

c2021-150K  
OPP--OPPOSITION

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LEGISLATIVE COUNCIL

Companion Animals Amendment (Puppy Farms) Bill 2021

First print

Proposed amendments

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- No. 1      **Commencement**  
Page 2, clause 2. Omit “1 year”. Insert instead “2 years”.
- No. 2      **Microbreeders**  
Page 3, Schedule 1[1], proposed section 61A(1), definition of *microbreeder*, paragraph (b), line 24.  
Omit “2 fertile female dogs or 2”. Insert instead “5 fertile female dogs or 5”.
- No. 3      **Code of practice**  
Page 5, Schedule 1[1], proposed section 61C. Insert after line 5—  
(1A) The Departmental Chief Executive must make a business code of practice within 2 years of the commencement of this Part.
- No. 4      **Companion animal breeding business**  
Page 5, Schedule 1[1], proposed section 61E, line 32.  
Omit “3 fertile female dogs or 3”. Insert instead “6 fertile female dogs or 6”.
- No. 5      **Registration fees**  
Page 6, Schedule 1[1], proposed section 61F. Insert after line 10—  
(5) A council must not fix a fee under subsection (2)(b) unless the fee—  
(a) is fixed following compliance with the community consultation requirements, if any, prescribed by the regulations, and  
(b) covers the costs of processing the application.
- No. 6      **Registration fees**  
Page 6, Schedule 1[1], proposed section 61G. Insert after line 24—  
(5) A council must not fix a fee under subsection (2)(b) unless the fee—  
(a) is fixed following compliance with the community consultation requirements, if any, prescribed by the regulations, and  
(b) covers the costs of processing the application.

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No. 7      **Registration fees**

Page 6, Schedule 1[1], proposed section 61H. Insert after line 39—

- (5) A council must not fix a fee under subsection (2)(b) unless the fee—
  - (a) is fixed following compliance with the community consultation requirements, if any, prescribed by the regulations, and
  - (b) covers the costs of processing the application.

No. 8      **Staff ratios**

Page 15, Schedule 1[1], proposed section 61ZG, line 32.

Omit “5”. Insert instead “25”.

No. 9      **Staff ratios**

Page 15, Schedule 1[1], proposed section 61ZG. Insert after line 36—

- (1A) This section applies only if the proprietor is an approved commercial breeder within the meaning of section 61ZR.

No. 10     **Recreational breeders, approved commercial breeders and review**

Page 18, Schedule 1[1]. Insert after line 41—

**Division 7      Recreational breeders, approved commercial breeders  
and review**

**61ZQ    Recreational breeders**

- (1) Despite another provision of this Part, the following provisions do not apply to a recreational breeder—
  - (a) this Part, other than this section,
  - (b) Part 7A, Division 3.
- (2) A recreational breeder must comply with the rules and code of ethics, if any, of the applicable organisation of which the recreational breeder is a member.  
Maximum penalty—40 penalty units.
- (3) The regulations may prescribe criteria for the Minister’s approval of an organisation as an applicable organisation.
- (4) In this section—  
*applicable organisation* means an organisation approved by the Minister for the purposes of this section.  
*recreational breeder* means a person who—
  - (a) carries out the breeding of dogs or cats for sale, and
  - (b) has, at any one time, more than 5, but no more than 10, fertile female dogs or more than 5, but no more than 10, fertile female cats, including a fertile female dog or cat that is the subject of a breeding arrangement, and
  - (c) is a member of an applicable organisation.

**61ZR    Approved commercial breeders**

- (1) Section 61ZC does not apply to an approved commercial breeder.
- (2) An approved commercial breeder must not have, at any one time, more than 50 fertile female dogs or 50 fertile female cats on the same premises.  
Maximum penalty—
  - (a) for a corporation—5,000 penalty units,

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- (b) for an individual—1,000 penalty units or imprisonment for 2 years, or both.
  - (3) The regulations may prescribe criteria for the Minister's approval of a person as an approved commercial breeder.
  - (4) The Departmental Chief Executive must, for the purpose of deciding whether an approved commercial breeder has contravened this section or another provision of this Act, ensure an enforcement officer inspects the registered premises of the approved commercial breeder at least annually.
  - (5) In this section—
    - approved commercial breeder* means a person who—
      - (a) carries out the breeding of dogs or cats for sale, and
      - (b) is approved by the Minister for the purposes of this section.
    - enforcement officer* has the same meaning as in Part 7A, Division 3.

**61ZS Review**

- (1) The Minister must review this Part to determine whether—
  - (a) its policy objectives remain valid, and
  - (b) its terms remain appropriate for securing its policy objectives.
- (2) The review must be undertaken as soon as possible after the period of 5 years from the commencement of this Part.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 5 years.