

c2024-231E  
AJP--Animal Justice Party

LEGISLATIVE COUNCIL

**Prevention of Cruelty to Animals Amendment (Puppy Farming) Bill 2024**

**First print**

**Proposed amendments**

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No. 1 **Conviction**

Page 5, Schedule 1[14]. Insert after line 20—

*convicted of an animal cruelty offence*, for a person, means a court has—

- (a) found the person guilty of an animal cruelty offence, or
- (b) done any of the following under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, section 14, 19, 20, 31 or 62 in relation to an animal cruelty offence—
  - (i) made an order,
  - (ii) entered a special verdict,
  - (iii) made a qualified finding of guilt.

No. 2 **Lifetime breeding cap**

Page 7, Schedule 1[14], proposed section 23H(3), definition of *maximum number of deliveries*, paragraph (a), line 32. Omit “3”. Insert instead “2”.

No. 3 **Lifetime breeding cap**

Page 7, Schedule 1[14], proposed section 23H(3), definition of *maximum number of deliveries*, paragraph (b)(i), line 34. Omit “3”. Insert instead “2”.

No. 4 **Lifetime breeding cap**

Page 7, Schedule 1[14], proposed section 23H(3), definition of *maximum number of deliveries*, paragraph (b)(ii), line 37. Omit “third”. Insert instead “second”.

No. 5 **Lifetime breeding cap**

Page 7, Schedule 1[14], proposed section 23H, definition of *maximum number of deliveries*, example 1, line 39. Omit “2 deliveries”. Insert instead “1 delivery”.

No. 6 **Lifetime breeding cap**

Page 7, Schedule 1[14], proposed section 23H, definition of *maximum number of deliveries*, example 1, line 39. Omit “3”. Insert instead “4”.

No. 7 **Lifetime breeding cap**

Page 7, Schedule 1[14], proposed section 23H, definition of *maximum number of deliveries*, example 2, lines 41 and 42. Omit all words on the lines.

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- No. 8      **Lifetime breeding cap**  
Page 7, Schedule 1[14], proposed section 23H, definition of *maximum number of deliveries*, example 3, line 43. Omit “2 deliveries”. Insert instead “1 delivery”.
- No. 9      **Lifetime breeding cap**  
Page 7, Schedule 1[14], proposed section 23H, definition of *maximum number of deliveries*, example 3, line 43. Omit “2”. Insert instead “3”.
- No. 10     **Lifetime breeding cap**  
Page 8, Schedule 1[14], proposed section 23H, definition of *maximum number of deliveries*, example 4, line 1. Omit “2 deliveries”. Insert instead “1 delivery”.
- No. 11     **Lifetime breeding cap**  
Page 8, Schedule 1[14], proposed section 23H, definition of *maximum number of deliveries*, example 4, lines 1 and 2. Omit “1 further delivery”. Insert instead “2 further deliveries”.
- No. 12     **Minimum number of staff members**  
Page 8, Schedule 1[14], proposed section 23I(3)(a), line 16. Omit “20”. Insert instead “10”.
- No. 13     **Minimum number of staff members**  
Page 8, Schedule 1[14], proposed section 23I(3), example, line 18. Omit “30 dogs at the dog premises, 30 must be divided by 20”. Insert instead “15 dogs at the dog premises, 15 must be divided by 10”.
- No. 14     **Minimum number of staff members**  
Page 8, Schedule 1[14], proposed section 23I(5), lines 23–27. Omit all words on the lines.
- No. 15     **Staged retirement plan**  
Page 10, Schedule 1[14], proposed section 23N(2). Insert after line 28—  
    (b1) be accompanied by a plan (a *staged retirement plan*) specifying how the applicant will achieve the 20 female adult dog maximum under section 23D after the exemption ends, including details of proposals to—  
        (i) render dogs permanently infertile, and  
        (ii) find new homes for dogs, and  
        (iii) how the applicant will prepare dogs for new homes, and
- No. 16     **Staged retirement plan**  
Page 11, Schedule 1[14], proposed section 23Q(1)(c). Insert after line 36—  
        (iiia) that includes details on how the exemption holder is complying with the staged retirement plan referred to in section 23N(2), and
- No. 17     **Staged retirement plan**  
Page 12, Schedule 1[14], proposed section 23Q(1). Insert after line 5—  
        (f1) the exemption holder must comply with the staged retirement plan referred to in section 23N(2),
- No. 18     **Failure to comply with condition of exemption**  
Page 12, Schedule 1[14], proposed section 23Q. Insert after line 7—  
    (1A) An exemption holder must comply with the conditions to which the exemption is subject.  
        Maximum penalty—
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- (a) for a corporation—2,000 penalty units, or
  - (b) for an individual—400 penalty units.

