

**Submission  
No 251**

# **COMPANION ANIMAL BREEDING PRACTICES IN NEW SOUTH WALES**

**Organisation:** RSPCA NSW  
**Name:** Mr Steve Coleman  
**Date Received:** 15/06/2015

**RSPCA NSW submission to the Joint Select Committee on Companion Animal Breeding  
Practices in New South Wales**

***Terms of Reference***

**a. The current situation in New South Wales in comparison with other jurisdictions**

Table 1 details the current situation nationally.

**b. Proposal to limit the number of animals allowed to be kept by breeders**

Limiting the number of animals allowed to be kept by breeders is supported by the RSPCA. Placing a limitation on the quantity of animals permitted to be kept and bred is an important key strategy to address puppy farming.

This quantitative strategy should be combined with strategies that focus on ensuring a high quality of care and living conditions. The quality of care should be addressed by enforceable standards.

**c. Calls to implement a breeders' licensing system**

The RSPCA strongly supports the introduction of a breeders' licensing system, as per Taskforce Recommendation 1. The threshold for the application of a requirement to be licensed should be low and the licensing system should be applied to both dogs and cats.

Compliance with the *NSW Animal Welfare Code of Practice – Breeding Dogs and Cats* ('the Code') should form a fundamental basis for, and condition of, the breeder licence, as referenced in the Taskforce Recommendations. Proactive inspection regimes could apply depending upon the number of animals kept; routine inspections may only apply to those who keep over five entire dogs or cats for instance. This will require consideration when the scope of licensing system and the resources available for monitoring are determined. Members of breeder organisations/associations for example, Dogs NSW must not be exempt from the licensing system. This would not stop such organisations having voluntary codes or rules that require their members to adhere to more stringent standards, and such organisations may have some regulatory benefit such as online access to registration changes or changes of ownership.

The licensing system should include the establishment of a centralised Companion Animal Breeder Register. Disclosure of breeder licence number will enhance transparency and accountability, and facilitate traceability. Disclosure obligations must also be applied at the point of sale in pet stores and elsewhere. The Register should maintain an online database search function that is available for prospective companion animal purchasers to search in order to ensure the breeder registration number quoted in any advertisement is authentic. To allow cross-referencing, the Companion Animals Register should be adapted to incorporate fields in which the breeder's licence number and the microchip number of the animal's mother can be recorded.

In addition, access to both the Companion Animal and Breeders register should be made available to all officers appointed under the *Prevention of Cruelty to Animals Act 1979* ("POCTAA"). At present, under section 75 of the CAA it is only the Chief Inspectors of the RSPCA NSW and the AWL NSW who have this access.

Microchip data should be used to help identify breaches of the regulations and to determine where inspections should be targeted. To achieve this, the microchip register should be equipped with technology to enable efficient and effective data analysis. Technologies should be established within the Companion Animals Register to automatically detect data discrepancies such as the recording of an excessive number of puppies to one breeding animal, or an excessive number of breeding animals to a person who is not recorded as a licenced breeder.

Table 2 represents current standards for breeders.

**d. The implications of banning the sale of cats and dogs in pet stores**

RSPCA NSW has partnered with Petbarn to help shelter animals find homes and the partnership has proven to be an enormous success. With a presence in 27 Petbarn stores across the State, over 4,200 RSPCA animals have been adopted out through Petbarn outlets since the partnership commenced in March 2012 in addition to those adopted by more traditional means. RSPCA NSW is also aware that other animal welfare groups and rescue organisations have partnered with retailers including Petbarn to improve rehoming opportunities for rescue litters.

However it is acknowledged that a number of significant animal welfare issues have been associated with individual pet stores. These can include sourcing from irresponsible breeders including puppy farmers, inadequate living conditions and care in store and irresponsible selling practices.

By banning the sale of cats and dogs in pet stores many of the welfare issues in pet stores would disappear and an avenue for the sale of puppies and kittens from puppy and kitten farms would be removed.

