

Dog Amendment (Stop Puppy Farming) Bill 2020

Contents

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
Part 2 — <i>Dog Act 1976</i> amended		
Division 1 — Act amended		
3.	Act amended	3
Division 2 — Amendments commencing on day after Royal Assent		
4.	Section 33 amended	3
5.	Section 33B amended	3
Division 3 — Amendments commencing on proclamation		
6.	Long title amended	3
7.	Section 3 amended	3
8.	Section 7 amended	7
9.	Section 9 amended	7
10.	Sections 9A and 9B inserted	8
	9A. Delegation by CEO	8
	9B. Designated persons	8
11.	Section 10 amended	9
12.	Section 12A amended	9
13.	Sections 13A and 13B inserted	10
	13A. Centralised registration system	10
	13B. Dog owner numbers	11
14.	Section 14 replaced	11
	14. Local governments to keep record of registered dogs in centralised registration system	11

Contents

15.	Section 15 amended	12
16.	Section 16 amended	12
17.	Section 16A amended	14
18.	Section 17A amended	15
19.	Section 20 amended	15
20.	Section 25 amended	16
21.	Section 26D replaced	16
	26D. Notice of change to recorded information	16
22.	Part IV inserted	17
	Part IV — Sterilisation and breeding of dogs	
	Division 1 — Requirement for sterilisation	
	26E. Dogs must be sterilised unless exempt	17
	26F. Unsterilised dog must not be identified as sterilised	18
	26G. Certificate of sterilisation to be given	18
	26H. Information that must be included in advertising material for dog and given to new owner	18
	Division 2 — Breeding of dogs	
	26I. Only holder of approval may breed dogs	19
	26J. Court may order sterilisation	20
	26K. Application for approval to breed	21
	26L. Approval to breed	21
	26M. Cancellation of approval to breed	22
23.	Section 27 amended	22
24.	Section 29 amended	23
25.	Section 30A amended	24
26.	Section 30 amended	26
27.	Section 33A amended	26
28.	Section 33K amended	26
29.	Section 34 amended	28
30.	Part VIA inserted	28
	Part VIA — Pet shops and supply of dogs to relevant pet shop businesses	
	Division 1 — Preliminary	
	38A. Supply of dogs to relevant pet shop businesses	28
	Division 2 — Approval of pet shop for relevant pet shop business	
	38B. Pet shop for relevant pet shop business must be approved	29
	38C. Application for pet shop approval	29
	38D. Pet shop approval	29

	38E. Cancellation of pet shop approval	30
	38F. Continuation of pet shop approval until application for renewal decided	31
	Division 3 — Obligations of person conducting relevant pet shop business	
	38G. Relevant pet shop business only to supply dogs obtained from holder of dog supply approval	32
	38H. Pet shop to display certificate of registration	32
	38I. Person conducting relevant pet shop business to provide certain information	32
	38J. Person conducting relevant pet shop business to provide copy of health certificate	33
	38K. Person conducting relevant pet shop business to keep records relating to source of dogs	33
	38L. Person conducting relevant pet shop business to provide information to local government	35
	38M. Self-incrimination	35
	Division 4 — Dog supply approval	
	38N. Only holder of dog supply approval may supply dogs to relevant pet shop businesses	36
	38O. Person conducting refuge operations or operating dog management facility may apply for dog supply approval	37
	38P. Dog supply approval	38
	38Q. Cancellation of dog supply approval	39
	38R. Notice of certain decisions made under this Division	39
	38S. Record of dog supply approval	40
	38T. Notice of change to information	41
	Division 5 — Obligations of holder of dog supply approval	
	38U. Holder of dog supply approval to keep records	41
	38V. Holder of dog supply approval to provide information to CEO	42
	38W. Holder of dog supply approval to provide information to local government	43
	38X. Self-incrimination	44
31.	Section 43AA inserted	44
	43AA. False or misleading information	44
32.	Section 43A amended	45

Contents

33.	Section 43B inserted	46
	43B. General powers of relevant persons	46
34.	Section 44 amended	47
35.	Section 45 amended	47
36.	Section 45A amended	48
37.	Part X heading replaced	48
	Part X — Miscellaneous	
38.	Part X Division 1 heading inserted	48
	Division 1 — Regulations	
39.	Section 54 amended	48
40.	Part X Division 2 inserted	49
	Division 2 — Local government approvals	
	Subdivision 1 — Applications for approval	
	54A. Applications	49
	54B. Record of approval	50
	54C. Notice of change to information	50
	54D. Certificate and unique number to be given to holder of approval	51
	Subdivision 2 — Objection and review process	
	54E. Notice of certain decisions made by local government	51
	54F. Objection may be lodged	52
	54G. Dealing with objection	53
	54H. Review of decisions	53
	54I. Suspension of effect of some decisions	54
41.	Part XI Division 1A inserted	55
	Division 1A — Transitional provisions for the <i>Dog Amendment (Stop Puppy Farming) Act 2020</i>	
	60A. Transitional provision for centralised registration system	55
42.	Sections 60B to 60E inserted	56
	60B. Registered unsterilised dogs	56
	60C. Application for registration	57
	60D. Transition period in relation to approval to breed	57
	60E. Transition period for relevant pet shop businesses	57
	Part 3 — <i>Cat Act 2011</i> amended	
43.	Act amended	59
44.	Section 3 amended	59
45.	Section 8 amended	59

