



New South Wales

Companion Animals Amendment (Puppy Farms) Bill 2021

Explanatory note

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

This Bill is co-sponsored by the Hon Emma Hurst MLC and Mr A H Greenwich MP.

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 on the day that is 1 year after the date of assent to the proposed Act.

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

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

- (a) inserts proposed Division 1 (proposed sections 61A–61E), 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 return of the dog or cat for breeding purposes (proposed section 61B),
 - (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 61C),
 - (iii) **companion animal business**—meaning a pet shop, a companion animal breeding business, an enterprise that trains or boards certain dogs or cats for profit, or an enterprise that rears or keeps certain dogs or cats for sale (proposed section 61D),
 - (iv) **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 61E), 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 61F–61H), 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 61I–61L), and
 - (iii) enables a court to suspend or revoke the registration of premises or refer the matter to council for determination (proposed section 61M), and
 - (iv) provides for the registration of premises to be in force for 1 year (proposed section 61N), 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 61O–61R), 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 61S–61V), 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 61W–61Y), and
- (f) inserts proposed Division 6, which contains offence provisions—
- (i) in relation to persons—prohibiting persons from conducting a companion animal business on unregistered premises (proposed section 61Z), and
 - (ii) in relation to proprietors of companion animal businesses—requiring proprietors to comply with the terms and conditions of their registration and applicable business codes of practice (proposed sections 61ZA and 61ZB), and
 - (iii) in relation to proprietors of companion animal breeding businesses—prohibiting proprietors from having more than 10 fertile female dogs or 10 fertile female cats, requiring proprietors to ensure dogs and cats of the business undergo routine veterinary checks, requiring proprietors to obtain veterinary certification before breeding from dogs and cats of the business, prohibiting proprietors from breeding dogs and cats in certain circumstances, requiring proprietors to ensure a specified

- ratio of staff to dogs and cats at registered premises, requiring proprietors to keep records of breeding arrangements and prepare health management plans, requiring proprietors to ensure the ongoing safety of dogs and cats of the business, and requiring proprietors to comply with certain requirements to cease breeding and retire and rehome dogs and cats of the business (proposed sections 61ZC–61ZK), and
- (iv) in relation to proprietors of pet shops—prohibiting persons from selling companion animals that are not from a rehoming organisation to proprietors, prohibiting proprietors from receiving or selling companion animals that are not from a rehoming organisation or dogs and cats that are not of a minimum age, and requiring proprietors to keep certain records of sales (proposed sections 61ZL–61ZO), and
 - (v) in relation to persons—prohibiting persons from advertising dogs and cats for sale without source numbers (proposed section 61ZP).

Schedule 1[2] inserts proposed Division 3 into Part 7A, which contains provisions 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 that Part (proposed section 69J), and
- (c) 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 Part to issue compliance notices or enter property to seize dogs and cats in certain circumstances (proposed section 69K), and
- (d) enables enforcement officers to enter property and seize dogs and cats from proprietors of companion animal businesses who have had their registration suspended or revoked, or whose registration has expired (proposed section 69L), and
- (e) extends offences under the Act, sections 69G and 69H relating to authorised officers to enforcement officers (proposed section 69M), and
- (f) requires enforcement officers to be issued identification cards (proposed section 69N).



New South Wales

Companion Animals Amendment (Puppy Farms) Bill 2021

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New South Wales

Companion Animals Amendment (Puppy Farms) Bill 2021

No. , 2021

A Bill for

An Act to amend the *Companion Animals Act 1998* to regulate the conduct of businesses breeding companion animals; and for related purposes.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Companion Animals Amendment (Puppy Farms) Act 2021*.

3

2 Commencement

4

This Act commences on the day that is 1 year after the date of assent to this Act.

5

Schedule 1	Amendment of Companion Animals Act 1998	1
	No 87	2
[1] Part 6A		3
Insert after Part 6—		4
Part 6A	Regulation of companion animal businesses	5
Division 1	Preliminary	6
61A	Definitions	7
(1)	In this Part—	8
	<i>animal rescue</i> includes an animal shelter, foster carer or foster care network that provides care for a stray or abandoned dog or cat that is—	9 10
	(a) temporary, or	11
	(b) for the purpose of finding a new home for the dog or cat.	12
	<i>breeding arrangement</i> —see section 61B.	13
	<i>business code of practice</i> —see section 61C.	14
	<i>business information register</i> means the register established under section 61W.	15 16
	<i>companion animal breeding business</i> —see section 61E.	17
	<i>companion animal business</i> —see section 61D.	18
	<i>fertile female</i> , in relation to a dog or cat, means a female dog or cat that—	19
	(a) is at least 12 months of age, and	20
	(b) has not been desexed.	21
	<i>microbreeder</i> means a person who—	22
	(a) carries out the breeding of dogs or cats for sale, and	23
	(b) has, at any one time, no more than 2 fertile female dogs or 2 fertile female cats.	24 25
	<i>proprietor</i> means a person who conducts a companion animal business.	26
	<i>registered greyhound</i> means a greyhound registered with the Greyhound Welfare and Integrity Commission, but not a greyhound that has—	27 28
	(a) participated in a greyhound adoption program operated by Greyhound Racing New South Wales, or	29 30
	(b) been retired from racing and is being kept in the community as a companion by a person who is not registered by the Commission as a greyhound racing participant.	31 32 33
	<i>registered premises</i> means premises registered under Division 2.	34
	<i>relevant council</i> , in relation to a companion animal business, means the council of the area in which the premises on which the business is being or is proposed to be conducted is situated.	35 36 37
	<i>source number</i> means a number issued under Division 4.	38
(2)	For the purposes of this Part—	39
	(a) a female dog or cat and the litter of that dog or cat are taken to be equivalent to 1 adult dog or cat, respectively, if the offspring in the litter are—	40 41 42
	(i) with the dog or cat, and	43

