

## 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 cats, dogs and other mammals (but not livestock) as follows:

- (a) by prohibiting the keeping of cats and dogs at shops or markets for the purposes of their sale,
- (b) by prohibiting the sale of cats and dogs at or from shops or markets,
- (c) by prohibiting the display of mammals other than cats or dogs in shop windows or in parts of shops visible to passers-by,
- (d) by regulating the advertising of the sale of cats and dogs,
- (e) by requiring any person who offers a cat or dog for sale to inform prospective purchasers of the basic care requirements of the animal,
- (f) by restricting who can carry on the business of selling cats or dogs, or breeding cats or dogs for sale.

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 claim 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 an 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 affect any provision of the National Parks and Wildlife Act 1974, the Prevention of Cruelty to Animals Act 1979 or any other Act or statutory rule that regulates or prohibits the keeping or sale of a mammal.

#### Part 2 Regulation of sale of cats and dogs

##### Division 1 Regulation of sale of cats and dogs at shops and markets

Clause 6 regulates the keeping of cats and dogs at shops or markets for the purpose of selling them.

Clause 7 regulates the sale or offering for sale of cats and dogs at or from shops or markets.

Clause 8 regulates the negotiation of the sale of cats and dogs at shops or markets.

##### Division 2 Provision of basic care information about cats and dogs

Clause 9 requires persons who display cats or dogs for sale, or cause or permit other persons to display cats or dogs for sale, to provide prospective purchasers with written prescribed basic care information, that is, with a written statement about the basic care requirements of the animals prescribed under proposed section 21.

Clause 10 requires an authorised seller who sells a cat or dog, or a person who sells a cat or dog on behalf of an authorised seller, to provide the purchaser with written prescribed basic care information about the animal.

##### Division 3 Regulation of advertising of cats and dogs

Clause 11 regulates the advertising of the sale of cats and dogs at shops or markets and elsewhere.

##### Division 4 Regulation of business of selling or breeding cats and dogs

Clause 12 prohibits the carrying on of the business of selling cats and dogs or breeding cats and dogs for sale. Neither of the prohibitions apply to a recognised

breeder, and the prohibition on carrying on the business of selling animals does not apply to an approved animal shelter, a council pound, the practice of a veterinary practitioner or an approved animal welfare organisation.

Part 3 Regulation of sale of mammals other than cats and dogs

Clause 13 prohibits the display of mammals other than cats or dogs in shop windows or any other part of a shop that can easily be seen by a person outside the shop.

Part 4 Regulation of recognised breeders

Clause 14 provides for the regulations to prescribe standards that are required to be complied with by recognised breeders.

Clause 15 makes it an offence for a recognised breeder to fail to comply with the prescribed standards.

Clause 16 provides that an inspector under the Prevention of Cruelty to Animals Act 1979 may exercise certain 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 that apply to the breeder.

Part 5 Proceedings for offences

Clause 17 provides that offences under the proposed Act are to be dealt with summarily before a Local Court or by the Supreme Court in its summary jurisdiction.

Clause 18 deals with offences by corporations.

Clause 19 provides for the issue of penalty notices for offences under the proposed Act.

Part 6 Miscellaneous

Clause 20 provides for the making of regulations under the proposed Act.

Clause 21 provides for the regulations to prescribe basic care information in relation to cats and dogs. The information will be required to cover such matters as the usual life-span of the animal, the minimum requirements for the humane shelter, accommodation, exercising and socialising of the animal and the costs associated with feeding, registering and keeping the animal and obtaining veterinary care for the animal.

Clause 22 provides that, in certain circumstances, there will be a presumption that a person carries on a business of selling cats, dogs or other mammals.

Clause 23 provides that the proposed Act binds the Crown.

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

Clause 25 provides for the review of the proposed Act.

Schedule 1 Amendment of Acts and regulations

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

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 claim 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.