46.	Section 12 replaced	60
	12. Local governments to keep record of registered cats in centralised registration system	60
47.	Section 16 amended	60
48.	Section 24 amended	60
49.	Section 25 replaced	61
	25. Notice of change to recorded information	61
50.	Section 33 amended	61
51.	Section 36 amended	62
52.	Sections 40A and 40B inserted	62
	40A. Record of approval to breed cats	62
	40B. Notice of change to information	63
53.	Part 4 Division 1A inserted	63
	Division 1A — Centralised registration system	
	41A. Centralised registration system	63
54.	Section 43A inserted	64
	43A. Delegation by Department CEO	64
55.	Section 76 amended	65
56.	Section 88 inserted	65
	88. Transitional provision for the <i>Dog Amendment (Stop Puppy Farming) Act 2020</i>	65

Western Australia

LEGISLATIVE ASSEMBLY

**Dog Amendment (Stop Puppy Farming)
Bill 2020**

A Bill for

An Act —

- **to amend the *Dog Act 1976* to provide for matters relating to the sterilisation and breeding of dogs and the supply of dogs to and by relevant pet shop businesses; and**
- **to amend the *Dog Act 1976* and the *Cat Act 2011* to provide for a centralised registration system; and**
- **to make other amendments to the *Dog Act 1976* and the *Cat Act 2011*.**

The Parliament of Western Australia enacts as follows:

1
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11

Part 1 — Preliminary

1. Short title

This is the *Dog Amendment (Stop Puppy Farming) Act 2020*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) Part 2 (other than Division 3) — on the day after that day;
- (c) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1

Part 2 — *Dog Act 1976* amended

2

Division 1 — Act amended

3

3. Act amended

4

This Part amends the *Dog Act 1976*.

5

Division 2 — Amendments commencing on day after Royal Assent

6

7

4. Section 33 amended

8

Delete section 33(1) and (3).

9

5. Section 33B amended

10

In section 33B delete “32(4), 33(3)” and insert:

11

12

32(4)

13

14

Division 3 — Amendments commencing on proclamation

15

6. Long title amended

16

In the long title delete “**ownership and keeping of dogs**” and insert:

17

18

19

ownership, breeding and keeping of dogs, the supply of dogs to and by relevant pet shop businesses

20

21

22

7. Section 3 amended

23

(1) In section 3(1) delete the definition of *sterilised*.

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 7

1 (2) In section 3(1) insert in alphabetical order:
2

3 ***approval to breed*** has the meaning given in
4 section 26K(1);

5 ***centralised registration system*** has the meaning given
6 in section 13A(1);

7 ***convicted person*** means a person who has, within the
8 previous 5 years, been convicted of —

9 (a) an offence against —

10 (i) this Act; or

11 (ii) the *Cat Act 2011*; or

12 (iii) the *Animal Welfare Act 2002*;

13 or

14 (b) an offence against a law of the Commonwealth,
15 another State or a Territory that is substantially
16 the same as an offence referred to in
17 paragraph (a);

18 ***Department*** means the department of the Public
19 Service principally assisting the Minister in the
20 administration of this Act;

21 ***designated person*** has the meaning given in
22 section 9B(1);

23 ***dog owner number*** has the meaning given in
24 section 13B(1);

25 ***dog supply approval*** has the meaning given in
26 section 38O(1);

27 ***health certificate*** has the meaning given in
28 section 38N(2)(a);

29 ***non-profit organisation*** means a body corporate,
30 society, club or association formed otherwise than for
31 the purpose of profit or gain to its individual members;

- 1 **offer**, in relation to transfer of ownership, sale or
2 supply, includes advertise, expose or display for
3 transfer of ownership, sale or supply;
- 4 **pet shop**, in relation to a relevant pet shop business,
5 means the shop at, in or from which the relevant pet
6 shop business is conducted;
- 7 **pet shop approval** has the meaning given in
8 section 38C(1)(a);
- 9 **pet shop certificate** means a certificate given under
10 section 54D to a person who holds a pet shop approval;
- 11 **pet shop number** has the meaning given in
12 section 54D(1)(b);
- 13 **refuge operations** means operations conducted by a
14 non-profit organisation for the purposes of providing
15 temporary shelter or care to, and finding suitable
16 homes for, stray, abandoned, seized or surrendered
17 dogs;
- 18 **relevant pet shop business** —
- 19 (a) means a business, or a part of a business, that is
20 conducted at, in or from a shop and involves
21 supplying, or offering to supply, dogs; but
- 22 (b) does not include —
- 23 (i) refuge operations; or
- 24 (ii) operations conducted at, in or from a
25 dog management facility by the operator
26 of the dog management facility; or
- 27 (iii) a business, or a part of a business, of a
28 prescribed class;
- 29 **shop** means a shop that is open to the public generally
30 at specified times or otherwise on a regular basis;

