed section 61T), and
 - (iv) provides for the registration of premises to be in force for 1 year (proposed section 61U), and
- (c) inserts proposed Division 3, which contains provisions requiring councils to provide the Departmental Chief Executive with information relating to applications to register premises or to renew or transfer the registration of premises, including the council’s reasons for refusing the application or suspending or revoking the registration (proposed sections 61V–61Y), and
- (d) inserts proposed Division 4, which contains provisions requiring the Departmental Chief Executive to issue source numbers to companion animal businesses and enabling animal rescues, microbreeders and other sellers to apply to the Departmental Chief Executive to be issued source numbers (proposed sections 61Z–61ZC), and
- (e) inserts proposed Division 5, which contains provisions requiring the Departmental Chief Executive to keep a business information register that contains information provided under proposed Division 3 and source numbers issued under proposed Division 4 and enabling permitted officers or prospective purchasers of companion animals to inspect the register (proposed sections 61ZD–61ZF), and
- (f) inserts proposed Division 6, which contains offence provisions—
 - (i) prohibiting persons from conducting a companion animal business on unregistered premises (proposed section 61ZG), and
 - (ii) requiring proprietors of companion animal businesses to comply with the terms and conditions of their registration (proposed section 61ZH), and
 - (iii) requiring microbreeders, proprietors of companion animal businesses and recreational breeders to comply with the applicable business codes of practice (proposed section 61ZI), and

- (iv) relating to microbreeders, proprietors of companion animal businesses and recreational breeders (proposed sections 61ZJ–61ZR), and
 - (v) relating to proprietors of pet shops (proposed sections 61ZS–61ZV), and
 - (vi) prohibiting persons from advertising dogs and cats for sale without source numbers (proposed section 61ZW), and
- (g) inserts proposed Division 7 to impose requirements for recreational breeders and applicable organisations of which recreational breeders may be members (proposed sections 61ZX–61ZZC), and
- (h) inserts proposed Division 8 to provide for the review of proposed Part 6A (proposed section 61ZZD).

Schedule 1[6] inserts proposed Divisions 3 and 4 into Part 7A.

Proposed Part 7A, Division 3 provides for enforcement powers in relation to the regulation of companion animal businesses. Proposed Division 3—

- (a) inserts definitions for the purposes of the proposed division, including *Departmental officer* and *enforcement officer* (proposed section 69I), and
- (b) extends functions of authorised officers under Division 1 to enforcement officers for the purposes of proposed Division 3 and determining compliance with, or a contravention of, proposed Part 6A or a regulation made under the part (proposed section 69J), and
- (c) requires enforcement officers to be issued identification cards (proposed section 69K), and
- (d) enables enforcement officers to enter property and seize dogs and cats in certain circumstances (proposed sections 69L–69N), and
- (e) enables enforcement officers who have determined a person is contravening or has contravened a provision of proposed Part 6A or a regulation made under that proposed part to issue compliance notices (proposed section 69O), and
- (f) permits enforcement officers to exercise certain powers of authorised officers (proposed section 69P), and
- (g) applies the authority to prosecute under the *Prevention of Cruelty to Animals Act 1979*, section 34AA to certain proceedings for offences in relation to companion animal businesses (proposed section 69Q).

Proposed Part 7A, Division 4 provides for the powers of courts to make orders relating to companion animal businesses (proposed section 69R–69T).

Schedule 1[5] makes an amendment to a note consequential on the insertion of proposed sections 69M and 69N.