No. 19 **Expiration of exemption**

Page 12, Schedule 1[14], proposed section 23R, line 12. Omit “2035”. Insert instead “2027”.

No. 20 **Publication of details about exemption holders**

Page 12, Schedule 1[14]. Insert after line 30—

**23SA Register of exemptions**

- (1) The Departmental Chief Executive must make a register of exemption holders publicly available on a government website.
- (2) The register must include the following in relation to each exemption holder—
  - (a) the name of the exemption holder,
  - (b) the maximum number of female adult dogs permitted, because of the exemption, on the dog premises to which the exemption applies,
  - (c) the staged retirement plan referred to in section 23N(2),
  - (d) each report given to the Departmental Chief Executive under section 23Q(1)(c),
  - (e) other matters prescribed by the regulations.

No. 21 **Expiration of exemption**

Page 13, Schedule 1[14], proposed section 23U, line 9. Omit “2035”. Insert instead “2027”.

No. 22 **Pet shops**

Page 13, Schedule 1. Insert after line 33—

**[17A] Part 2C**

Insert after Part 2B—

**Part 2C Pet shops**

**24W Definition**

In this part—

*sell* includes cause the sale of.

**24X Sales of animals to pet shop**

A person must not sell an animal to a person conducting the business of a pet shop unless the animal is from a rehoming organisation.

Maximum penalty—

- (a) for a corporation—2,000 penalty units, or
- (b) for an individual—400 penalty units or imprisonment for 1 year, or both.

**24Y Receipt or sale of animals not from rehoming organisation**

A person conducting the business of a pet shop must not, unless an animal is from a rehoming organisation—

- (a) receive the animal for sale, or
- (b) sell the animal.

Maximum penalty—

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- (a) for a corporation—2,000 penalty units, or
  - (b) for an individual—400 penalty units or imprisonment for 1 year, or both.

#### **24Z Keeping records**

- (1) A person conducting the business of a pet shop must keep records in accordance with this section and the regulations.  
Maximum penalty—
  - (a) for a corporation—250 penalty units, or
  - (b) for an individual—50 penalty units or imprisonment for 6 months, or both.
- (2) The person must keep a record of the following details in relation to each animal offered for sale or sold by the pet shop—
  - (a) the name and residential address of the person from whom the animal was obtained,
  - (b) the date the animal was sold,
  - (c) other details prescribed by the regulations.
- (3) The person must not, in keeping a record under this section, make a statement the person knows is false or misleading.

#### No. 23 **Code of practice**

Page 14, Schedule 1[19], proposed section 34AB(1), lines 7–10. Omit all words on the lines. Insert instead “been allocated.”.

#### No. 24 **Application to cats**

Page 14, Schedule 1. Insert after line 41—

#### **[21A] Section 37**

Insert after section 36—

#### **37 Amendments to apply Part 2AA to cats**

- (1) Wherever occurring in a relevant provision—
  - (a) insert “or cat” after “dog” or “Dog”, and
  - (b) insert “or cats” after “dogs” or “Dogs”, and
  - (c) insert “or cat’s” after “dog’s”.
- (2) This section applies to a relevant provision immediately after the relevant provision commences.
- (3) In this section—  
*relevant provision* means the following—
  - (a) section 4(1), definitions of *adult dog*, *dog premises* and *staff member*,
  - (b) section 4A,
  - (c) Part 2AA, but not—
    - (i) section 23K(1)(c), or
    - (ii) section 23L(3), note, or
    - (iii) in relation to exempt working dogs,
  - (d) Schedule 2, clauses 18 and 19.

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No. 25 **Penalty notice offences**

Page 21, Schedule 3[4]. lines 37 and 38. Omit all words on the lines.

No. 26 **Penalty notice offences**

Page 22, Schedule 3[5]. Omit the matter relating to section 23H(1).