

Passed by both Houses



New South Wales

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

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Prevention of Cruelty to Animals Act 1979 No 200	3
Schedule 2	Amendment of Companion Animals Act 1998 No 87	16
Schedule 3	Amendment of Prevention of Cruelty to Animals Regulation 2012	21
Schedule 4	Amendment of Companion Animals Regulation 2018	23

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2024

Clerk of the Parliaments



New South Wales

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

Act No _____, 2024

An Act to amend the *Prevention of Cruelty to Animals Act 1979*, the *Companion Animals Act 1998* and the regulations under the Acts to regulate dog breeding and the advertising of dogs for sale or other transfer; and for related purposes.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Prevention of Cruelty to Animals Amendment (Puppy Farming) Act 2024*.

2 Commencement

This Act commences as follows—

- (a) for Schedules 1[2], [7]–[12], [14] to the extent it inserts sections 23E–23I and Division 3, [15]–[17] and [23] and 3[5]—on 1 December 2025,
- (b) for Schedules 1[19] and 3[2] and [6]—on 1 December 2029,
- (c) otherwise—on the date of assent to this Act.

Schedule 1 Amendment of Prevention of Cruelty to Animals Act 1979 No 200

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

adult dog means a dog that is more than 6 months of age, but does not include a racing greyhound.

BIN means a breeder identification number allocated under the *Companion Animals Act 1998*.

dog premises—see section 4A.

greyhound racing has the same meaning as in the *Greyhound Racing Act 2017*.

greyhound racing industry participant means a greyhound racing industry participant, within the meaning of the *Greyhound Racing Act 2017*, who is registered under that Act.

occupier, of premises, means a person who manages or controls the premises.

racing greyhound means a greyhound owned or kept—

- (a) in connection with greyhound racing, or
- (b) by a greyhound racing industry participant.

rehoming organisation has the same meaning as in the *Companion Animals Act 1998*.

RON means a rehoming organisation number allocated under the *Companion Animals Act 1998*.

staff member, in relation to dog premises, means a person who is over 14 years of age and is involved in breeding, or providing care, food or water to, dogs at the dog premises, including the following persons, regardless of whether the persons work on a full-time basis or not—

- (a) an employee of the dog premises,
- (b) a volunteer at the dog premises,
- (c) an owner or occupier of the dog premises,
- (d) a family member of the owner or occupier.

[2] Section 4(1)

Insert in alphabetical order—

greyhound racing rules has the same meaning as in the *Greyhound Racing Act 2017*.

NSW Pet Register means the Register under the *Companion Animals Act 1998*, Part 9.

[3] Section 4(1), definition of “officer”

Insert “the following” after “means”.

[4] Section 4(1), definition of “officer”, paragraph (b1)

Omit “2017, or”. Insert instead “2017.”.

[5] Section 4A

Insert after section 4—

4A Meaning of “dog premises”

- (1) In this Act, *dog premises* means premises, including residential premises and commercial premises, used or intended to be used for the accommodation, shelter or care of dogs.
- (2) A reference to premises in subsection (1) includes a reference to the following—
 - (a) a vehicle,
 - (b) an aircraft,
 - (c) a vessel,
 - (d) a trailer or caravan, whether or not attached to another vehicle.
- (3) Anything referred to in subsection (2)(a)–(d) that is on or adjacent to dog premises is taken to be part of the dog premises.

[6] Section 21 Live baiting, coursing and other similar activities prohibited

Omit “For the removal of doubt, section 24 (1) (b) (i)” from section 21(4).

Insert instead “Section 23B(1)(b)(i)”.

[7] Section 23A, heading

Omit “dogs”. Insert instead “ **racing greyhounds**”.

[8] Section 23A(1) and (2)

Omit “regulated dog or cat” wherever occurring.

Insert instead “ **racing greyhound or regulated cat**”.

[9] Section 23A(1)(b)

Omit the paragraph. Insert instead—

- (b) the breeder identification number of the person, being—
 - (i) the breeder identification number of the person within the meaning of the *Companion Animals Act 1998*, Part 9, or
 - (ii) the number allocated to the person at the time of registration under the greyhound racing rules of the animal from whose litter the racing greyhound being advertised was born,

[10] Section 23A(1)(c)

Omit “dog or cat”. Insert instead “ **racing greyhound or regulated cat**”.

[11] Section 23A(1), note

Omit “companion animal” wherever occurring.

Insert instead “ **racing greyhound or regulated cat**”.

[12] Section 23A(4)

Omit the subsection. Insert instead—

- (4) In this section—

racing greyhound includes a greyhound that has not been born if the unborn greyhound is intended to be a racing greyhound.

regulated cat means a cat that—

- (a) is or will be required by the *Companion Animals Act 1998* to be identified, and includes a cat that—
 - (i) has not been born, or
 - (ii) has not yet reached the age at which identification is required, and
- (b) is in the custody of one of the following—
 - (i) a council, including a council pound within the meaning of the *Companion Animals Act 1998*,
 - (ii) the Animal Welfare League NSW,
 - (iii) The Cat Protection Society of NSW Limited,
 - (iv) The Royal Society for the Prevention of Cruelty to Animals, New South Wales.