- (ii) under 8 weeks of age, and 1
 - (b) the offspring in the litter of a female dog or cat are together taken to be equivalent to 1 adult dog or cat, respectively, if the offspring are— 2
 - (i) not with the dog or cat, and 3
 - (ii) under 16 weeks of age. 4
 - (3) For the purposes of this Part, a companion animal breeding business has a cat or dog, or a cat or dog is a cat or dog of a companion animal breeding business, if the proprietor of the business keeps the cat or dog for the purposes of, or in connection with, breeding. 5
- 61B Meaning of “breeding arrangement”** 6
- (1) For the purposes of this Part, a *breeding arrangement* means an arrangement between a companion animal breeding business and a person in relation to a dog or cat where— 7
 - (a) the dog or cat that is the subject of the arrangement lives away from the registered premises in the care of the person, and 8
 - (b) the proprietor of the business is entitled to, and intends to, require the dog or cat to return to the registered premises of the business for the purposes of breeding or delivering a litter. 9
 - (2) A person who enters into a breeding arrangement may, on payment of the market price of the dog or cat to the proprietor of the business— 10
 - (a) terminate the arrangement at any time, and 11
 - (b) keep the dog or cat. 12
 - (3) If the person who enters into a breeding arrangement has made a payment to enter into the arrangement, the person must only pay the remainder of the market price of the dog or cat for the purposes of subsection (2). 13
 - (4) Despite another provision of this section, a breeding arrangement is terminated and the person who entered the arrangement may keep the dog or cat without making a payment of the market price of the dog or cat if— 14
 - (a) following a veterinary practitioner’s assessment of the dog or cat, the dog or cat is found unsuitable for breeding for reasons other than that the dog or cat is— 15
 - (i) under 12 months of age, or 16
 - (ii) not sufficiently physically mature for the purposes of breeding, or 17
 - (b) the proprietor of the business requires the dog or cat to be returned to the registered premises of the business for the purposes of breeding without having obtained a certification from a veterinary practitioner that the dog or cat is suitable for breeding required under section 61ZE. 18
- 61C Meaning of “business code of practice”** 19
- (1) For the purposes of this Part, a *business code of practice* means a code of practice that specifies standards for the conduct of companion animal businesses, including the following— 20
 - (a) the *Animal Welfare Code of Practice No 5—Dogs and cats in animal boarding establishments* published by NSW Agriculture and dated October 1996, 21
 - (c) the *Animal Welfare Code of Practice—Animals in pet shops* published by the Department of Primary Industries and dated 1 August 2008, 22

(b)	the <i>Animal Welfare Code of Practice—Breeding dogs and cats</i> published by the Department of Primary Industries and dated 1 August 2009,	1 2 3
(d)	a business code of practice made by the Departmental Chief Executive and published in the Gazette.	4 5
(2)	A business code of practice made by the Departmental Chief Executive may specify standards for the following—	6 7
(a)	the keeping, treatment, handling and care of companion animals,	8
(b)	the facilities, equipment and conditions at registered premises,	9
(c)	other practices or procedures to be adopted.	10
(3)	A business code of practice made by the Departmental Chief Executive may apply, adopt or incorporate, with or without modification, standards, rules, codes, specifications or methods published by an authority or body.	11 12 13
(4)	A business code of practice made by the Departmental Chief Executive comes into operation on the later of the following—	14 15
(a)	the day specified in the code,	16
(b)	the day the code is published in the Gazette.	17
61D	Meaning of “companion animal business”	18
(1)	For the purposes of this Part, a <i>companion animal business</i> means the following—	19 20
(a)	a pet shop,	21
(b)	a companion animal breeding business,	22
(c)	an enterprise that rears or keeps dogs or cats for sale, or for profit or a fee, or in exchange for a service,	23 24
(d)	an enterprise that trains or boards dogs or cats for profit.	25
(2)	In this section— <i>dog</i> means a dog other than a registered greyhound.	26 27
61E	Meaning of “companion animal breeding business”	28
(1)	For the purposes of this Part, a <i>companion animal breeding business</i> means an enterprise that—	29 30
(a)	carries out the breeding of dogs or cats for sale, and	31
(b)	has, at any one time, no less than 3 fertile female dogs or 3 fertile female cats, including a dog or cat that is the subject of a breeding arrangement.	32 33
(2)	Despite subsection (1), a farmer is not taken to conduct a companion animal breeding business in relation to a fertile female dog if it is primarily a working dog.	34 35 36
(3)	In this section— <i>dog</i> means a dog other than a registered greyhound.	37 38
Division 2	Registration of companion animal business premises	39
61F	Applications to register premises	40
(1)	A person may apply to a council to register premises within the area of that council as premises on which a companion animal business is to be conducted.	41 42

