

Explanatory note

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

Overview of Bill

The object of this Bill is to protect the lives and well-being of dogs, cats and other mammals (but not livestock) as follows:

- (a) by prohibiting the keeping for sale of mammals at shops or markets,
- (b) by prohibiting the sale of mammals at shops or markets,
- (c) by regulating the advertising or brokering of the sale of mammals from shops or markets,
- (d) by regulating the publishing of any advertisement for the sale of mammals,
- (e) by prohibiting the sale of mammals to children,
- (f) by prohibiting the carrying on of a business of selling mammals, or propagating mammals for sale, by anyone other than a recognised breeder,
- (g) by requiring any person who offers a mammal for sale to inform prospective purchasers of the special needs and requirements of the mammal,
- (h) by requiring all mammals sold by animal shelters, council pounds and veterinary practices to be microchipped.

The Bill also amends other Acts and Regulations to make it an offence to fail to collect a mammal from a council pound, or to fail to either collect or surrender a companion animal at an animal shelter, after being notified that it is there.

Outline of provisions

Part 1 Preliminary

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 on a date that is 3 months after the date of assent, or on any earlier proclaimed date.

Clause 3 states the object of the proposed Act, which is to protect the lives and well-being of dogs, cats and other mammals (but not livestock).

Clause 4 defines certain words and expressions used in the proposed Act.

Clause 5 provides that the proposed Act does not apply to livestock.

Clause 6 provides that the proposed Act does not affect any regulation of, or prohibition on, the keeping or sale of a mammal under the *National Parks and Wildlife Act 1974*, the *Prevention of Cruelty to Animals Act 1979* or any other Act or statutory rule.

Part 2 Offences

Division 1 Offences concerning the sale of mammals at shops and markets

Clause 7 prohibits the keeping for sale of mammals at shops or markets.

Clause 8 prohibits the selling of mammals at or from shops or markets.

Clause 9 regulates the advertising of the sale of mammals at shops or markets. Such advertising is permitted only if the mammal is at an animal shelter, council pound or veterinary practice or is being cared for in a prescribed private home (that is, a private dwelling at which a person looks after lost, stray, abandoned or surrendered mammals for the purposes of providing refuge until those mammal can be claimed or sold by certain non-profit organisations).

Clause 10 regulates the brokering of the sale of mammals at or from shops or markets (by acting, or purporting to act, as an intermediary to negotiate and obtain the sale of a mammal). Such brokering is permitted only if the mammal is at an animal shelter, council pound or veterinary practice or is being cared for in a prescribed private home.

Division 2 Offence of publishing advertisement for the sale of mammals

Clause 11 prohibits the publishing of advertisements for the sale of mammals except in certain circumstances.

Division 3 Offence of selling mammals to children

Clause 12 prohibits the sale of mammals to children.

Division 4 Offences concerning the sale of mammals generally

Clause 13 prohibits the carrying on of a business of selling dogs or cats, or propagating dogs or cats for sale, by anyone other than certain recognised breeders. The proposed section provides for the sale and propagation of other mammals to be included within the scope of the prohibition by the regulations.

Clause 14 requires anyone who displays a mammal for sale, or otherwise offers it for sale, to provide prospective purchasers with a written statement about the special needs and requirements of the mammal. If the mammal is sold, the purchaser must be provided with a written copy of the statement. The written statement covers such matters as the usual life-span of mammals of that species or breed, the minimum requirements for the humane shelter, accommodation, exercising and socialising of the mammal and the costs associated with feeding, registering and keeping the mammal and obtaining veterinary care for the mammal.

Clause 15 requires mammals sold by an animal shelter, council pound or veterinary practice or breeder to be microchipped.

Part 3 Recognised breeders

Clause 16 provides for the regulations to prescribe standards that are required to be complied with by recognised breeders and provides for the Minister to withdraw the recognition of a recognised breeder if the breeder fails to comply with the standards prescribed by the regulations.

Clause 17 provides that inspectors under the *Prevention of Cruelty to Animals Act 1979* may exercise powers under that Act if the inspector believes on reasonable grounds that a recognised breeder has failed to comply with any of the standards prescribed by the regulations.

Part 4 Miscellaneous

Clause 18 provides that the proposed Act binds the Crown.

Clause 19 provides that offences under the proposed Act are to be dealt with summarily before a Local Court or the Supreme Court.

Clause 20 provides that, in certain circumstances, there will be a presumption that a person carries on a business of selling mammals.

Clause 21 deals with offences by corporations.

Clause 22 provides for the issue of penalty notices for offences under the proposed Act.

Clause 23 provides for the making of regulations under the proposed Act.

Clause 24 gives effect to the amendments to Acts and regulations specified in Schedule 1.

Schedule 1 Amendment of Acts and regulations

Schedule 1.1, 1.2 and 1.3 make amendments that are consequential on the fact that dogs and other mammals will no longer be permitted to be sold or kept for sale at pet shops.

Schedule 1.4 provides for the administration of penalty notices issued under the proposed Act to be carried out under the *Fines Act 1996*.

Schedule 1.5 makes it an offence under the *Impounding Act 1993* for a person to fail to collect an impounded animal if the person is notified by an impounding authority that the animal has been impounded.

Schedule 1.6 [1] makes it clear that the prohibition on abandoning animals set out in section 11 of the *Prevention of Cruelty to Animals Act 1979* includes dumping animals.

Schedule 1.6 [2] makes it an offence under the *Prevention of Cruelty to Animals Act 1979* for a person to fail to collect or surrender an animal if the person is notified by the RSPCA, or another organisation that operates an animal shelter, that the animal has been taken or otherwise come into its possession.