[13] Section 24 Certain defences

Renumber as section 23B.

[14] Part 2AA

Insert before Part 2A—

Part 2AA Dogs

Division 1 Preliminary

23C Definitions

In this part—

dog does not include a racing greyhound.

exempt working dog means an adult dog—

- (a) that is a working dog, and
- (b) that is ordinarily kept on land—
 - (i) in a part of the Western Division that is not within a local government area, or
 - (ii) categorised as farmland for the purposes of the *Local Government Act 1993*, Chapter 15, Part 3, and
- (c) if the dog becomes pregnant—whose offspring born from the pregnancy are intended to be working dogs that will ordinarily be kept on—
 - (i) the land on which the offspring were born, or
 - (ii) land owned or occupied by the person in charge of the adult dog when the offspring were born.

Western Division has the same meaning as in the *Crown Land Management Act 2016*.

Division 2 Dog breeding

23D Maximum number of female adult dogs

- (1) An occupier of dog premises must not keep more than 20 female adult dogs on the premises.
Maximum penalty—

- (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units or imprisonment for 2 years, or both.
- (2) This section does not apply to the following—
- (a) an approved charitable organisation to the extent the organisation is exercising the organisation's functions under this Act,
 - (b) a rehoming organisation that has been allocated a RON, unless—
 - (i) the organisation has been allocated a BIN, or
 - (ii) the organisation is required to have a BIN allocated,
 - (c) premises used to temporarily keep or care for dogs if no dogs are bred on the premises,
 - (d) a government sector agency within the meaning of the *Government Sector Employment Act 2013*,
 - (e) a dog kept for the purposes of breeding an assistance animal within the meaning of the *Companion Animals Act 1998*, if the occupier of the dog premises is—
 - (i) a member of the International Guide Dog Federation, or
 - (ii) an accredited member of Assistance Dogs International,
 - (f) a dog that has been rendered permanently infertile.
- (3) In this section—
temporarily keep or care, in relation to a dog, does not include keeping or caring for a dog in relation to dog breeding.

23E Mandatory BIN

- (1) A person in charge of an adult dog must not intentionally allow the dog to become pregnant unless the person has been allocated a BIN.
Maximum penalty—
- (a) for a corporation—500 penalty units, or
 - (b) for an individual—100 penalty units or imprisonment for 6 months, or both.
- (2) This section does not apply to an exempt working dog.

23F Mandatory BIN for rehoming organisations

A rehoming organisation that has not been allocated a BIN must not intentionally allow an adult dog in the organisation's custody to become pregnant.

Maximum penalty—

- (a) for a corporation—500 penalty units, or
- (b) for an individual—100 penalty units or imprisonment for 6 months, or both.

23G Mandatory application for BIN in certain circumstances

- (1) This section applies to a person who—
- (a) is in charge of a female adult dog, and
 - (b) has not been allocated a BIN.

- (2) If the dog is pregnant, the person must apply for a BIN by the earlier of the following days—
- (a) 14 days after becoming aware the dog is pregnant,
 - (b) 7 days after the dog gives birth.
- Maximum penalty—
- (a) for a corporation—500 penalty units, or
 - (b) for an individual—100 penalty units or imprisonment for 6 months, or both.
- (3) This section does not apply to—
- (a) an adult dog if the dog is an exempt working dog, or
 - (b) a rehoming organisation that has been allocated a RON.

23H Lifetime breeding cap for dogs

- (1) A person in charge of an adult dog must not allow the dog to become pregnant if the dog has had the maximum number of deliveries.
- Maximum penalty—
- (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units or imprisonment for 2 years, or both.
- (2) A person in charge of an adult dog that has had 2 deliveries by caesarean delivery must not allow the dog to become pregnant without the written approval of a veterinary practitioner.
- Maximum penalty—
- (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units or imprisonment for 2 years, or both.
- (3) A veterinary practitioner must not give approval unless reasonably satisfied the pregnancy will not cause a significant risk to the health of the adult dog.
- (4) A person in charge of an adult dog that has had a delivery must—
- (a) within 14 days after the delivery, make a written record of the delivery that includes—
 - (i) the date of the delivery, and
 - (ii) whether the delivery was by caesarean delivery or another method of delivery, and
 - (iii) if the written approval of a veterinary practitioner was required under subsection (2)—a copy of the written approval, and
 - (iv) if the delivery was by caesarian delivery—the veterinary practitioner and veterinary practice who performed the delivery, and
 - (b) keep the record for at least 3 years, and
 - (c) make the record available for inspection by an inspector if requested to do so by the inspector.
- Maximum penalty—
- (a) for a corporation—500 penalty units, or
 - (b) for an individual—100 penalty units.