(2)	The application must be made—	1
(a)	in a form specified by the council, and	2
(b)	accompanied by a fee fixed by the council, and	3
(c)	in compliance with requirements that may be prescribed by the regulations.	4
(3)	The applicant must provide further information relating to the application as required by the council.	5
(4)	If the council proposes to register the premises, an authorised officer of the council must enter and inspect the premises to determine whether the person has complied with business codes of practice that apply to the business.	6
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61G	Applications to renew registration of premises	11
(1)	A proprietor of a companion animal business may apply to the relevant council to renew the registration no less than 30 days before the day the registration expires.	12
		13
		14
(2)	The application must be—	15
(a)	made in a form specified by the council, and	16
(b)	accompanied by a fee fixed by the council, and	17
(c)	in compliance with requirements specified in the regulations.	18
(3)	The applicant must provide further information relating to the application as required by the council.	19
		20
(4)	If the council proposes to renew the registration of the premises, an authorised officer of the council must enter and inspect the premises to determine whether the person has complied with business codes of practice that apply to the business.	21
		22
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61H	Applications to transfer registration of premises	25
(1)	A proprietor of a companion animal business may apply to a council to transfer the registration of premises within the area of that council as new premises (the <i>new registered premises</i>) on which the business is to be conducted.	26
		27
		28
		29
(2)	The application must be—	30
(a)	made in a form specified by the council, and	31
(b)	accompanied by a fee fixed by the council, and	32
(c)	in compliance with requirements specified in the regulations.	33
(3)	The applicant must provide further information relating to the application as required by the council.	34
		35
(4)	If the council proposes to transfer the registration of premises, an authorised officer of the council must enter and inspect the new registered premises to determine whether the proprietor has complied with business codes of practice that apply to the business.	36
		37
		38
		39
61I	Councils may grant or refuse applications	40
(1)	On receiving an application under this Division, a council may—	41
(a)	grant the application and impose terms and conditions on the registration as the council considers appropriate, or	42
		43
(b)	refuse the application on the grounds specified in section 61K.	44

(2)	A council must refuse the application on the grounds specified in section 61L.	1
(3)	Before the council refuses an application, the council must give notice to the applicant and provide the applicant with an opportunity to make submissions.	2 3
(4)	If the council refuses the application, the council must give notice of the council's decision, with reasons, to the applicant within 7 days of making the decision.	4 5 6
61J	Councils may suspend or revoke registrations	7
(1)	A relevant council may suspend or revoke a registration granted under this Division on the grounds specified in section 61K.	8 9
(2)	A relevant council must revoke a registration granted under this Division on the grounds specified in section 61L.	10 11
(3)	Before the council suspends or revokes a registration, the council must give notice to the proprietor concerned and provide the proprietor with an opportunity to make submissions.	12 13 14
(4)	If the council suspends or revokes the registration, the council must give notice of the council's decision, with reasons, to the proprietor within 7 days of making the decision.	15 16 17
61K	Discretionary grounds to refuse applications or suspend or revoke registrations	18 19
	A council may refuse an application or suspend or revoke a registration if the council is satisfied the applicant or proprietor concerned—	20 21
(a)	has at any time declared bankruptcy or been the director of a body corporate placed in liquidation or under external administration while the applicant or proprietor was a director, or	22 23 24
(b)	may not be able to meet the expenses associated with—	25
(i)	conducting a companion animal business, or	26
(ii)	providing proper care for the dogs or cats, including veterinary care, or	27 28
(c)	has failed to comply with—	29
(i)	a business code of practice that applies to the business, or	30
(ii)	a term or condition of the registration, or	31
(iii)	this Act or the regulations, or	32
(d)	has given false or misleading information in making an application under this Division, or	33 34
(e)	does not have sufficient qualifications or experience in caring for companion animals, or	35 36
(f)	is otherwise not a fit and proper person to conduct the business.	37
61L	Mandatory grounds to refuse applications or revoke registrations	38
	A council must refuse an application or revoke a registration if the council is satisfied the applicant or proprietor concerned—	39 40
(a)	is also an applicant or proprietor in relation to another companion animal business, or	41 42
(b)	has been found guilty of an offence under this Act or the regulations, or a law of another State or a Territory that corresponds with this Act or the regulations, or	43 44 45

(c)	has been found guilty of an offence under the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act, or a law of another State or a Territory that corresponds with that Act or regulation, or	1 2 3 4
(d)	has been the subject of an order made or recognised under the <i>Prevention of Cruelty to Animals Act 1979</i> , section 30B(1), 31(1) or 31AA(1), or	5 6 7
(e)	has been found guilty of an offence under the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531.	8 9
61M	Courts may suspend or revoke registration or refer matter to relevant councils	10
(1)	This section applies to proceedings before a court where a proprietor of a companion animal business is found guilty of an offence under—	11 12
(a)	this Act or the regulations, or	13
(b)	the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act, or	14 15
(c)	the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531, or	16
(d)	a law of another State or a Territory that corresponds with this Act or the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under either Act.	17 18 19
(2)	If, in the court’s opinion, a registration relating to the companion animal business should be suspended or revoked, the court may—	20 21
(a)	make an order suspending or revoking a registration granted under this Division, or	22 23
(b)	refer the matter to the relevant council for determination under section 61J.	24 25
(3)	An officer of the court must provide a copy of an order made under subsection (2)(a) to the relevant council as soon as possible after the order is made.	26 27
61N	Registration—term and cessation	28
(1)	A registration remains in force until 1 year has elapsed since the day of the registration.	29 30
(2)	However, the registration ceases before that day as follows—	31
(a)	if the registration is renewed—on the day of the renewal,	32
(a)	if the ownership of the business changes—on the day the change occurs,	33
(b)	if the proprietor concerned surrenders the registration by written notice to the relevant council—on the day the council receives the notice.	34 35
Division 3	Information about registration applications	36
61O	Registration applications—councils must provide general information	37
(1)	A council must, within 7 days of making a decision to grant or refuse an application to register premises under Division 2, provide the following general information to the Departmental Chief Executive —	38 39 40
(a)	the name of the applicant,	41
(b)	the name of the companion animal business,	42
(c)	the tax file number, Australian Business Number or Australian Company Number of the applicant or business,	43 44