This may also promote the adoption of rescue dogs and cats.

Where the sale of cats and dogs from pet stores is permitted to continue, regulations must be strengthened to address aspects including but not limited to:

- Sourcing from licensed breeders only;
- The disclosure of the breeder registration number to the buyer of the animal by the store;
- Breeder traceability via the cat or dog's microchip;
- Improved enforceable standards for living conditions and care in pet stores including regular reviews of the *NSW Animal Welfare Code of Practice – Animals in Pet Shop*;
- Improved transportation standards from breeders to stores;
- Mandating that only de-sexed animals be sold; and
- Ensuring responsible selling practices.

The training of key staff was encompassed in Taskforce Recommendation 7 – by having staff trained in Animal Studies Certificate II or equivalent, better welfare outcomes may be achieved for animals rehomed through pet stores and this is supported.

e. **Any legislative changes that may be required**

Legislative amendment would be required and suggestions in this respect are set out below:

- a. RSPCA NSW strongly supports the adoption of Taskforce Recommendation 2, in that the Code should be revised to ensure the existing guidelines contained therein become enforceable standards. In addition the Code should include standards to address health problems relating to inbreeding, inherited disorders and exaggerated physical features associated with pedigree purebred breeds. Compliance with the Code should be –
- i. Mandatory under *POCTAA*;
  - ii. A condition of the Breeder Licence under the *Companion Animals Act 1998* ('CAA').

Legislative change should be made to enable appropriate regulatory actions, including but not limited to the seizure of animals, for a failure to have a Breeders Licence where one is required or to comply with the conditions of that Licence.

- b. In addition to (a) above, the Code should be substantially amended including as follows:
- i. Clause 10.1.1.2 of the Code should be amended to explicitly include inheritable genetic diseases or defects and should further require a veterinarian's certificate as to the fitness of the animal before mating.
  - ii. A minimum staff to animal ratio should be implemented, with the ratio being decided taking into account concepts such as Capacity to Care consistent with the Association of Shelter Veterinarians Guidelines for Standards of Care in Animal Shelters 2010<sup>2</sup>:
    - Space/housing capacity
    - Staffing levels and training
    - Length of stay of animals in the facility
    - Medical condition of animals in the facility
    - Opportunities for enrichment

The ASV Guidelines state the National Animal Control Association (NACA) and the Humane Society of the United States (HSUS 2010) recommend a

minimum of 15 minutes of care time per day for feeding each animal housed in an animal shelter (nine minutes for cleaning and six minutes for feeding). Importantly, this 15 minute allocation does not include time allocation for meeting the animals' behavioural needs through enrichment, exercise and socialisation.

Numbers of animals a breeding establishment can care for should be based on these guidelines or similar as well as physical housing space that meets the requirements of the *NSW Animal Welfare Code of Practice - Breeding Dogs and Cats*. Through breeder licensing and subsequent proactive inspections, maximum number of animals kept by breeders can be based on meeting or exceeding the standardised requirements.

- c. As referenced above, clause 8 of the *Companion Animals Regulation 2008 ('CAR')* should be amended to provide for the breeder's licence number and the microchip number of the animal's mother being recorded on the Companion Animals Register.
- d. Compulsory microchipping of cats and dogs prior to sale or transfer must be implemented. The breeder's details must be attached to the animal record on the microchip register.
- e. The CAR should be amended to remove the existing provision that allows recognised breeders to sell unmicrochipped cats or dogs to pet shops.
- f. The RSPCA supports that the CAA being amended to require cats and dogs to be registered on an annual basis, for the reasons detailed within Taskforce Recommendation 8.
- g. Relevant legislation and Codes of Practice should be amended to impose a requirement for the breeder's licence number to be displayed in all advertisements, and at any point of sale. This requirement should apply to any context including online internet advertisements, pet stores, markets, print ads, fairs, and any other advertisement and point of sale. In those states that do not have a breeder registration scheme there should be a requirement to display the animal's microchip number. In order to ensure compliance, there should also be

a requirement for the publisher of advertising of the sale of pets (whether it be print or online) to include the breeders licence number and an offence created for failing to do so.