- (5) In this section—
- caesarean delivery** includes a delivery where at least one of the offspring is born using a caesarean section operation.
- delivery** means all births resulting from the same pregnancy.
- maximum number of deliveries**, for an adult dog, means—
- (a) 3 different deliveries by caesarean delivery, or
 - (b) 5 different deliveries by any method of delivery if—
 - (i) the dog has no more than 3 different deliveries by caesarean delivery, and
 - (ii) the dog has no further deliveries, by any method, after the dog has a third caesarean delivery.

Examples of permitted number of deliveries—

- 1 A dog has had 2 deliveries by caesarean delivery and is permitted 3 further deliveries by another method of delivery.
- 2 A dog has had 2 deliveries by caesarean delivery and is permitted 1 further delivery by caesarean delivery.
- 3 A dog has had 2 deliveries by caesarean delivery and is permitted 2 further deliveries by another method of delivery and 1 further delivery by caesarean delivery provided the caesarean is the fifth and final delivery.
- 4 A dog has had 2 deliveries by caesarean delivery and is permitted 1 further delivery by another method of delivery and 1 further delivery by caesarean delivery provided the caesarean is the fourth and final delivery.

231 Minimum number of staff members for dog breeding premises

- (1) This section applies to dog premises if the dog premises are used for—
 - (a) dog breeding, or
 - (b) keeping or caring for dogs in relation to dog breeding.
- (2) The occupier of the dog premises must ensure—
 - (a) the minimum number of staff members are present on the premises, and
 - (b) each dog on the premises receives proper and sufficient care, food and water.

Maximum penalty—

 - (a) for a corporation—2,000 penalty units, or
 - (b) for an individual—400 penalty units.
- (3) The minimum number of staff members is to be calculated by—
 - (a) dividing the number of dogs at the dog premises by 20, and
 - (b) rounding the result up to the nearest whole number.

Example— If there are 30 dogs at the dog premises, 30 must be divided by 20, which equals 1.5. 1.5 must then be rounded up to the nearest whole number, which gives a result of 2 staff members.
- (4) This section does not apply to a dog bred for the purposes of being or breeding an assistance animal within the meaning of the *Companion Animals Act 1998*, if the occupier of the dog premises is—
 - (a) a member of the International Guide Dog Federation, or
 - (b) an accredited member of Assistance Dogs International.
- (5) In this section—

dog, for the purposes of calculating the minimum number of staff members, means—

- (a) 1 dog that is more than 12 weeks of age, or
- (b) 1 litter of dogs that are 12 weeks of age or younger.

Division 3 Sale or transfer of dogs

23J Definitions

In this division—

breeder, for a dog, means the person in charge of, or the organisation responsible for, the dog when the dog was born.

identification information, for a dog—see section 23K.

sale, of a dog, includes transferring ownership of the property in the dog by any means, including by gift.

23K Identification details

- (1) In this division, **identification information**, for a dog, means—
 - (a) the microchip identification number of—
 - (i) the dog if the dog is required to be identified by the implantation of a microchip under—
 - (A) the *Companion Animals Act 1998*, section 8, or
 - (B) the greyhound racing rules, or
 - (ii) the female parent of the dog if—
 - (A) the dog is 8 weeks of age or younger, and
 - (B) the microchip identification number is clearly identified as the female parent's number, and
 - (b) a relevant BIN or RON unless—
 - (i) the dog is 6 months of age or older, and
 - (ii) the BIN or RON is recorded in the NSW Pet Register against the entry for the dog's microchip identification number, and
 - (c) if the dog was previously a racing greyhound—the number allocated to the dog under the *Greyhound Racing Act 2017*, section 42.
- (2) In this section—

relevant BIN or RON means—

 - (a) if the seller of the dog is a rehoming organisation and the identity of the breeder of the dog is not known to the organisation—the organisation's RON, clearly identified as a RON, or
 - (b) otherwise, the following number that applied, or was required to be applied, to the breeder within 7 days after the dog was born—
 - (i) the breeder's BIN, clearly identified as a BIN,
 - (ii) if the breeder was a rehoming organisation that had not been allocated a BIN—the breeder's RON, clearly identified as a RON,
 - (iii) if the breeder was a greyhound racing industry participant—the breeder's registration number under the *Greyhound Racing Act 2017*.

23L Offences

- (1) A person must not cause a dog to be advertised for sale unless the advertisement includes the identification information for the dog.

Maximum penalty—

- (a) for a corporation—750 penalty units, or
- (b) for an individual—150 penalty units or imprisonment for 6 months, or both.

- (2) If a dog is offered for sale without being advertised, the person selling the dog must, before or at the time of the sale, give the identification information to the person acquiring the dog.

