



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).