- h. Taskforce recommendation 3 should be expanded to include all contexts as it currently only references pet stores, markets and fairs which is inadequate.
- i. Legislation must provide a means for the relevant prosecuting agency (usually an animal welfare organisation) to apply for effective court orders with respect to the ongoing ownership of the animals, the costs associated with ongoing care of the animals and prohibiting the defendant(s) from engaging in breeding activities whilst the matter is before the courts. In NSW, inspectors can apply for transfer of legal ownership whilst the matter is before the courts. The same should apply if enforcement action is taken for breaches of breeder licensing obligations under the Code of Practice. Legislation changes should allow the prosecuting agency to apply for a court order, so the defendant has an obligation to pay for the costs of caring for the seized animals. If this cost is not met, the legal ownership of the animals should be transferred to the prosecuting agency. Currently only Victoria has this provision in their POCTAA.
- j. Monitoring and enforcement operations should be shared between local government animal management officers and state and territory RSPCA Inspectors. A targeted inspections regime including both proactive (unannounced) inspections and reactive inspections should be developed. Consideration should be given to amending POCTAA to allow the Minister to confer certain functions on local government animal management officers to allow for the effective enforcement of the new regulatory regime. In addition, planning and development controls could also be used to further regulate companion animal breeders.
- k. The *Dogs Breeding Establishments Act 2010*, Ireland, which came into force in early 2012, legislates for the changes similar to those outlined in this submission. The 3 key points of this Act are:

- Veterinarians now have the right to inspect all breeding locations and immediately shut down any facility that does not meet the new strict standards of care and environmental conditions.
- As in shelters, all puppies are required to be microchipped so that history can be traced directly to the breeder.
- All breeders must be registered with their local authority.

f. Any other related matter

- a. Educational resources should be developed in line with Taskforce Recommendations 5 and 6. Standardised information on socially responsible pet ownership should be developed and given out at point of sale, including through pet shops. The distribution of this information should be mandated under the *Animal Welfare Code of Practice – Breeding Dogs and Cats* and the *Animal Welfare Code of Practice – Animals in Pet Shops*.
- b. RSPCA advocates that members of the public are able to access information relating to purchasing puppies and dogs (and cats/kittens) that assists them in making informed decisions prior to choosing their pet. The [RSPCA Smart Puppy and Dogs Buyer's Guide](#)<sup>3</sup> is an on line tool that can help potential pet owners to choose the right puppy or dog at the start. This would assist in reducing the number of unwanted animals ending up in shelters and also to increase awareness of issues regarding inbreeding, exaggerated features and inherited diseases. These issues result in poor welfare outcomes for animals. This guide is also available in pamphlet form and can be distributed through various channels including council websites and at point of sale. This tool has been endorsed by the Australian Veterinary Association (AVA) and appears on their website.
- c. In regard to managing cat populations, in order to avoid unwanted litters, the RSPCA supports the adoption of Taskforce Recommendation 10, pertaining to cat registration from four months. The RSPCA advocates for Early Age Desexing (EAD) especially for kittens (see referenced EAD report RSPCA Australia<sup>4</sup>). The

RSPCA encourages veterinary schools to partner with animal welfare organisations such as the RSPCA or AWL so that Veterinary Graduates are skilled in this procedure and have a broader understanding of the welfare issues pertaining to companion animal management, the current legislation/s and the crucial role veterinarians as animal welfare advocates.