Maximum penalty—

- (a) for a corporation—750 penalty units, or
- (b) for an individual—150 penalty units or imprisonment for 6 months, or both.

- (3) A person is not liable to be convicted of both of the following in relation to the same act or omission—

- (a) an offence under this section,
- (b) an offence under the *Companion Animals Act 1998*, section 52A(1) or 57A(1).

Note— The *Companion Animals Act 1998*, sections 52A(1) and 57A(1) make it an offence to sell or advertise the sale of a dangerous, menacing or restricted dog or a dog that is proposed to be a dangerous, menacing or restricted dog.

Division 4 Exemption to maximum number of female adult dogs

23M Definitions

In this division—

applicant—see section 23N(1).

Departmental Chief Executive has the same meaning as in the *Local Government Act 1993*.

determination date means 24 October 2024.

exemption means an exemption granted under this division and in force.

female adult dog does not include the following—

- (a) a dog kept for the purposes of breeding an assistance animal within the meaning of the *Companion Animals Act 1998*, if the occupier of the relevant dog premises is—
 - (i) a member of the International Guide Dog Federation, or
 - (ii) an accredited member of Assistance Dogs International,
- (b) a dog that has been rendered permanently infertile.

relevant person, for dog premises, means—

- (a) a staff member of a business operating on the dog premises, or
- (b) a person involved in the management or control of a business on the dog premises.

23N Application for exemption

- (1) A person (the **applicant**) may apply to the Departmental Chief Executive for an exemption from section 23D in relation to dog premises if—
 - (a) the applicant is the occupier of the dog premises, and
 - (b) the applicant kept more than 20 female adult dogs on the dog premises on the determination date.

- (2) The application must—
 - (a) specify the dog premises to which the application relates, and
 - (b) specify the maximum number of female adult dogs that will be kept on the dog premises, and
 - (c) be made in the form approved by the Departmental Chief Executive, and
 - (d) be accompanied by the prescribed application fee, and
 - (e) include or be accompanied by the information or evidence the Departmental Chief Executive reasonably requires to assess the application.
- (3) The regulations may make provision in relation to an application under this section, including by prescribing—
 - (a) the information or evidence that must be included in or accompany an application, and
 - (b) the form of the application.

23O Refusal to grant exemption

- (1) The Departmental Chief Executive must, if an applicant or a relevant person in relation to dog premises has been convicted of an animal cruelty offence—
 - (a) refuse to grant an exemption in relation to the dog premises, and
 - (b) give the applicant written notice of the refusal.
- (2) The Departmental Chief Executive may refuse to grant an exemption if the Departmental Chief Executive—
 - (a) suspects the application is false or misleading, and
 - (b) gives written notice to the applicant of the proposed refusal, and
 - (c) gives the applicant reasonable time to make submissions, and
 - (d) considers submissions made within the reasonable time, and
 - (e) reasonably concludes that the application was false or misleading.

23P Granting exemption

- (1) The Departmental Chief Executive may grant an exemption to an applicant in relation to the dog premises specified in the application.
- (2) If the exemption is granted, the Departmental Chief Executive must give the applicant written notice of—
 - (a) the outcome of the application, and
 - (b) the maximum number of female adult dogs allowed on the dog premises, and
 - (c) the conditions to which the exemption is subject.
- (3) The maximum number of female adult dogs allowed on the dog premises is the number of female adult dogs—
 - (a) on the dog premises on the determination date, or
 - (b) otherwise—nominated by the Departmental Chief Executive.

23Q Exemption conditions

- (1) An exemption for dog premises is subject to the following conditions—

- (a) the exemption holder must not allow a person who the exemption holder, after having made reasonable inquiries, knows, or ought to have known, has been convicted of an animal cruelty offence to be a relevant person for the dog premises,
 - (b) if the exemption holder or a relevant person for the dog premises is convicted of an animal cruelty offence—the exemption holder must, within 28 days, give the Departmental Chief Executive written notice of the conviction,
 - (c) the exemption holder must permit an audit and inspection of the dog premises to be conducted—
 - (i) in accordance with the regulations, and
 - (ii) at least once every 2 years,
 - (d) the exemption holder must give the Departmental Chief Executive a report—
 - (i) in the way approved by the Departmental Chief Executive, and
 - (ii) by 31 January following the end of the reporting period for each year of the term of the exemption, and
 - (iii) that includes the matters prescribed by the regulations, and
 - (iv) that includes other matters required by the Departmental Chief Executive and published in the Gazette,
 - (e) the exemption holder must not keep more female adult dogs on the dog premises than the number specified in the notice under section 23P(2)(b),
 - (f) if the exemption holder keeps 50 or more female adult dogs on the dog premises—the exemption holder must ensure no more than 50 female adult dogs are kept on the dog premises on or after 1 December 2026,
 - (g) the exemption holder must comply with—
 - (i) a code of practice prescribed by the regulations, or
 - (ii) if the dog premises are under construction and no dogs are currently kept on the dog premises—the relevant provisions of a prescribed code of practice,
 - (h) other conditions the Departmental Chief Executive considers appropriate.
- (2) In this section—
reporting period means the 12-month period ending on 30 November in each year.