(d)	the type of companion animal business,	1
(e)	the address of, and contact details for, the companion animal business,	2
(f)	the name of the owner of the premises at which the companion animal business is to be conducted,	3 4
(g)	the details of a finding of guilt made against the applicant for an offence under the following, if any—	5 6
	(i) this Act or the regulations,	7
	(ii) the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act,	8 9
	(iii) the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531,	10
(h)	the details of the applicant's qualifications or experience in caring for companion animals, if any,	11 12
(i)	another matter that may be prescribed by the regulations.	13
(2)	In this section—	14
	<i>companion animal business</i> includes a proposed companion animal business.	15
61P	Registrations granted—councils must provide additional information	16
(1)	A council must, within 7 days of making a decision to grant an application to register premises under Division 2, provide the following additional information to the Departmental Chief Executive—	17 18 19
	(a) the residential address, telephone number and email address of the applicant,	20 21
	(b) the date of registration and the registration number of registered premises of the companion animal business,	22 23
	(c) the date of the most recent inspection of the registered premises by an authorised officer of the relevant council,	24 25
	(d) the local government area within which the registered premises is located.	26 27
(2)	If the companion animal business is a companion animal breeding business, the council must provide the following additional information—	28 29
	(a) the number of dogs or cats kept, or to be kept, at the registered premises,	30
	(b) the number of dogs or cats that are the subject of a breeding arrangement,	31 32
	(c) the unique identification number allocated to the microchip implanted in each dog or cat,	33 34
	(d) the breed, date of birth, sex and colour of each dog or cat,	35
	(e) whether each dog or cat has been desexed,	36
	(f) the number of litters each female dog or cat has had and when they were delivered.	37 38
61Q	Registrations renewed or transferred—councils must provide additional information	39 40
	A council must, within 7 days of making a decision to grant an application to renew or transfer a registration granted under Division 2, provide the date on which the registration was renewed or transferred to the Departmental Chief Executive.	41 42 43 44

61R Applications refused and registrations suspended or revoked—councils must provide additional information	1 2
A council must, within 7 days of making a decision to refuse an application or suspend or revoke a registration granted under Division 2, provide the following additional information to the Departmental Chief Executive—	3 4 5
(a) if an application was refused—the date on which the application was refused,	6 7
(b) if an application was suspended—the date on which the registration was suspended and the duration of the suspension,	8 9
(c) if a registration was revoked—the date on which the registration was revoked,	10 11
(d) the reasons for the council’s decision.	12
Division 4 Source numbers	13
61S Companion animal businesses must be issued source numbers	14
(1) The Departmental Chief Executive must, on receiving the information under the following provisions—	15 16
(a) section 61P—issue a source number to the proprietor concerned and notify the relevant council of the number issued, or	17 18
(b) section 61Q—renew the source number issued to the proprietor concerned and notify the relevant council of the number renewed.	19 20
(2) The source number remains in force for the term of the relevant registration.	21
(3) If a council suspends or revokes the relevant registration, the proprietor’s source number is also suspended or revoked.	22 23
61T Animal rescues, microbreeders and other sellers to apply for source numbers	24
(1) A relevant person may apply to the Departmental Chief Executive for—	25
(a) the issue of a source number, or	26
(b) if a source number has been issued but is due to expire—the renewal of the source number.	27 28
(2) The applicant must provide the following information to the Departmental Chief Executive—	29 30
(a) the residential address, telephone number and email address of the applicant,	31 32
(b) the local government area within which the residential address is located,	33 34
(c) the details of an order under section 23, or a corresponding order under a law of another State or a Territory, to which the applicant is, or has been, subject, if any,	35 36 37
(d) the details of a finding of guilt made against the applicant for an offence under a law of another State or a Territory that corresponds with this Act or the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under either Act, if any,	38 39 40 41
(e) the details of a finding of guilt made against the applicant for an offence under the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531, if any,	42 43
(f) the details of the applicant’s qualifications or experience in caring for companion animals, if any,	44 45