- d. Veterinarians, through their training, knowledge and experience, are well placed to promote and create public awareness of animal welfare issues. Veterinarians, as with other members of the community, should report concerns relating to animal welfare breaches. Veterinarians involved in assessing, vaccinating and checking animals prior to sale at breeding establishments and at point of sale have an ethical responsibility to report possible breaches under the current legislation. Veterinary schools should include this training as part of their Ethics and Professional Development courses.
- e. The provision of a statement by a veterinarian examining and outlining the general health status of an animal and detailing any abnormal finding, and the impact of those findings on the long term health of the animal prior to sale. This would ensure that the welfare of the animals has been considered. A veterinarian should provide health checks to puppies and kittens prior to sale.
- f. The implementation of Taskforce Recommendation 12, relating to a new discounted registration category 'desexed animal - purchased from a pound or shelter', should be established to further encourage the purchase of desexed cats and dogs. This would benefit not only animal welfare organisations but also those pet shops/establishments that operate on their behalf to re-home desexed shelter animals.
- g. Funding of studies relating to the acquisition of animals in NSW and nationally so that there is accurate data that can be used to guide legislation and enforcement. Having robust licensing of breeders and the ability to track animals throughout their lives through microchipping will assist. Welfare concerns pertaining to internet sales of animals including but not limited to transport,

infectious, hereditary and behavioural diseases and Fair Trading concerns will become more evident as with increased on-line sales. The Pet Advertising Advisory Group (PAAG) [paag.org.uk](http://paag.org.uk) are an advisory group made up of animal welfare organisations, specialists, vets, and others working to promote responsible pet advertising. The group is working to deal with the increasing problem of inappropriate adverts appearing on classified websites, and have drawn up a set of minimum standards they would like websites to adhere to. They are working to ensure that as many sites as possible sign up to these standards and advertise pets in a responsible way. This would be a good step forward to address the increased advertising and purchase of animals online.

- h. **Case Study:** RSPCA NSW Puppy Farm prosecution 2008. Almost 200 dogs seized. This breeder was charged with over 35 breaches of the Code Of Practice- Breeding Dogs and POCTAA and fined over \$155000. There were 2 aggravated cruelty and various other cruelty charges under POCTAA. The operation required the services over 7 Inspectors, a number of RSPCA veterinarians including a veterinary behaviourist, the support of the local council and rangers, RSPCA shelter and hospital staff at 2 sites, volunteers from the local RSPCA Branch as well as local police. Whilst the outcome was favourable for animal welfare and the person of interest also received a 10 year prohibition order on all animals, this case highlights the strain on resources of animal welfare organisations when dealing with these cases. The fact that this person was a previously registered breeder supplying small breed puppies kept in conditions that breached legislation for a considerable period of time highlights the need for a robust and transparent breeder licencing system that also allows for proactive inspections of facilities and tracing of puppies from their origin to point of sale and beyond.

Royal Society for the Prevention of Cruelty to Animal, NSW

9 June 2015

---

<sup>2</sup> <http://www.shelternvet.org/assets/docs/shelter-standards-oct2011-wforward.pdf>

<sup>3</sup> <http://www.rspcapuppyguide.com.au/>

<sup>4</sup> [http://kb.rspca.org.au/Why-does-the-RSPCA-advocate-early-age-desexing\\_419.html](http://kb.rspca.org.au/Why-does-the-RSPCA-advocate-early-age-desexing_419.html)