23R Expiration of exemption

An exemption granted under this division expires on 1 December 2035, unless cancelled before that date.

23S Cancellation of exemption

- (1) The Departmental Chief Executive must—
 - (a) cancel an exemption if—
 - (i) the Departmental Chief Executive becomes aware that the exemption holder has been convicted of an animal cruelty offence, or
 - (ii) the exemption holder requests the cancellation, and
 - (b) give written notice of the cancellation to the exemption holder.

- (2) The Departmental Chief Executive may cancel an exemption if the Departmental Chief Executive—
 - (a) believes the exemption holder has contravened a condition of the exemption, and
 - (b) gives written notice to the exemption holder of the proposed cancellation, and
 - (c) gives the exemption holder reasonable time to make submissions, and
 - (d) considers submissions made within the reasonable time, and
 - (e) reasonably concludes that the exemption should be cancelled.

23T Exemption holder's death or incapacity

- (1) If an exemption holder dies, the exemption expires.
- (2) The Departmental Chief Executive must cancel an exemption if the Departmental Chief Executive is satisfied that the exemption holder is a mentally incapacitated person who is unable to comply with the conditions of the exemption.
- (3) The legal personal representative of the exemption holder must give the Departmental Chief Executive written notice as soon as practicable after becoming aware of the following—
 - (a) the exemption holder's death,
 - (b) that the exemption holder is a person referred to in subsection (2).
- (4) If an exemption for dog premises is cancelled or expires under this section, a person may make an application under this division for an exemption for the dog premises.
- (5) Despite being cancelled or expiring under this section, the exemption is taken to continue in force until—
 - (a) 28 days after notice is given by the legal personal representative under this section, or
 - (b) if an application is made for a new exemption for the dog premises before the end of the period in paragraph (a)—the application is determined.

23U Repeal

This division is repealed on 2 December 2035.

Division 5 Miscellaneous

23V Animal research authority

- (1) This part does not apply to the breeding of dogs in accordance with an animal research authority under the *Animal Research Act 1985*.
- (2) Despite subsection (1), this part applies to a dog bred in accordance with an animal research authority if the dog is rehomed or otherwise transferred to an owner who does not hold an animal research authority.

23W Review of part

- (1) The Minister must review this part to determine whether—
 - (a) the policy objectives of the part remain valid, and
 - (b) the terms of the part remain appropriate for securing the objectives.

- (2) The review must be undertaken as soon as possible after the period of 6 years from the date of assent to the *Prevention of Cruelty to Animals Amendment (Puppy Farming) Act 2024*.
- (3) The Minister must table a report on the outcome of the review in each House of Parliament within 12 months after the end of the period of 6 years.

[15] Section 24C Supplying officer's details and giving warnings

Omit "this Part" from section 24C(1). Insert instead "this part or Part 2AA".

[16] Section 24D Definitions and application of Division

Insert after section 24D(3)—

- (4) An inspector may exercise powers under this division in relation to an offence, or suspected offence, under this Act or the regulations.

[17] Section 24JA Powers of inspectors generally to examine advertisements

Omit "section 23A". Insert instead "section 23A or 23L".

[18] Section 34AB Code of practice for breeding dogs and cats

Omit the section.

[19] Section 34AB

Insert after section 34A—

34AB Code of practice for breeding dogs and cats

- (1) The following persons must comply with a prescribed code of practice or a provision of a prescribed code of practice in relation to breeding dogs and cats—
 - (a) a person allocated a BIN,
 - (b) a person required to have a BIN allocated, whether or not a BIN has been allocated,
 - (c) a person allocated a RON, if the following are in the person's custody—
 - (i) a pregnant dog,
 - (ii) a dog that is 12 weeks of age or younger.

Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) for an individual—50 penalty units.

- (2) A person under subsection (1) who is an occupier of dog premises must take all reasonable steps to ensure all staff members comply with a prescribed code of practice or a provision of a prescribed code of practice.

Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) for an individual—50 penalty units.

- (3) In this section—
code of practice includes codes and standards.

[20] Section 34BA Collection, use and disclosure of information

Insert after section 34BA(1)—

- (1A) A relevant agency may collect, use or disclose information if it is reasonably necessary for the purposes of administering or enforcing the *Companion Animals Act 1998*, Part 9.