- (g) the number of dogs or cats kept, or to be kept, at the residential address, 1
- (h) the unique identification number allocated to the microchip implanted 2
in each dog or cat, 3
- (i) the breed, date of birth, sex and colour of each dog or cat, 4
- (j) whether each dog or cat has been desexed, 5
- (k) the number of litters each female dog or cat has had and when they were 6
delivered, 7
- (l) additional information relating to the application as required by the 8
Departmental Chief Executive. 9
- (3) The application must be— 10
 - (a) made in a form specified by the Departmental Chief Executive, and 11
 - (b) accompanied by a fee fixed by Departmental Chief Executive, and 12
 - (c) in compliance with requirements that may be prescribed by the 13
regulations. 14
- (4) A source number remains in force for 1 year beginning on the day the number 15
was issued. 16
- (5) In this section— 17
 - relevant person* means the following— 18
 - (a) an animal rescue, 19
 - (b) a microbreeder, 20
 - (c) another person who sells, or proposes to sell, a dog or cat by advertising 21
the dog or cat for sale, whether or not the sale is for profit or a fee. 22
- 61U Animal rescues, microbreeders and other sellers—Departmental Chief 23
Executive to grant or refuse applications for source numbers 24**
 - (1) The Departmental Chief Executive must, within 21 days of receiving an 25
application under this Division— 26
 - (a) grant the application and issue a source number to the applicant, or 27
 - (b) refuse the application on the grounds specified in subsection (2). 28
 - (2) The Departmental Chief Executive must refuse the application if the 29
Departmental Chief Executive is satisfied the applicant— 30
 - (a) has been found guilty of an offence under the following— 31
 - (i) this Act or the regulations, 32
 - (ii) the *Prevention of Cruelty to Animals Act 1979* or a regulation 33
made under that Act, 34
 - (iii) the *Crimes Act 1900*, section 79, 80, 530 or 531, 35
 - (iv) a law of another State or a Territory that corresponds with a law 36
referred to in subparagraphs (i)–(iii), or 37
 - (b) has been the subject of an order made or recognised under the 38
following— 39
 - (i) section 23, 40
 - (ii) the *Prevention of Cruelty to Animals Act 1979*, section 30B(1), 41
31(1) or 31AA(1). 42
 - (3) The Departmental Chief Executive may refuse the application on the 43
following grounds— 44

(a)	if the Departmental Chief Executive is satisfied the applicant does not have sufficient qualifications or experience in caring for companion animals,	1 2 3
(b)	if the Departmental Chief Executive is satisfied the applicant has given false or misleading information in making the application,	4 5
(c)	another reason that may be prescribed by the regulations.	6
(4)	The Departmental Chief Executive must, within 7 days of making the decision to grant or refuse the application, give written notice of the decision to the applicant.	7 8 9
61V	Animal rescues, microbreeders and other sellers—Departmental Chief Executive to suspend or revoke source numbers issued	10 11
(1)	The Departmental Chief Executive must suspend or revoke a source number issued under this Division on the following grounds—	12 13
(a)	if the Departmental Chief Executive is satisfied the person issued the source number has been found guilty of an offence under the following—	14 15 16
(i)	this Act or the regulations,	17
(ii)	the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act,	18 19
(iii)	the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531,	20
(iv)	a law of another State or a Territory that corresponds with a law referred to in subparagraphs (i)–(iii),	21 22
(b)	if the Departmental Chief Executive is satisfied the person issued the source number has been the subject of an order made or recognised under the following—	23 24 25
(i)	section 23,	26
(ii)	the <i>Prevention of Cruelty to Animals Act 1979</i> , section 30B(1), 31(1) or 31AA(1),	27 28
(c)	if the Departmental Chief Executive is satisfied the person issued the source number has given false or misleading information in making the application,	29 30 31
(d)	another reason that may be prescribed by the regulations.	32
(2)	The Departmental Chief Executive may suspend or revoke a source number issued under this Division on the following grounds—	33 34
(a)	if the Departmental Chief Executive is satisfied the person issued the source number has given false or misleading information in making the application,	35 36 37
(b)	another reason that may be prescribed by the regulations.	38
Division 5	Business information register	39
61W	Business information register	40
(1)	The Departmental Chief Executive must keep a business information register that contains the following—	41 42
(a)	information provided under Division 3,	43
(b)	source numbers issued under Division 4,	44
(c)	other information prescribed by the regulations.	45

(2)	The Departmental Chief Executive may restrict the categories of information that may be accessed by a person entitled to inspect the register under sections 61X and 61Y.	1 2 3
(3)	The regulations may provide for the following—	4
(a)	the form in which the register must be kept,	5
(b)	other matters relating to the keeping of the register,	6
(c)	the way in which a person may inspect, or obtain information contained in, the register.	7 8
61X	Business information register—inspection by permitted officers	9
	The following persons may inspect the business information register—	10
(a)	the Minister, or a person authorised by the Minister,	11
(b)	the Departmental Chief Executive, or a person authorised by the Departmental Chief Executive,	12 13
(c)	for the purpose of administering the <i>Prevention of Cruelty to Animals Act 1979</i> —the Secretary of Regional NSW, or a person authorised by the Secretary,	14 15 16
(d)	for the purpose of enforcing the <i>Prevention of Cruelty to Animals Act 1979</i> —an officer, within the meaning of that Act, section 4(1), definition of officer , paragraphs (b) and (c),	17 18 19
(e)	an authorised officer of a council,	20
(f)	for the purpose of investigating an offence under this Act or the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under either Act, or the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531—a police officer,	21 22 23 24
(g)	another person prescribed by the regulations.	25
61Y	Business information register—inspection by prospective purchasers of companion animals	26 27
	A person who is proposing to purchase or obtain a companion animal from a companion animal business or a person issued a source number under Division 4 may inspect or obtain the following information contained in the register—	28 29 30
(a)	the relevant source number,	31
(b)	in relation to a companion animal business—	32
(i)	the name, telephone number and email address of the proprietor of the business, and	33 34
(ii)	the registration number of the registered premises, and	35
(iii)	the local government area within which the registered premises is located.	36 37
Division 6	Offences	38
61Z	Persons must not conduct companion animal businesses on unregistered premises	39 40
	A person must not conduct a companion animal business on premises that are not registered for that purpose with the relevant council.	41 42
	Maximum penalty—	43
(a)	for a corporation—5,000 penalty units,	44