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 7

- 1 *sterilised* has the meaning given in subsection (1A);
2 *supply* includes —
3 (a) sell, trade, give away, take consideration for;
4 and
5 (b) agree to supply, or cause or permit a supply;
6
7 (3) In section 3(1) in the definition of *CEO* delete “department of
8 the Public Service principally assisting the Minister in the
9 administration of this Act;” and insert:
10
11 Department;
12
13 (4) In section 3(1) in the definition of *microchip database*
14 paragraph (a) delete “and its owner; and” and insert:
15
16 (which may include information about its breeder or its owner);
17 and
18
19 (5) In section 3(1) in the definition of *microchip database company*
20 paragraph (b) delete “dog and its owner;” and insert:
21
22 dog;
23
24 (6) In section 3(1) in the definition of *transfer* paragraph (a) delete
25 “for, transfer ownership of and offer for sale; and” and insert:
26
27 for and transfer ownership of; and
28

1 (7) After section 3(1) insert:
2

3 (1A) For the purposes of this Act, a dog is *sterilised* if the
4 dog has been made permanently infertile.
5

6 (8) Delete section 3(2) and insert:
7

8 (2) A person who is shown in the centralised registration
9 system as being the last person recorded as the
10 registered owner of a dog is to be taken to be the owner
11 of that dog, whether or not the registration in their
12 name continues in force, unless they prove that they are
13 not the owner of the dog.
14

15 **8. Section 7 amended**

16 (1) In section 7(1) in the Penalty delete “Penalty:” and insert:
17

18 Penalty for this subsection:
19

20 (2) In section 7(3)(b)(i) delete “Animals (Inc.) of” and insert:
21

22 Animals,
23

24 **9. Section 9 amended**

25 (1) In section 9 delete “It” and insert:
26

27 (1) It
28

1 (2) At the end of section 9 insert:
2

- 3 (2) Nothing in subsection (1) prevents the CEO from —
4 (a) performing the CEO’s functions under this Act;
5 or
6 (b) doing anything the CEO considers appropriate
7 for the purposes of performing those functions.
8

9 **10. Sections 9A and 9B inserted**

10 After section 9 insert:
11

12 **9A. Delegation by CEO**

- 13 (1) The CEO may delegate to a person any function of the
14 CEO under another provision of this Act.
15 (2) The delegation must be in writing signed by the CEO.
16 (3) A person to whom a function is delegated under this
17 section cannot delegate that function.
18 (4) A person performing a function that has been delegated
19 to the person under this section is to be taken to do so
20 in accordance with the terms of the delegation unless
21 the contrary is shown.
22 (5) Nothing in this section limits the ability of the CEO to
23 perform a function through an officer or agent.

24 **9B. Designated persons**

- 25 (1) The CEO may, in writing, authorise persons to perform
26 the functions conferred on designated persons under
27 this Act (each a *designated person*).

- 1 (2) An authorisation under this section may —
2 (a) limit the functions of the designated person to
3 functions specified in the authorisation; and
4 (b) be cancelled by the CEO at any time.
- 5 (3) The CEO is to issue to each designated person a
6 certificate stating that the person is a designated person
7 for the purposes of this Act.
- 8 (4) A designated person must produce the certificate issued
9 under subsection (3) at the reasonable request of a
10 person in respect of whom the designated person
11 exercises, has exercised, or is about to exercise any
12 power under this Act.
13

14 **11. Section 10 amended**

15 In section 10(2) delete “section 9” and insert:

16

17 section 9(1)
18

19 **12. Section 12A amended**

20 Delete section 12A(2) and insert:

21

- 22 (2) With the authority of a warrant or the consent of an
23 occupier who has reached 18 years of age, the
24 following persons may enter and inspect any premises
25 for any purpose relating to the enforcement of this Act
26 and may make any enquiries they think necessary —
27 (a) an authorised person;

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 13

- 1 (b) a designated person;
- 2 (c) in the case of a warrant issued to a person
- 3 referred to in paragraph (a) or (b) — any other
- 4 person named in the warrant.
- 5 (2A) Without limiting subsection (2), the purpose of
- 6 determining whether grounds exist for the cancellation
- 7 of an approval to breed, a pet shop approval or a dog
- 8 supply approval is a purpose relating to the
- 9 enforcement of this Act.
- 10

11 **13. Sections 13A and 13B inserted**

12 At the end of Part II insert:

13

14 **13A. Centralised registration system**

- 15 (1) The CEO must establish and maintain an electronic
- 16 database or system in which information relating to
- 17 dogs can be recorded (the *centralised registration*
- 18 *system*).
- 19 (2) The CEO and each local government is to —
- 20 (a) record in the centralised registration system any
- 21 information that is prescribed; and
- 22 (b) ensure that the information recorded by it in the
- 23 centralised registration system is accurate and
- 24 kept up-to-date.
- 25 (3) The CEO or a local government may cause any error
- 26 in, or omission from, the centralised registration system
- 27 to be corrected.
- 28 (4) Where anything under this Act is required or permitted
- 29 to be done in a manner approved by the CEO or a local
- 30 government, the manner approved by the CEO or the

- 1 local government may, without limitation, involve the
2 use of the centralised registration system.
- 3 (5) Regulations under section 54 may deal with any matter
4 relating to the centralised registration system, including
5 (without limitation) its establishment, maintenance and
6 accessibility (including its accessibility to the public).
- 7 (6) The CEO may establish a single database or system for
8 the purposes of subsection (1) and the *Cat Act 2011*
9 section 41A(1).