[21] Section 34C

Omit the section. Insert instead—

34C Delegation

- (1) The Secretary may delegate the exercise of a function of the Secretary under this Act, other than this power of delegation, to—
 - (a) a person employed in the Department, or
 - (b) a person prescribed by the regulations.
- (2) The Departmental Chief Executive may delegate the exercise of a function of the Departmental Chief Executive under this Act, other than this power of delegation, to—
 - (a) another person employed in the Office of Local Government, or
 - (b) a person prescribed by the regulations.
- (3) In this section—

Departmental Chief Executive has the same meaning as in the *Local Government Act 1993*.

[22] Schedule 2 Savings and transitional provisions

Insert after Part 10—

Part 11 Provisions consequent on enactment of Prevention of Cruelty to Animals Amendment (Puppy Farming) Act 2024

18 Maximum number of female adult dogs for existing breeders

- (1) A person does not breach section 23D if the number of female adult dogs kept on the dog premises is no more than the number of female adult dogs that were kept on the dog premises immediately before the commencement of the section.
- (2) This clause applies to female adult dogs to which section 23D applies.
- (3) This clause is repealed on 1 December 2025.

[23] Schedule 2, clause 19

Insert after clause 18, as inserted by item [22]—

19 Sale of dogs

The BIN of a breeder of a dog is taken not to be part of the identification information for the dog for the purposes of Part 2AA, Division 3 if the dog was born before 1 December 2025.

Schedule 2 Amendment of Companion Animals Act 1998 No 87

[1] **Section 5 Definitions**

Omit “of Companion Animals provided for by this Act” from section 5(1), definition of *Register*.

Insert instead “provided for by Part 9”.

[2] **Part 9, heading**

Omit “of Companion Animals”.

[3] **Section 78 Definitions**

Omit the definition of *breeder identification number*, paragraphs (a) and (b).

Insert instead—

- (a) the number allocated to the person as a breeder identification number under section 83M, or
- (b) the number allocated to the person by a recognised breeders’ organisation of which the person is a member, unless the person is required under the *Prevention of Cruelty to Animals Act 1979* to be allocated a breeder identification number, or

[4] **Section 78**

Insert in alphabetical order—

animal cruelty offence has the same meaning as in the *Prevention of Cruelty to Animals Act 1979*.

disqualification order has the same meaning as in the *Prevention of Cruelty to Animals Act 1979*, Part 3.

interim disqualification order has the same meaning as in the *Prevention of Cruelty to Animals Act 1979*, Part 3.

person in charge has the same meaning as in the *Prevention of Cruelty to Animals Act 1979*.

[5] **Section 79 The Register**

Omit “Animals” from section 79(1).

Insert instead “Animals and Other Information”.

[6] **Section 80 Information on the Register**

Omit section 80(1)(o) and (p). Insert instead—

- (o) if applicable—the breeder identification number of—
 - (i) the person in charge, or the owner, of the animal, or
 - (ii) the person in charge, or the owner, of the female parent of the animal,
- (p) if the animal was purchased or otherwise acquired from a rehoming organisation or is currently in the care of a rehoming organisation—the rehoming organisation number of the rehoming organisation,

[7] **Section 80(3A)**

Insert after section 80(3)—

- (3A) The Register must contain the following information in relation to a person in charge, or the owner, of an animal that is exempt from registration under this Act, if the person holds a breeder identification number (a *BIN*) or rehoming organisation number (a *RON*)—
- (a) for a person who holds a BIN—the BIN,
 - (b) for a person who holds a RON—the RON,
 - (c) the full name and contact details of the person,
 - (d) if the owner is a natural person—the date of birth of the person,
 - (e) if the owner is not a natural person—the ABN of the person or other identification information about the person,
 - (f) the compliance history of the person,
 - (g) other relevant information relating to the person that the Departmental Chief Executive required the person to provide in connection with an application for the breeder identification number or rehoming organisation number.

[8] Section 80(4)

Omit “the regulations”.

Insert instead “the regulations, including information in relation to companion animals, other than registered companion animals, and owners of companion animals”.

[9] Section 83 Limited access by members of public

Omit section 83(d). Insert instead—

- (d) to verify if a breeder identification number is active, suspended or cancelled,

[10] Section 83(e)

Omit “to a breeder”. Insert instead “to an active breeder”.

[11] Section 83(f)

Omit the paragraph. Insert instead—

- (f) to verify if a rehoming organisation number is active, suspended or cancelled,

[12] Section 83(g)

Omit the paragraph. Insert instead—

- (g) to find the details that correspond to an active rehoming organisation number, including the following—
 - (i) the name and address or email address of the relevant rehoming organisation,
 - (ii) the breed, sex and age of all companion animals recorded on the Register as having been bred by the rehoming organisation,

[13] Part 9, Division 5, heading

Omit the heading.

[14] Part 9, Division 5

Omit sections 83M and 83N. Insert instead—

Division 5 Breeder identification numbers and rehoming organisation numbers

83LA Applications for numbers

- (1) An application for a breeder identification number or rehoming organisation number must be made in the way approved by the Departmental Chief Executive.
- (2) The Departmental Chief Executive may require an applicant to provide information prescribed by the regulations.