(b)	for an individual—1,000 penalty units or imprisonment for 2 years, or both.	1 2
61ZA	Proprietors must comply with terms and conditions of registration	3
	A proprietor of a companion animal business must comply with the terms and conditions that are imposed on a registration.	4 5
	Maximum penalty—	6
(a)	for a corporation—2,000 penalty units,	7
(b)	for an individual—400 penalty units or imprisonment for 1 year, or both.	8 9
61ZB	Proprietors must comply with business codes of practice	10
	A proprietor of a companion animal business must comply with the applicable provisions of a business code of practice, except to the extent of an inconsistency with the provisions of this Part or Part 7A, Division 3.	11 12 13
	Maximum penalty—	14
(a)	for a corporation—2,000 penalty units,	15
(b)	for an individual—400 penalty units or imprisonment for 1 year, or both.	16 17
61ZC	Proprietors of companion animal breeding businesses must not have more than 10 fertile female dogs or cats	18 19
	A proprietor of a companion animal breeding business must not have, at any one time, more than 10 fertile female dogs or 10 fertile female cats, including a fertile female dog or cat that is the subject of a breeding arrangement.	20 21 22
	Maximum penalty—	23
(a)	for a corporation—5,000 penalty units,	24
(b)	for an individual—1,000 penalty units or imprisonment for 2 years, or both.	25 26
61ZD	Proprietors of companion animal breeding businesses must ensure dogs and cats undergo routine veterinary checks	27 28
	A proprietor of a companion animal breeding business must ensure each dog or cat of the business undergoes a general health assessment performed by a veterinary practitioner—	29 30 31
(a)	at least once a year, and	32
(b)	within 4 weeks before breeding from a dog or cat, and	33
(c)	in relation to a female dog or cat—within 8 weeks of a litter of the dog or cat being delivered.	34 35
	Maximum penalty—	36
(a)	for a corporation—2,000 penalty units,	37
(b)	for an individual—400 penalty units or imprisonment for 1 year, or both.	38 39

61ZE	Proprietors of companion animal breeding businesses must obtain veterinary certification before breeding	1 2
(1)	Within 4 weeks before breeding from a dog or cat of the business, a proprietor of a companion animal breeding business must obtain from a veterinary practitioner—	3 4 5
(a)	an assessment of the dog or cat, and	6
(b)	a certification that the dog or cat is suitable for breeding.	7
(2)	Before breeding from a dog or cat on the first occasion, for the purposes of certifying that the dog or cat is suitable for breeding under subsection (1), the practitioner’s assessment must include an assessment that the dog or cat is—	8 9 10
(i)	at least 12 months of age, and	11
(ii)	sufficiently physically mature for the purposes of breeding.	12
	Maximum penalty—	13
(a)	for a corporation—2,000 penalty units,	14
(b)	for an individual—400 penalty units or imprisonment for 1 year, or both.	15 16
61ZF	Proprietors of companion animal breeding businesses must not breed dogs or cats in certain circumstances	17 18
	A proprietor of a companion animal breeding business must not breed from a female dog or cat in the following circumstances—	19 20
(a)	more than twice,	21
(b)	if a heritable defect is identified in a previous litter of the dog or cat,	22
(c)	with a dog or cat that is related to the dog or cat by blood.	23
	Maximum penalty—	24
(a)	for a corporation—2,000 penalty units,	25
(b)	for an individual—400 penalty units or imprisonment for 1 year, or both.	26 27
61ZG	Proprietors of companion animal breeding businesses must ensure ratio of staff to companion animals kept on registered premises	28 29
(1)	A proprietor of a companion animal breeding business must ensure that, at all times, there is at least 1 staff member at the proprietor’s registered premises for every 5 animals kept at the premises.	30 31 32
	Maximum penalty—	33
(a)	for a corporation—2,000 penalty units,	34
(b)	for an individual—400 penalty units or imprisonment for 1 year, or both.	35 36
(2)	In this section—	37
	<i>staff member</i> includes the proprietor of a companion animal business and a person engaged by the proprietor to attend to an animal kept at the registered premises.	38 39 40
61ZH	Proprietors of companion animal breeding businesses must keep records of breeding arrangements	41 42
(1)	A proprietor of a companion animal breeding business that has entered into a breeding arrangement must keep a record of the following details in relation to each dog or cat that is the subject of the arrangement—	43 44 45