**Table 1: Relevant state and territory legislation with respect to traceability (as at 28 May 2015)**

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Registration of breeders	<p>Yes</p> <p>Section 74 of the <i>Domestic Animals Act 2000</i> requires a person who owns a cat over 3 months or dog over 6 months that is not desexed to have a permit. This applies regardless of whether the person intends for the animal to breed.</p>	<p>No</p> <p>The NSW Government has announced that it will redesign the state Companion Animal Register during 2014 to ensure that breeder details are captured and linked to animals they breed at the point of microchipping. <u>Update:</u> Breeder details still not captured on Register. See <i>Companion Animals Act 1998 No 87 [NSW] Pt 8</i></p>	<p>No</p>	<p>No</p> <p>Division 10 of the <i>Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007</i> (Gold Coast City Council) requires all persons keeping one (or more) entire cat or dog which the person “allows or encourages” to breed to have a breeder permit. (This is part of the Gold Coast pilot study.)</p> <p>The Qld Government released a Regulatory Assessment Statement for a proposed breeder registration scheme in 2012, but all further legislative progress was cancelled after the 2012 state election.</p>	<p>No</p> <p>The state’s Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending the establishment of a breeder licensing scheme that applies to one (or more) entire cat or dog. The SA Government is yet to provide a formal response to the Committee’s recommendations <u>Update:</u> The <i>Animal Welfare (Companion Animals) Amendment Bill 2014</i> was introduced by Hon Michelle Lensink MLC but is not yet passed.</p>	<p>No</p> <p>The Tasmanian Government released a discussion paper on the regulation of dog breeding in November 2013, but did not propose to establish a breeder registration scheme.</p>	<p>Yes</p> <p>Section 45 of the <i>Domestic Animals Act 1994</i> requires breeders to be registered, but only if the breeder is a “domestic animal business”, relevantly defined as “an enterprise which carries out the breeding of dogs and cats to sell” and consists of 3 or more fertile dogs or cats. However, if the breeder is part of a recognised breeding organisation, they will only be subject to registration requirements if they have over 10 fertile female dogs or cats.</p>	<p>Only for cats</p> <p>Division 4 of Part 3 of the <i>Cat Act 2011</i> requires a person who breeds cats to apply to the local government to become an “approved cat breeder”.</p>

**Table 1: Relevant state and territory legislation with respect to traceability (as at 28 May 2015)**

<p><b>Compulsory microchipping</b></p>	<p>Yes Section 84 of the <i>Domestic Animals Act 2000</i> and Regulation 7 and 8 of the <i>Domestic Animals Regulation 2001</i> requires microchipping of cats and dogs prior to sale/transfer and by 12 weeks of age. Regulations 7 and 9 of the <i>Domestic</i></p>	<p>Yes Section 8 of the <i>Companion Animals Act 1998</i> requires microchipping of cats and dogs prior to sale/transfer and by 12 weeks of age. Regulation 8 of the <i>Companion Animals Regulation 2008</i> outlines what information must be recorded in the</p>	<p>No</p>	<p>Yes Sections 13 and 14 of the <i>Animal Management (Cats and Dogs) Act 2008</i> requires microchipping of cats and dogs prior to sale/transfer and prior to reaching 12 weeks of age. Schedule 2 of the <i>Animal Management (Cats and Dogs) Act 2008</i> and Schedule 4 of the <i>Animal Management (Cats and Dogs) Regulation 2009</i></p>	<p>No Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending that all cats and dogs be microchipped before sale. The Committee did not comment on what information should</p>	<p>Only for dogs Section 15A of the <i>Dog Control Act 2000</i> requires microchipping of dogs at 6 months of age. There is no requirement to record breeder information, or identification of mother.</p>	<p>Yes Section 10C of the <i>Domestic Animals Act 1994</i> requires cats and dogs to be microchipped as a condition of registration (which is compulsory once the animal is 3 months of age). However the requirement to microchip prior to sale/transfer under section 12A only applies</p>	<p>Yes Sections 14 and 23 of the <i>Cat Act 2011</i> requires microchipping of cats prior to transfer/sale and by 6 months of age. There is no requirement to record breeder information,</p>
--	---	---	-----------	---	---	--	--	---