10 **13B. Dog owner numbers**

- 11 (1) Regulations under section 54 may require, or otherwise
12 deal with, the issue, for the purposes of this Act, of a
13 unique number (a *dog owner number*) to —
- 14 (a) a person who owns, or has previously owned,
15 1 or more dogs; or
- 16 (b) a person of a prescribed class.
- 17 (2) Regulations under section 54 may deal with any matter
18 relating to dog owner numbers and may, without
19 limitation, require a person to have a dog owner
20 number before transferring ownership of a dog to
21 another person.
22

23 **14. Section 14 replaced**

24 Delete section 14 and insert:
25

26 **14. Local governments to keep record of registered**
27 **dogs in centralised registration system**

- 28 (1) A local government is to keep, using the centralised
29 registration system, an accurate and up-to-date record
30 of dogs registered by the local government.

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 15

- 1 (2) The local government is to record in the centralised
2 registration system the information prescribed in
3 respect of —
4 (a) each dog registered by the local government;
5 and
6 (b) each application for, or renewal of, registration
7 of a dog refused by the local government.
8

9 **15. Section 15 amended**

- 10 (1) In section 15(2) delete “dangerous dog,” and insert:
11

12 dangerous dog or a dog that is not sterilised,
13

- 14 (2) In section 15(3A) after “dog” insert:
15

16 or a dog that is not sterilised
17

18 **16. Section 16 amended**

- 19 (1) In section 16(1):

- 20 (a) in paragraph (b) delete “section 9” and insert:
21

22 section 9(1)
23

- 24 (b) delete the passage that begins with “some person” and
25 continues to the end of the subsection and insert:
26

27 a person on their behalf makes an application to the
28 local government in a manner and form approved by the
29 CEO and accompanied by the prescribed fee, if any.
30

- 1 (2) In section 16(1BA):
- 2 (a) delete “prescribed” and insert:
- 3
- 4 approved
- 5
- 6 (b) after paragraph (a) insert:
- 7
- 8 (aa) if the owner of the dog has been issued with a
- 9 dog owner number, that number; and
- 10
- 11 (c) after paragraph (d) insert:
- 12
- 13 (da) a statement as to whether the dog is sterilised
- 14 and, if the dog is not sterilised, on what basis
- 15 the dog is not required under this Act to be
- 16 sterilised; and
- 17 (db) if known —
- 18 (i) details (including the dog owner
- 19 number) of the breeder and any previous
- 20 owner of the dog; and
- 21 (ii) if the dog was obtained from or through
- 22 a relevant pet shop business, the pet
- 23 shop number for the pet shop;
- 24 and
- 25
- 26 (d) delete paragraph (f) and insert:
- 27
- 28 (f) a statement as to whether the owner of the dog
- 29 is subject to an order under section 46A(2); and
- 30 (g) a statement as to whether the owner of the dog
- 31 holds an approval to breed.
- 32

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 17

1 (3) In section 16(1BB) delete “prescribed” and insert:

2

3 approved

4

5 (4) In section 16(2):

6 (a) in paragraph (a) delete “Act; or” and insert:

7

8 Act and enter the information required under
9 section 14(2)(a) in the centralised registration system; or

10

11 (b) in paragraph (b) delete “any,” and insert:

12

13 any, and enter the information required under
14 section 14(2)(b) in the centralised registration system.

15

16 (c) delete the passage that begins with “and in either” and
17 continues to the end of the subsection.

18 (5) After section 16(3)(da) insert:

19

20 (db) the dog is required under this Act to be
21 sterilised but is not sterilised; or

22

23 **17. Section 16A amended**

24 (1) Delete section 16A(1) and insert:

25

26 (1) If the ownership of a dog, other than a dangerous dog,
27 is transferred to another person, the registered owner
28 must, within 28 days after the transfer, notify the local
29 government with which the dog is registered, in a
30 manner and form approved by the CEO, of —

31 (a) the name and residential address of the new
32 owner; and

1 (b) if the new owner has been issued with a dog
2 owner number, that number.

3 Penalty for this subsection: a fine of \$5 000.
4

5 (2) In section 16A(3) delete “a register” and insert:
6

7 the centralised registration system
8

9 **18. Section 17A amended**

10 (1) In section 17A(1) in the definition of *dog* paragraph (a) delete
11 “section 9” and insert:

12
13 section 9(1)
14

15 (2) After section 17A(2)(d) insert:

16
17 (da) the dog is required under this Act to be
18 sterilised but is not sterilised; or
19

20 **19. Section 20 amended**

21 (1) Delete section 20(1)(b).

22 (2) In section 20(1) in the Penalty delete “Penalty:” and insert:
23

24 Penalty for this subsection:
25

26 (3) Delete section 20(2).

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 20

1 **20. Section 25 amended**

2 In section 25 after “section 24” insert:

3

4 that has been given to it

5

6 **21. Section 26D replaced**

7 Delete section 26D and insert:

8

9 **26D. Notice of change to recorded information**

10 If there is a change to any of the information prescribed
11 under section 14(2)(a) or 24 in respect of a dog, the
12 owner of the dog must, within 7 days after the day on
13 which the owner becomes aware of the change, give
14 notice in writing of the change —

15 (a) to the local government with which the dog is
16 registered, if the change is to the information
17 prescribed under section 14(2)(a); and

18 (b) to the microchip database company for the dog,
19 if the change is to the information prescribed
20 under section 24.