	(a) the date the proprietor entered into the arrangement,	1
	(b) the name and residential address of the person who has possession of the dog or cat,	2 3
	(c) the address at which the dog or cat is to be ordinarily kept,	4
	(d) the date the arrangement is terminated and the reason for termination,	5
	(e) other details that may be prescribed by the regulations.	6
(2)	The proprietor must keep a copy of the record in the way prescribed by the regulations.	7 8
(3)	The proprietor must not, in keeping a record under this section, make a statement that the proprietor knows is false or misleading.	9 10
	Maximum penalty—	11
	(a) for a corporation—250 penalty units,	12
	(b) for an individual—50 penalty units or imprisonment for 6 months, or both.	13 14
61ZI	Proprietors of companion animal breeding businesses must prepare health management plans	15 16
(1)	A proprietor of a companion animal breeding business must, in consultation with a veterinary practitioner, prepare a plan for the ongoing care of the health and wellbeing of dogs and cats of the business (a <i>health management plan</i>) that—	17 18 19 20
	(a) is certified by a veterinary practitioner each year, and	21
	(b) includes protocols as to the following—	22
	(i) the health and welfare of dogs and cats, including in relation to birthing, diet, disease prevention, environmental enrichment, exercise, grooming, hygiene, parasite prevention, socialisation and vaccinations,	23 24 25 26
	(ii) the process for determining the suitability of dogs and cats for breeding,	27 28
	(iii) the quarantine and movement of dogs and cats,	29
	(iv) emergency response plans, including evacuation procedures,	30
	(v) the retirement and rehoming of dogs and cats.	31
(2)	The proprietor must comply with the health management plan, except to the extent of an inconsistency with the provisions of this Part or Part 7A, Division 3.	32 33 34
	Maximum penalty—	35
	(a) for a corporation—2,000 penalty units,	36
	(b) for an individual—400 penalty units or imprisonment for 1 year, or both.	37 38
61ZJ	Proprietors of companion animal breeding businesses must ensure ongoing safety of dogs and cats	39 40
(1)	A proprietor of a companion animal breeding business must ensure the ongoing safety of each dog or cat of the business.	41 42
(2)	For the purposes of subsection (1), a reference to the ongoing safety of a dog or cat includes a reference to the protection against the commission of an act of cruelty, or an act of aggravated cruelty, upon the dog or cat.	43 44 45

(3)	In this clause, a reference to the commission of an act of cruelty, or an act of aggravated cruelty, upon a dog or cat has the same meaning as a reference to an act of cruelty, or an act of aggravated cruelty, committed upon an animal under the <i>Prevention of Cruelty to Animals Act 1979</i> , section 4(2) and (3).	1
	Maximum penalty—	2
	(a) for a corporation—2,000 penalty units,	3
	(b) for an individual—400 penalty units or imprisonment for 1 year, or both.	4
61ZK	Proprietors of companion animal breeding businesses must comply with certain requirements to cease breeding and retire and rehome dogs and cats	5
(1)	A proprietor of a companion animal breeding business must cease breeding and retire a dog or cat of the business if—	6
	(a) the dog or cat is—	7
	(i) no longer suitable for breeding, or	8
	(ii) no longer required by the business, or	9
	(iii) is female and has delivered 2 litters, or	10
	(b) for a dog—the dog is male and is 6 or more years of age.	11
(2)	The proprietor must, as soon as practicable, ensure the retired dog or cat is—	12
	(a) desexed, unless a veterinary practitioner considers it inappropriate to do so for health reasons, and	13
	(b) microchipped, and	14
	(c) kept by the business as a companion or rehomed to a suitable home.	15
	Maximum penalty—	16
	(a) for a corporation—2,000 penalty units,	17
	(b) for an individual—400 penalty units or imprisonment for 1 year, or both.	18
61ZL	Pet shops—persons must not sell certain companion animals	19
	A person must not sell, or cause the sale of, a companion animal that is not from a rehoming organisation to the proprietor of a pet shop.	20
	Maximum penalty—	21
	(a) for a corporation—2,000 penalty units,	22
	(b) for an individual—400 penalty units or imprisonment for 1 year, or both.	23
61ZM	Pet shops—proprietors must not receive or sell certain companion animals	24
(1)	A proprietor of a pet shop must not, in conducting the business of a pet shop, accept or receive a companion animal for sale that is not from a rehoming organisation.	25
(2)	A proprietor of a pet shop must not, in conducting the business of a pet shop, sell, or cause the sale of, a companion animal that is not from a rehoming organisation.	26
	Maximum penalty—	27
	(a) for a corporation—2,000 penalty units,	28
	(b) for an individual—400 penalty units or imprisonment for 1 year, or both.	29

61ZN	Pet shops—proprietors must not receive or sell dogs and cats of certain age	1
(1)	A proprietor of a pet shop must not, in conducting the business of a pet shop, accept or receive a companion animal for sale that is—	2
	(a) a dog less than 6 months old, or	3
	(b) a cat less than 8 weeks old.	4
(2)	A proprietor of a pet shop must not, in conducting the business of a pet shop, sell, or cause or allow the sale of—	5
	(a) a dog less than 6 months old, or	6
	(b) a cat less than 8 weeks old.	7
	Maximum penalty—	8
	(a) for a corporation—2,000 penalty units,	9
	(b) for an individual—400 penalty units or imprisonment for 1 year, or both.	10
61ZO	Pet shops—proprietors must keep certain records	11
(1)	A proprietor of a pet shop must keep a record of the following details in relation to each dog or cat offered for sale or sold by the pet shop—	12
	(a) the name and residential address of the person from whom the dog or cat was obtained,	13
	(b) the date the dog or cat is sold,	14
	(c) other details that may be prescribed by the regulations.	15
(2)	The proprietor must keep a copy of the record in the way prescribed by the regulations.	16
(3)	The proprietor must not, in keeping a record under this section, make a statement that the proprietor knows is false or misleading.	17
	Maximum penalty—	18
	(a) for a corporation—250 penalty units,	19
	(b) for an individual—50 penalty units or imprisonment for 6 months, or both.	20
61ZP	Persons must not advertise dogs and cats for sale without source numbers	21
(1)	A person must not advertise a dog or cat for sale, or cause a dog or cat to be advertised for sale, whether or not the sale is for profit or a fee, unless the advertisement includes the source number of the person that is selling the dog or cat.	22
(2)	A person must not publish, or cause the publication of, an advertisement of a dog or cat for sale, whether or not the sale is for profit or a fee, unless the advertisement includes the source number of the person that is selling the dog or cat.	23
	Maximum penalty—	24
	(a) for a corporation—250 penalty units,	25
	(b) for an individual—50 penalty units or imprisonment for 6 months, or both.	26
[2] Part 7A, Division 3		27
	Insert after Division 2—	28