83M Allocation of breeder identification numbers

- (1) An application for a breeder identification number may be made by a person if—
 - (a) the person is—
 - (i) the owner or person in charge of a companion animal, or
 - (ii) a body corporate that ordinarily keeps a companion animal, and
 - (b) the companion animal—
 - (i) has a litter, or
 - (ii) is a dog kept for dog breeding.
- (2) The Departmental Chief Executive may allocate a breeder identification number to the applicant.
- (3) The Departmental Chief Executive must refuse to allocate a breeder identification number to a person if—
 - (a) the person already has a breeder identification number, or
 - (b) for an individual—the Departmental Chief Executive is aware the individual—
 - (i) is subject to a disqualification order, or
 - (ii) has been convicted of an animal cruelty offence, or
 - (c) for a body corporate—the Departmental Chief Executive is aware the body corporate or an individual involved in the management or control of the body corporate—
 - (i) is subject to a disqualification order, or
 - (ii) has been convicted of an animal cruelty offence.

83N Allocation of rehoming organisation numbers

- (1) The Departmental Chief Executive may, on application by a rehoming organisation, allocate a rehoming organisation number to the rehoming organisation.
- (2) The Departmental Chief Executive must refuse to allocate a rehoming organisation number to a rehoming organisation if—
 - (a) the organisation already has a rehoming organisation number, or
 - (b) the Departmental Chief Executive is aware an individual involved in the management or control of the rehoming organisation is subject to a disqualification order, or
 - (c) the Departmental Chief Executive is aware an individual involved in the management or control of the rehoming organisation has been convicted of an animal cruelty offence.

83O Cancellation or suspension of numbers

- (1) The Departmental Chief Executive must cancel a breeder identification number or rehoming organisation number if—
 - (a) for an individual—the Departmental Chief Executive is aware the individual—
 - (i) is subject to a disqualification order, or
 - (ii) has been convicted of an animal cruelty offence, or
 - (b) for a body corporate—the Departmental Chief Executive is aware the body corporate or an individual involved in the management or control of the body corporate—
 - (i) is subject to a disqualification order, or
 - (ii) has been convicted of an animal cruelty offence.
- (2) The Departmental Chief Executive must suspend a breeder identification number or rehoming organisation number if—
 - (a) for an individual—the Departmental Chief Executive is aware the individual is subject to an interim disqualification order, or
 - (b) for a body corporate—the Departmental Chief Executive is aware the body corporate or an individual involved in the management or control of the body corporate is subject to an interim disqualification order.
- (3) A suspension under subsection (2) remains in force while the interim disqualification order has effect.
- (4) The Departmental Chief Executive must cancel a breeder identification number or rehoming organisation number if—
 - (a) the holder of the number requests the cancellation, and
 - (b) the request is made in the way prescribed by the regulations.

83P Notice of refusal, suspension or cancellation of numbers

- (1) The Departmental Chief Executive must give written notice to a person if the Departmental Chief Executive—
 - (a) refuses to allocate a breeder identification number or rehoming organisation number to the person, or
 - (b) suspends or cancels the breeder identification number or rehoming organisation number of the person.
- (2) The notice must be given as soon as practicable after the Departmental Chief Executive takes the action.
- (3) The notice must specify the following—
 - (a) the grounds for taking the action,
 - (b) for a suspension or cancellation—the date or time from which the suspension or cancellation takes effect.

83Q Holders of numbers to notify of certain events

- (1) This section applies if one or more of the following events occur in relation to a person allocated a breeder identification number or rehoming organisation number—
 - (a) a change to—
 - (i) the person's name, or
 - (ii) the person's residential or business address, or

- (iii) the person's telephone number,
 - (b) for an individual—
 - (i) the individual is convicted of an offence under this Act or an animal cruelty offence, or
 - (ii) the individual becomes subject to a disqualification order or an interim disqualification order,
 - (c) for a body corporate—the body corporate or an individual involved in the management or control of the body corporate—
 - (i) is convicted of an animal cruelty offence, or
 - (ii) becomes subject to a disqualification order or an interim disqualification order,
 - (d) an event prescribed by the regulations.
- (2) The person must give notice of the event, containing details of the event—
- (a) to the Departmental Chief Executive, and
 - (b) within 28 days after the event occurs, and
 - (c) in the way prescribed by the regulations.
- Maximum penalty—8 penalty units.
- (3) The person must not give the Departmental Chief Executive information the person knows is false or misleading.
- Maximum penalty—8 penalty units.

