



New South Wales

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

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the following legislation to provide for a regulatory framework for dog breeding and the advertising of dogs to be sold, given away or otherwise transferred—

- (a) the *Prevention of Cruelty to Animals Act 1979*,
- (b) the *Companion Animals Act 1998*,
- (c) the *Prevention of Cruelty to Animals Regulation 2012*,
- (d) the *Companion Animals Regulation 2018*.

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.

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

Schedule 1[14] inserts proposed Part 2AA into the *Prevention of Cruelty to Animals Act 1979*. The proposed part sets out provisions and penalties in relation to dog breeding, the keeping of female adult dogs and the advertising of dogs to be sold, given away or otherwise transferred.

Maximum number of female adult dogs

Proposed section 23D makes it an offence for a person who manages or controls premises used for the accommodation, shelter or care of dogs (*dog premises*) to keep more than 20 female dogs that are more than 6 months of age (*female adult dogs*) at the premises. There are a number of exceptions to this cap, including by not counting dogs that have been rendered permanently infertile. **Schedule 1[23]** inserts a savings and transitional provision to allow a person to temporarily exceed the cap if the person already had more dogs than the cap.

Mandatory registration schemes for breeding dogs

Proposed sections 23E–23G set out new requirements for a person, including a rehoming organisation, to have a breeder identification number (*BIN*) or rehoming organisation number (*RON*) allocated if a female adult dog in the person's charge or custody is pregnant. The proposed sections set out penalties for breaching the requirements to have a BIN or RON and include exemptions for working dogs.

Lifetime breeding caps for female dogs

Proposed section 23H sets out the maximum number of pregnancies and types of births a female dog may have in the dog's lifetime. The proposed section sets out penalties for a person who—

- (a) allows a dog to become pregnant after the dog has already had the maximum number of deliveries, or
- (b) does not make appropriate records of a birth.

Minimum staffing ratios for dog breeding premises

Proposed section 23I provides for a minimum number of staff members that must be present on dog premises used for dog breeding or for keeping or caring for dogs in relation to dog breeding. There must be at least 1 staff member for every 20 dogs to ensure each dog receives proper and sufficient care, food and water. The proposed section also provides an exemption for dogs bred for the purposes of being an assistance dog or producing an assistance dog.

Requirements for sale or transfer of dogs

Proposed sections 23K and 23L update the requirements for advertising a dog, other than a racing greyhound, for sale. The provisions also apply if the dog is given away or otherwise transferred. The proposed provisions require certain unique identification numbers to be provided when selling the dog, and set out penalties for not providing this information.

Schedule 1[7]–[12] make consequential amendments. **Schedule 1[24]** inserts a savings and transitional provision in relation to dogs born before 1 December 2025.

Exemption to maximum number of female adult dogs

Proposed sections 23M–23U provide for an exemption to be granted to certain persons that allows the person to keep more than 20 female adult dogs on dog premises until 1 December 2035. The exemption permits a person with existing dogs or an existing development consent in relation to dog premises to continue to operate between 24 October 2024 and 1 December 2035. The person must meet certain conditions, including the following—

- (a) the exemption holder and each staff member must have no convictions for animal cruelty offences,
- (b) the number of female adult dogs on the dog premises must not exceed a specified number,
- (c) no more than 50 female adult dogs may be kept on the dog premises after 1 December 2026,
- (d) the exemption holder must comply with a prescribed code of practice,
- (e) the exemption holder must provide the Chief Executive of the Office of Local Government (the *Departmental Chief Executive*) a report each year.

Miscellaneous

Proposed section 23V provides that the proposed part does not apply to the breeding of dogs in accordance with an animal research authority.

Proposed section 23W provides for a statutory review of the proposed part.

Schedule 1[1]–[6] and [13] include a number of definitions for the purposes of proposed Part 2AA and make consequential amendments.

Schedule 1[15]–[17] ensure that the existing powers of officers and inspectors under the Act will be extended to proposed Part 2AA and proposed section 34AB as inserted by **Schedule 1[19]**.

Schedule 1[18] requires a code of practice to be prescribed in relation to breeding dogs and cats and sets out penalties for certain persons not complying with the prescribed code of practice.

Schedule 1[20] allows a relevant agency to collect, use or disclose information if it is reasonably necessary for the purposes of administering or enforcing the *Companion Animals Act 1998*, Part 9.

Schedule 1[21] provides for the delegation of functions under the *Prevention of Cruelty to Animals Act 1979*.

Schedule 2 Amendment of Companion Animals Act 1998 No 87

Schedule 2 makes consequential amendments to the *Companion Animals Act 1998*, including the following—

- (a) updating the definition of a *breeder identification number*,
- (b) updating the provisions for breeder identification numbers and rehoming organisation numbers and setting out new requirements for—
 - (i) a person or organisation making an application for a number, and
 - (ii) the allocation of numbers by the Departmental Chief Executive, and
 - (iii) the grounds for the Departmental Chief Executive to refuse, suspend or cancel a number,
- (c) setting out new requirements for persons allocated a number to notify the Departmental Chief Executive of certain events,
- (d) updating the requirements for information recorded on the NSW Pet Register.

Schedule 3 Amendment of Prevention of Cruelty to Animals Regulation 2012

Schedule 3 makes the following amendments which are consequent on the amendments in Schedule 1—

- (a) prescribes a fee for applying for an exemption,
- (b) prescribes the reporting requirements and code of practice that must be complied with under an exemption,
- (c) updates the prescribed code of practice for breeding dogs and cats,
- (d) inserts penalty notice amounts for the new offences inserted by Schedule 1.

Schedule 4 Amendment of Companion Animals Regulation 2018

Schedule 4[1] prescribes certain information to be included in an application for a breeder identification number or rehoming organisation number.

Schedule 4[2] inserts penalty notice amounts for new offences inserted by Schedule 2.