21 Penalty: a fine of \$5 000.

22

1 **22. Part IV inserted**

2 After section 26D insert:

3

4 **Part IV — Sterilisation and breeding of dogs**

5 **Division 1 — Requirement for sterilisation**

6 **26E. Dogs must be sterilised unless exempt**

7 (1) The owner of a dog that has reached the prescribed age
8 must ensure that the dog is sterilised, unless the dog is
9 exempt from sterilisation under subsection (3).

10 Penalty for this subsection: a fine of \$5 000.

11 (2) Where the ownership of a dog that is not sterilised is
12 transferred to another person, subsection (1) does not
13 apply to the new owner before the end of the
14 prescribed period after the day on which the ownership
15 is transferred.

16 (3) A dog is exempt from sterilisation if any of the
17 following applies —

18 (a) the dog was registered under this Act or the law
19 of another State or a Territory so that its
20 registration was in effect at the time
21 immediately before the *Dog Amendment (Stop*
22 *Puppy Farming) Act 2020* section 22 came into
23 operation;

24 (b) a certificate given by a veterinarian stating that
25 sterilising the dog may adversely affect the
26 health and welfare of the dog applies in respect
27 of the dog;

28 (c) the dog is owned by a person who holds an
29 approval to breed;

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 22

- 1 (d) the dog is a greyhound that is registered under
2 the *Racing and Wagering Western Australia*
3 *Act 2003* section 41 and the registration is in
4 effect;
- 5 (e) the dog is sterile;
- 6 (f) the dog belongs to a class of dogs prescribed
7 for the purposes of this subsection.
- 8 (4) A certificate referred to in subsection (3)(b) must
9 state —
- 10 (a) the period for which the certificate applies in
11 respect of the dog; or
- 12 (b) that the certificate applies indefinitely.
- 13 (5) This section does not apply to a dangerous dog
14 (restricted breed).
- 15 **26F. Unsterilised dog must not be identified as sterilised**
- 16 A person must not, in the prescribed manner, identify a
17 dog as sterilised if the dog is not sterilised.
18 Penalty: a fine of \$5 000.
- 19 **26G. Certificate of sterilisation to be given**
- 20 A veterinarian who sterilises a dog must give a
21 certificate of sterilisation to the owner of the dog.
22 Penalty: a fine of \$5 000.
- 23 **26H. Information that must be included in advertising**
24 **material for dog and given to new owner**
- 25 (1) A person who offers a dog as being for sale or
26 otherwise available for transfer of ownership must
27 include the following information in the offer or in any
28 advertising material in respect of the dog —
- 29 (a) if the owner of the dog has been issued with a
30 dog owner number — that number;

1 (b) any information prescribed for the purposes of
2 this subsection.

3 Penalty for this subsection: a fine of \$5 000.

4 (2) A person (the *transferor*) must not transfer the
5 ownership of a dog to another person (the *transferee*)
6 unless the transferor has provided the transferee
7 with —

8 (a) the information referred to in subsection (1);
9 and

10 (b) any information prescribed for the purposes of
11 this subsection.

12 Penalty for this subsection: a fine of \$5 000.

13 (3) Subsections (1) and (2) do not apply to a greyhound
14 that is registered under the *Racing and Wagering*
15 *Western Australia Act 2003* section 41 while the
16 registration is in effect.

17 **Division 2 — Breeding of dogs**

18 **26I. Only holder of approval may breed dogs**

19 (1) If the owner of a dog does not hold an approval to
20 breed granted by the local government in whose district
21 the dog is ordinarily kept, the owner of the dog must
22 ensure that the dog does not give birth.

23 Penalty for this subsection: a fine of \$5 000.

24 (2) A person does not commit an offence under
25 subsection (1) if —

26 (a) after the dog gives birth, an approval to breed is
27 granted to the person by the local government
28 in whose district the dog is ordinarily kept; and

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 22

- 1 (b) the application for the grant of the approval was
2 made before the day on which the dog gives
3 birth or within 7 days after that day.
- 4 (3) A person does not commit an offence under
5 subsection (1) if the dog —
- 6 (a) is a greyhound that is registered under the
7 *Racing and Wagering Western Australia*
8 *Act 2003* section 41 and the registration is in
9 effect at the time of the birth; or
- 10 (b) belongs to a class of dogs prescribed for the
11 purposes of this subsection.
- 12 (4) It is a defence to a charge under subsection (1) to prove
13 that, at the time the dog was impregnated, the owner
14 honestly and reasonably believed the dog was sterilised
15 or otherwise sterile.

16 **26J. Court may order sterilisation**

- 17 (1) If a person is convicted of an offence under
18 section 26I(1), the court may, in addition to any penalty
19 imposed under that section, order that the person
20 ensure that any, or all, dogs owned by the person, as
21 specified in the order, are sterilised within the time
22 ordered by the court.
- 23 (2) A court that makes an order under subsection (1) is to
24 ensure that a copy of the order is provided to the local
25 government of the district in which the person subject
26 to the order lives.
- 27 (3) An order under subsection (1) may be enforced as if it
28 were a judgment of the court.