**Table 1: Relevant state and territory legislation with respect to traceability (as at 28 May 2015)**

	<p><i>Animals Regulation 2001</i> outline what information must be recorded in the microchip database. There is no requirement to record breeder information, or identification of mother.</p>	<p>microchip database. There is currently no requirement to record breeder information, or identification of mother. However, the NSW Government has stated that it will redesign the Companion Animal Register in 2014 so as to capture breeder details. <u>Update</u>: see note above re the Register</p>		<p>outline what information must be recorded in the microchip database. There is currently no requirement to record breeder information, or identification of mother.</p>	<p>be recorded to the microchip. The SA Government is yet to provide a formal response to the Committee's recommendations <u>Update</u>: The <i>Animal Welfare (Companion Animals) Amendment Bill 2014</i> was introduced by Hon Michelle Lensink MLC but is not yet passed.</p>		<p>to domestic animal businesses. Regulation 12 of the <i>Domestic Animals Regulations 2005</i> outlines what information must be recorded in the microchip database. There is no requirement to record breeder information, or identification of mother.</p>	<p>or identification of mother. Section 21 of <i>Dog Act 1976</i> requires microchipping of dogs prior to 3 months of age. There is no requirement to record breeder information, or identification of mother.</p>
--	--	---	--	---	--	--	---	--

**Table 1: Relevant state and territory legislation with respect to traceability (as at 28 May 2015)**

<b>Disclosure of breeder ID or microchip numbers</b>	No	No The NSW Government has announced that it will work with the state's Animal Welfare Advisory Council in 2014 to "enable a breeder identification number to be used on advertising." <u>Update:</u> No evidence found that this has happened yet.	No	No Standard 37 of the <i>Code of Practice for the Keeping and Breeding of Entire Cats and Dogs</i> (Gold Coast City Council), requires breeder permit numbers to be displayed in advertisements but not at the point of sale. Qld Government released a Regulatory Assessment Statement for a proposed breeder registration scheme in 2012, which included a requirement for registered breeders to display their breeder identification number at the point of sale and in advertisements. However, all further legislative progress was cancelled after the 2012 Qld election.	No A Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending a requirement that a breeder licence number be included in advertisements and at the point of sale. The SA Government is yet to provide a formal response to the Committee's recommendations <u>Update:</u> The <i>Animal Welfare (Companion Animals) Amendment Bill 2014</i> was	No The Tasmanian Government released a discussion paper on the regulation of dog breeding in November 2013 proposing that the registration number of the puppy's mother be quoted at the point of sale and in advertisements.	Yes Section 12A (2) of the <i>Domestic Animals Act 1994</i> requires an animal's microchip number to be displayed in any advertisement for the animal, but not at the point of sale. If the seller is a 'domestic animal business' the breeder must display the microchip number or the breeder registration number, and the name of the issuing Council.	No
<b>Compulsory registration</b>	Only for dogs <i>Domestic Animals Act 2000</i> Pt 2 Div 2.1	Yes <i>Companion Animals Act 1998</i> Pt 2	No	Yes <i>Animal Management (Cats and Dogs) Act 2008</i> Ch 3 (dogs) Ch 10 Div 2,3 (cats).	Only for dogs <i>Dog and Cat Management Act 1995</i> Pt 4.	Only for dogs <i>Dog Control Act 2000</i> Pt 2.	Yes <i>Domestic Animals Act 1994</i> Pt 2.	Yes <i>Dog Act 1976</i> Pt 3 Div 1 and <i>Cat Act 2011</i> Pt 2.