Division 3	Powers relating to companion animal businesses	1
69I	Definitions	2
	In this Division—	3
	<i>companion animal business, proprietor</i> and <i>registered premises</i> have the same meanings as in Part 6A.	4 5
	<i>Departmental officer</i> means an employee of, or other person engaged by, the Office of Local Government who is authorised by the Departmental Chief Executive to exercise the functions of an enforcement officer under this Division.	6 7 8 9
	<i>enforcement officer</i> means the following—	10
	(a) an authorised officer,	11
	(b) a Departmental officer,	12
	(c) an inspector appointed by any of the following—	13
	(i) the Royal Society for the Prevention of Cruelty to Animals, New South Wales,	14 15
	(ii) the Animal Welfare League NSW,	16
	(iii) the NSW Police Force.	17
69J	Enforcement officers to have the functions of authorised officers	18
(1)	An enforcement officer may exercise the functions of an authorised officer under Division 1 for the following purposes—	19 20
	(a) this Division,	21
	(b) determining whether there has been compliance with, or a contravention of, Part 6A or a regulation made under that Part.	22 23
(2)	Section 69A(2)(a), (b) and (d) applies in relation to an enforcement officer as if a reference in the section to an authorised officer is a reference to an enforcement officer.	24 25 26
(3)	Despite section 69A(3), an enforcement officer may enter a part of premises used only for residential purposes if, in the opinion of the enforcement officer, the entry is required urgently because of the existence or reasonable likelihood of—	27 28 29 30
	(a) a serious risk to the health or safety of a dog or cat, or	31
	(b) the loss, concealment or destruction of evidence of the commission of an offence.	32 33
69K	Enforcement officers may issue compliance notices and enter property	34
(1)	If an enforcement officer has determined that a person is contravening or has contravened a provision of Part 6A or a regulation made under that Part, the enforcement officer may—	35 36 37
	(a) issue a notice in a form approved by the Departmental Chief Executive requiring the proprietor to ensure compliance within 14 days after the day the notice is given, or	38 39 40
	(b) enter a property and seize any dog or cat, or all dogs or cats—	41
	(i) kept in contravention of a provision of Part 6A or a regulation made under that Part, or	42 43
	(ii) where, in the opinion of the enforcement officer, there is a serious risk to the health or safety of the dog or cat.	44 45

Example— All dogs or cats may be seized if a proprietor of a companion animal breeding business—	1
(a) has more than 10 fertile female dogs or 10 fertile female cats in breach of section 61ZC, or	2
(b) has not ensured a dog or cat has undergone routine veterinary checks in breach of section 61ZD, or	3
(c) has not ensured the ongoing safety of dogs and cats in breach of section 61ZJ.	4
(2) Before entering a property under this section, an enforcement officer must give the occupier of the property reasonable notice of the intention to enter the property unless—	5
(a) entry is made with the consent of the occupier of the property, or	6
(b) entry is, in the opinion of the enforcement officer, required urgently because of the existence or reasonable likelihood of a serious risk to the health or safety of a dog or cat, or	7
(c) the giving of the notice would, in the opinion of the enforcement officer, defeat the purpose for which it is intended to enter the property.	8
(3) The powers of entry conferred by this section are not exercisable in relation to a part of premises used only for residential purposes except—	9
(a) with the permission of the occupier of the premises, or	10
(b) under the authority conferred by a search warrant under section 69D.	11
(4) Despite subsection (3), an enforcement officer may enter a part of premises used only for residential purposes if, in the opinion of the enforcement officer, the entry is required urgently because of the existence or reasonable likelihood of—	12
(a) a serious risk to the health or safety of a dog or cat, or	13
(b) the loss, concealment or destruction of evidence of the commission of an offence.	14
(5) A person must comply with a notice issued under this section.	15
Maximum penalty—	16
(a) for a corporation—250 penalty units,	17
(b) for an individual—50 penalty units or imprisonment for 6 months, or both.	18
69L Registrations suspended, revoked or expired—enforcement officers may enter property and seize dogs and cats	19
(1) This section applies to a proprietor of a companion animal business conducted on registered premises whose registration—	20
(a) is suspended or revoked, or	21
(b) has expired.	22
(2) On the recommendation of the relevant council or the Departmental Chief Executive, an enforcement officer may—	23
(a) enter a property, and	24
(b) seize a dog or cat of the business that was being kept on the property immediately before the suspension, revocation or expiry of the registration.	25

69M	Offences—failure to state name and address and obstruct enforcement officers	1
		2
	Sections 69G and 69H apply in relation to an enforcement officer as if a reference in the sections to an authorised officer is a reference to an enforcement officer.	3
		4
		5
69N	Enforcement officers must be issued identification cards	6
(1)	A person that has employed, engaged or appointed an enforcement officer must issue the officer with an identification card.	7
		8
(2)	When exercising a function under this Division, an enforcement officer must, if requested by a person affected by the exercise of the function, produce the officer’s identification card for inspection by the person.	9
		10
		11