- 1 **26K. Application for approval to breed**
- 2 (1) The owner of a dog that is ordinarily kept in the district
3 of a local government may apply to the local
4 government for the grant of an approval to breed dogs
5 (an *approval to breed*).
- 6 (2) An application for the grant of an approval to breed
7 must be made in accordance with Part X Division 2.
- 8 **26L. Approval to breed**
- 9 (1) On receiving an application for the grant of an approval
10 to breed, a local government is to grant or refuse to
11 grant the approval.
- 12 (2) The local government may refuse to grant an approval
13 to breed only if the local government is satisfied that at
14 least one of the following applies —
- 15 (a) the applicant is an individual under 18 years of
16 age;
- 17 (b) the applicant is a convicted person;
- 18 (c) the applicant does not have access to any, or to
19 sufficient, facilities to breed dogs in accordance
20 with the requirements of any relevant written
21 law;
- 22 (d) the applicant is not a fit and proper person to
23 breed dogs;
- 24 (e) a circumstance prescribed for the purposes of
25 this subsection.
- 26 (3) An approval to breed is subject to any conditions the
27 local government —
- 28 (a) considers necessary or desirable to impose; and
29 (b) specifies in the approval.

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 23

1 (4) The local government may, at any time by written
2 notice to the holder of the approval to breed, amend or
3 revoke the conditions, or impose new conditions, on
4 the approval.

5 (5) An approval to breed remains in force unless and until
6 it is cancelled in accordance with section 26M.

7 **26M. Cancellation of approval to breed**

8 A local government may cancel an approval to breed
9 that the local government granted to a person only if
10 the person requests that the local government cancel
11 the approval or the local government is satisfied that —

- 12 (a) any of the things set out in section 26L(2)
13 applies in relation to the person; or
14 (b) the person has not complied with a condition
15 imposed on the approval; or
16 (c) the person no longer keeps any dogs in the
17 district of the local government; or
18 (d) the person has not complied with a requirement
19 under this Act or the *Animal Welfare Act 2002*;
20 or
21 (e) a circumstance prescribed for the purposes of
22 this section applies.
23

24 **23. Section 27 amended**

25 (1) In section 27(2) in the Penalty delete “Penalty:” and insert:
26

27 Penalty for this subsection:
28

1 (2) In section 27(4) delete “the prescribed manner and form,” and
2 insert:

3

4 a manner and form approved by the local government,

5

6 **24. Section 29 amended**

7 (1) After section 29(3)(ca) insert:

8

9 (caa) a dog is required under this Act to be sterilised
10 but is not sterilised; or

11

12 (2) After section 29(3) insert:

13

14 (4AA) In relation to subsection (3)(caa), an authorised person
15 may enter any premises and seize and detain the dog
16 under subsection (3) if —

17 (a) the entry is under a warrant issued under
18 subsection (5C); or

19 (b) an occupier of the premises who has reached
20 18 years of age consents to the entry.

21

22 (3) In section 29(4) delete “fees” and insert:

23

24 fees, costs

25

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 25

1 (4) After section 29(5b) insert:

2

3 (5C) If a Justice of the Peace is satisfied that there are
4 reasonable grounds to believe that a dog is required
5 under this Act to be sterilised but is not sterilised, the
6 Justice of the Peace may issue a warrant authorising
7 any authorised person to enter any premises and seize
8 and detain the dog under subsection (3).

9

10 (5) In section 29(8) delete “section 33G,” and insert:

11

12 sections 30A and 33G,

13

14 **25. Section 30A amended**

15 (1) In section 30A(1) delete the passage that begins with “if the
16 operator” and continues to the end of the subsection and insert:

17

18 if the operator believes on reasonable grounds that the dog is not
19 microchipped and is required under section 21 or 22 to be
20 microchipped.

21

22 (2) Delete section 30A(2) and insert:

23

24 (1A) The operator of a dog management facility may cause a
25 dog kept at the facility to be sterilised before the dog is
26 reclaimed or otherwise transferred from the facility
27 if —

28 (a) the owner of the dog consents to the
29 sterilisation; or

- 1 (b) the operator —
- 2 (i) believes on reasonable grounds that the
- 3 dog is not sterilised; and
- 4 (ii) if required to give notice under
- 5 subsection (1B) — has given the notice
- 6 and the period specified in the notice
- 7 has passed; and
- 8 (iii) believes on reasonable grounds that the
- 9 dog is required under this Act to be
- 10 sterilised.
- 11 (1B) If the operator of a dog management facility proposes
- 12 to cause a dog kept at the facility to be sterilised, the
- 13 operator must, if the operator knows the identity of the
- 14 owner of the dog, give notice in writing to the
- 15 owner —
- 16 (a) stating that the operator proposes to cause the
- 17 dog to be sterilised; and
- 18 (b) inviting the owner, within the period specified
- 19 in the notice (which must not be less than
- 20 7 days from the day the notice is given), to
- 21 make submissions to the operator as to why the
- 22 dog is not required under this Act to be
- 23 sterilised.
- 24 (2) The owner of a dog kept at a dog management facility
- 25 is liable to pay to the operator of the facility the
- 26 reasonable costs associated with any of the
- 27 following —
- 28 (a) the implantation of a microchip in the dog
- 29 under subsection (1);

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 26

- 1 (b) the sterilisation of the dog under
2 subsection (1A).
3

4 Note: The heading to amended section 30A is to read:

5 **Operator of dog management facility may have dog microchipped**
6 **or sterilised at owner's expense**

7 **26. Section 30 amended**

- 8 (1) In section 30(2) in the Penalty delete "Penalty:" and insert:
9

10 Penalty for this subsection:
11

- 12 (2) In section 30(3) delete "subsection (1)(a)" and insert:
13

14 subsection (1)
15

16 **27. Section 33A amended**

- 17 (1) In section 33A(2)(a) delete "a pet shop or".