**Table 2: Relevant state and territory legislation with respect to breeder standards (as at 28 May 2015)**

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
<b>Compulsory breeder standards</b>	No The <i>Animal Welfare Act 1992</i> adopts the <i>Animal Welfare (Welfare of Cats in the ACT) Code of Practice 2007</i> and the <i>Animal Welfare (Welfare of Dogs in the ACT) Code of Practice 2010</i> , which both contain provisions regarding breeding but they are not mandatory Codes.	Yes The standards prescribed in the <i>Animal Welfare Code of Practice - Breeding of Cats and Dogs</i> are mandatory, and apply to 'animal trades'. Animal trades are any 'trade, business or profession' in the course of which animals are bred for fee or reward: r.20 and sch. 2, <i>Prevention of Cruelty to Animals (General) Regulation 2006</i> .	No	No Gold Coast City Council has developed a <i>Code of Practice for the Keeping and Breeding of Entire Cats and Dogs</i> . Compliance with the Standards prescribed in the Code is a condition of the breeder permit: s.52, <i>Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007</i> (Gold Coast City Council).  Biosecurity Queensland developed the <i>Queensland Standards and Guidelines for the Welfare of Animals: Breeding Dogs</i> in 2012 with the intention of incorporating the standards under the <i>Animal Care and Protection Act 2001</i> . However, no further legislative progress was made to incorporate the standards following the change of government in 2012.	No A Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending the establishment of enforceable breeding standards for cats and dogs. The SA Government is yet to provide a formal response to the Committee's recommendations <u>Update:</u> The <i>Animal Welfare (Companion Animals) Amendment Bill 2014</i> was introduced by Hon Michelle Lensink MLC but is not yet passed.	No The Tasmanian Government released a discussion paper on the regulation of dog breeding in November 2013 proposing the establishment of compulsory breeder standards.	Yes Breeders who are defined as a 'domestic animal business' are required to comply with the provisions of the <i>Code of Practice for the Operation of Breeding and Rearing Establishments: s.63A, Domestic Animals Act 1994</i> . This Code was revised in December 2013 introducing far more comprehensive standards, which will come into force on 11 April 2014.	No

**Table 3: Relevant state and territory legislation with respect to interim court orders (as at 28 May 2015)**

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
<b>Interim ownership orders</b>	No	Yes Section 31(4) of the <i>Prevention of Cruelty to Animals Act 1979</i> allows an inspector to apply to a magistrate for an order to sell any seized animal(s).	No	Yes Section 154 of the <i>Animal Care and Protection Act 2001</i> allows the Chief Executive to forfeit seized animals to the State to prevent the animal(s) from becoming the subject of an animal welfare offence.	Yes Section 31C (2) of the <i>Animal Welfare Act 1985</i> allows an inspector to apply to a magistrate for an order to sell any seized animal(s) if it is “impracticable or unreasonable” for the animal(s) to be retained until the proceedings have concluded.	Yes Section 20(5) of the <i>Animal Welfare Act 1993</i> allows an inspector to apply to a magistrate for an order to sell any seized animal(s). The Magistrate may only make the order if it “is in the best interests of the animal.”	Yes Section 24X of the <i>Prevention of Cruelty to Animals Act 1986</i> , and s.84WB of the <i>Domestic Animals Act 1994</i> , allow an inspector to apply to a magistrate for an order to sell any seized animals if the welfare of those animals may be at risk if returned to the owner.	Yes Section 44(8) of the <i>Animal Welfare Act 2002</i> allows an inspector to apply to magistrate for an order that seized animal(s) be forfeited to the State. The magistrate must have regard to the welfare, safety and health of the animal(s) in making the order.
<b>Interim costs orders (failure to comply with which results in ownership transfer)</b>	No	No	No	No	No	No	Yes Section 24X(2)(a)(i) of the <i>Prevention of Cruelty to Animals Act 1986</i> and s.84WD of the <i>Domestic Animals Act 1994</i> , allows an inspector to apply to a magistrate for an order that the defendant pay costs for the care and maintenance of any seized animals, or a bond or security for such, and if any subsequent order is not complied with the animal(s) can be sold.	No

**Table 3: Relevant state and territory legislation with respect to interim court orders (as at 28 May 2015)**

Interim prohibition orders	No	No	No	Yes Section 181A of the <i>Animal Care and Protection Act 2001</i> allows the court to make an order, pending completion of proceedings, prohibiting the alleged offender from possessing or purchasing or otherwise acquiring— (a) any animal; or (b) a stated type of animal; or (c) any animal, or a stated type of animal, for trade or commerce or another stated purpose.	No	No	No	No
----------------------------	----	----	----	---	----	----	----	----