[15] Schedule 3 Savings and transitional provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Prevention of Cruelty to Animals Amendment (Puppy Farming) Act 2024

Cancellation of existing breeder identification numbers

- (1) A breeder identification number (an *existing BIN*) is cancelled on 1 December 2025 if the number was allocated—
 - (a) before the commencement of this section, and
 - (b) in relation to the breeding of dogs.
- (2) The holder of an existing BIN may apply for a new breeder identification number under section 83M.
- (3) Section 83M(3)(a) does not apply to the application.
- (4) When the Departmental Chief Executive decides the application, either by allocating or refusing to allocate a new breeder identification number, the existing BIN is cancelled.

Schedule 3 Amendment of Prevention of Cruelty to Animals Regulation 2012

[1] Clauses 39A–39C

Insert after clause 39—

39A Fee for application for exemption—the Act, s 23N

For the Act, section 23N(2)(d), the prescribed fee is \$550.

39B Report required by exemption holders—the Act, s 23Q

For the Act, section 23Q(1)(d), the following matters in relation to the relevant reporting period are prescribed—

- (a) whether the exemption holder has made any notifications under the Act, section 23Q(1)(b) and, if applicable, the details of the notifications,
- (b) details of any breeding activities on the dog premises, including—
 - (i) the breeds of dogs bred on the dog premises, and
 - (ii) the total number of dogs bred on the dog premises, and
 - (iii) the total number of female adult dogs on the dog premises,
- (c) details of the proper and sufficient care provided to female adult dogs and dogs bred on the dog premises, including the total number of dogs that required veterinary care,
- (d) the total number of dogs that were—
 - (i) euthanised, or
 - (ii) sold, rehomed or otherwise no longer kept on the dog premises.

39C Code of practice for exemption holders—the Act, s 23Q

For the Act, section 23Q(1)(g), the prescribed code of practice is the *Animal Welfare Code of Practice Breeding dogs and cats*, ISBN 978-1-76058-463-4, published in August 2021 by the Department of Primary Industries.

[2] Clause 39D

Insert after clause 39C, as inserted by item [1]—

39D Code of practice for breeding dogs and cats—the Act, s 34AB

For the Act, section 34AB, the prescribed code of practice is the *Animal Welfare Code of Practice Breeding dogs and cats*, ISBN 978-1-76058-463-4, published in August 2021 by the Department of Primary Industries.

[3] Schedule 1 Animal trades and relevant Codes of Practice and Standards

Omit “*Animal Welfare Code of Practice—Breeding Dogs and Cats*, published in August 2009 by the Department of Industry and Investment” from the table, Column 2.

Insert instead “*Animal Welfare Code of Practice Breeding dogs and cats*, ISBN 978-1-76058-463-4, published in August 2021 by the Department of Primary Industries”.

[4] Schedule 2 Penalty notice offences

Insert in appropriate order in the matter relating to the Act—

Section 23D(1)	\$1,000	\$5,000
----------------	---------	---------

[5] Schedule 2

Insert in appropriate order in the matter relating to the Act—

Section 23E(1)	\$500	\$2,500
Section 23F	\$500	\$2,500
Section 23G(2)	\$500	\$2,500
Section 23H(1)	\$1,000	\$5,000
Section 23H(4)	\$500	\$2,500
Section 23I(2)	\$1,000	\$5,000
Section 23L(1)	\$1,000	\$5,000
Section 23L(2)	\$1,000	\$5,000

[6] Schedule 2

Insert in appropriate order in the matter relating to the Act—

Section 34AB(1)	\$500	\$1,500
Section 34AB(2)	\$500	\$1,500

Schedule 4 Amendment of Companion Animals Regulation 2018

[1] Clause 37A

Insert after clause 37—

37A Application for breeder identification number or rehoming organisation number—the Act, s 83LA(2)

- (1) The Departmental Chief Executive may require an applicant to provide the following information when applying for a breeder identification number or rehoming organisation number—
 - (a) the following details about the applicant—
 - (i) the applicant's name,
 - (ii) the applicant's address,
 - (iii) for an individual—the applicant's date of birth,
 - (iv) the applicant's telephone number,
 - (v) if the applicant has an ABN—the applicant's ABN,
 - (b) the total number of dogs the applicant is responsible for,
 - (c) the total number of dog premises, within the meaning of the *Prevention of Cruelty to Animals Act 1979*, the applicant is responsible for,
 - (d) details of the dogs kept on the dog premises, including—
 - (i) the number of male dogs and the number of female dogs, and
 - (ii) the number of adult dogs, within the meaning of the *Prevention of Cruelty to Animals Act 1979*, that are female,
 - (e) other information the Departmental Chief Executive considers necessary.
- (2) In this clause—

responsible for, in relation to a dog, includes—

 - (a) being the owner of the dog within the meaning of the Act, section 7, and
 - (b) being the person in charge of the dog within the meaning of the *Prevention of Cruelty to Animals Act 1979*.

[2] Schedule 1 Penalty notice offences

Insert in appropriate order in the table under the heading **Offences under the Act**—

Section 83Q(2)	\$180
Section 83Q(3)	\$180