- 18 (2) In section 33A(3) in the Penalty delete "Penalty:" and insert:
19

20 Penalty for this subsection:
21

22 **28. Section 33K amended**

- 23 (1) In section 33K(1) in the Penalty delete "Penalty:" and insert:
24

25 Penalty for this subsection:
26

- 1 (2) In section 33K(2) in the Penalty delete “Penalty:” and insert:
2
- 3 Penalty for this subsection:
4
- 5 (3) In section 33K(3) in the Penalty delete “Penalty:” and insert:
6
- 7 Penalty for this subsection:
8
- 9 (4) In section 33K(4) delete “transferred —” and insert:
10
- 11 transferred, in addition to the information referred to in
12 section 26H(2) —
13
- 14 (5) In section 33K(4) in the Penalty delete “Penalty:” and insert:
15
- 16 Penalty for this subsection:
17
- 18 (6) In section 33K(5A) after “transferred,” insert:
19
- 20 in addition to the information referred to in section 26H(2),
21
- 22 (7) In section 33K(5A) in the Penalty delete “Penalty:” and insert:
23
- 24 Penalty for this subsection:
25

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 29

1 (8) In section 33K(5) in the Penalty delete “Penalty:” and insert:

2

3 Penalty for this subsection:

4

5 **29. Section 34 amended**

6 In section 34(4) in the Penalty delete “Penalty:” and insert:

7

8 Penalty for this subsection:

9

10 **30. Part VIA inserted**

11 After section 38 insert:

12

13 **Part VIA — Pet shops and supply of dogs to**
14 **relevant pet shop businesses**

15 **Division 1 — Preliminary**

16 **38A. Supply of dogs to relevant pet shop businesses**

17 For the purposes of this Part, a person supplies a dog to
18 a relevant pet shop business if —

19 (a) the person supplies the dog to the person who
20 conducts the relevant pet shop business, or a
21 person acting on their behalf; and

22 (b) the person who conducts the relevant pet shop
23 business, or the person acting on their behalf, is
24 acting for the purposes of the business.

1 **Division 2 — Approval of pet shop for relevant pet shop**
2 **business**

3 **38B. Pet shop for relevant pet shop business must be**
4 **approved**

5 A person must not conduct a relevant pet shop business
6 unless the person holds a pet shop approval for the pet
7 shop granted by the local government in whose district
8 the pet shop is located.

9 Penalty: a fine of \$10 000.

10 **38C. Application for pet shop approval**

11 (1) A person who intends to conduct, or who conducts, a
12 relevant pet shop business may apply to the local
13 government in whose district the pet shop is located
14 for —

15 (a) the grant of an approval for the pet shop (a *pet*
16 *shop approval*); or

17 (b) the renewal of the pet shop approval for the pet
18 shop.

19 (2) An application for the grant or renewal of a pet shop
20 approval must be made in accordance with Part X
21 Division 2.

22 **38D. Pet shop approval**

23 (1) On receiving an application for the grant or renewal of
24 a pet shop approval, a local government is to —

25 (a) grant or refuse to grant the pet shop approval;
26 or

27 (b) renew or refuse to renew the pet shop approval.

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 30

- 1 (2) The local government may refuse to grant or renew a
2 pet shop approval only if the local government is
3 satisfied that at least one of the following applies —
4 (a) the applicant is a convicted person;
5 (b) in the case of a renewal — a circumstance in
6 section 38E(c), (d), (e) or (f);
7 (c) the facilities that the applicant proposes to use,
8 or uses, to keep dogs for the purposes of the
9 relevant pet shop business do not meet the
10 requirements of any relevant written law;
11 (d) a circumstance prescribed for the purposes of
12 this subsection.
- 13 (3) The approval is subject to any conditions the local
14 government —
15 (a) considers necessary or desirable to impose; and
16 (b) specifies in the approval.
- 17 (4) The local government may, at any time by written
18 notice to the holder of the approval, amend or revoke
19 the conditions, or impose new conditions, on the
20 approval.
- 21 (5) A pet shop approval has effect for the period of 1 year
22 beginning on the day on which the approval is granted
23 or, in the case of a renewal, the day on which the
24 approval is renewed, unless it is cancelled earlier in
25 accordance with section 38E.

26 **38E. Cancellation of pet shop approval**

- 27 A local government may cancel a pet shop approval
28 that the local government granted to a person only if
29 the person requests that the local government cancel
30 the approval or the local government is satisfied that —
31 (a) any of the things set out in section 38D(2)(a),
32 (c) or (d) applies in relation to the person; or

- 1 (b) the person does not need the approval; or
- 2 (c) the person has not complied with a condition
- 3 imposed on the approval; or
- 4 (d) the person has not complied with a requirement
- 5 under this Act or the *Animal Welfare Act 2002*;
- 6 or
- 7 (e) there has been a contravention of this Act or the
- 8 *Animal Welfare Act 2002* in relation to the
- 9 relevant pet shop business conducted by the
- 10 person or the pet shop to which the approval
- 11 relates; or
- 12 (f) a circumstance prescribed for the purposes of
- 13 this section applies.

14 **38F. Continuation of pet shop approval until application**
15 **for renewal decided**

- 16 (1) This section applies if —
- 17 (a) a person who holds a pet shop approval applies,
- 18 before the expiry of the approval, for the
- 19 renewal of the approval; and
- 20 (b) the local government has not renewed the
- 21 approval or given notice to the person of its
- 22 decision to refuse to renew the approval.
- 23 (2) The pet shop approval continues to have effect, despite
- 24 the date of its expiry passing, until the local
- 25 government renews the approval or has given notice to
- 26 the person of its decision to refuse to renew the
- 27 approval.

1 **Division 3 — Obligations of person conducting relevant**
2 **pet shop business**

3 **38G. Relevant pet shop business only to supply dogs**
4 **obtained from holder of dog supply approval**

5 A person who conducts a relevant pet shop business
6 must ensure that a dog is not supplied or offered for
7 supply in the course of the relevant pet shop business
8 unless the dog was supplied to the relevant pet shop
9 business by the holder of a dog supply approval.

10 Penalty: a fine of \$10 000.

11 **38H. Pet shop to display certificate of registration**

12 A person who conducts a relevant pet shop business
13 must ensure that the pet shop certificate for the pet
14 shop is displayed publicly at the pet shop.

15 Penalty: a fine of \$5 000.

16 **38I. Person conducting relevant pet shop business to**
17 **provide certain information**

18 A person who conducts a relevant pet shop business
19 must ensure that —

20 (a) any person who is supplied with a dog in the
21 course of the relevant pet shop business is
22 provided, before the dog is supplied, with —

23 (i) the prescribed information about the
24 person who supplied the dog to the
25 relevant pet shop business; and

26 (ii) the pet shop number for the pet shop;

27 and

- 1 (b) any person to whom the supply of a dog is
2 offered in the course of the relevant pet shop
3 business is, if the person requests, provided
4 with —
5 (i) the prescribed information about the
6 person who supplied the dog to the
7 relevant pet shop business; and
8 (ii) the pet shop number for the pet shop.

9 Penalty: a fine of \$5 000.

10 **38J. Person conducting relevant pet shop business to**
11 **provide copy of health certificate**

12 A person who conducts a relevant pet shop business
13 must ensure that —

- 14 (a) any person who is supplied with a dog in the
15 course of the relevant pet shop business is
16 provided, before the dog is supplied, with a
17 copy of the health certificate for the dog; and
18 (b) any person to whom the supply of a dog is
19 offered in the course of the relevant pet shop
20 business is, if the person requests, provided
21 with a copy of the health certificate for the dog.

22 Penalty: a fine of \$5 000.

23 **38K. Person conducting relevant pet shop business to**
24 **keep records relating to source of dogs**

- 25 (1) In this section —
26 *relevant dog*, in relation to a person who conducts a
27 relevant pet shop business, means each of the
28 following —
29 (a) a dog kept for the purposes of the relevant pet
30 shop business;

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 30

- 1 (b) a dog that is supplied or offered for supply in
2 the course of the relevant pet shop business.
- 3 (2) A person who conducts a relevant pet shop business
4 must keep, in relation to each relevant dog, a record
5 that —
- 6 (a) contains the prescribed information about the
7 dog, including information about the person
8 who supplied the dog to the relevant pet shop
9 business; and
- 10 (b) includes any evidence necessary to enable the
11 information in the record to be verified.
- 12 (3) The person must keep the record, even if the person
13 ceases to conduct the relevant pet shop business —
- 14 (a) in the prescribed way, if any; and
15 (b) until —
- 16 (i) in relation to a dog kept for the purposes
17 of the relevant pet shop business — the
18 end of the period of 5 years after the day
19 on which the relevant dog ceased being
20 kept for the purposes of the relevant pet
21 shop business; and
- 22 (ii) in relation to a dog that is supplied or
23 offered for supply in the course of the
24 relevant pet shop business — the end of
25 the period of 5 years after the day on
26 which the dog is supplied or first
27 offered for supply.
- 28 (4) If the regulations prescribe a time within which a
29 record referred to in subsection (2) must be made, the
30 record must be made within that time.

1 (5) A person who fails to comply with this section
2 commits an offence.

3 Penalty for this subsection: a fine of \$10 000.

4 **38L. Person conducting relevant pet shop business to**
5 **provide information to local government**

6 (1) A local government may request a person who
7 conducts or has conducted a relevant pet shop business,
8 the pet shop for which is or was located in the local
9 government's district, to provide the local government
10 with any record, information or evidence the person is
11 required to keep under section 38K.

12 (2) The local government may take extracts from, or make
13 copies of, any record, information or evidence
14 provided.

15 (3) A request made under subsection (1) must specify the
16 time within which the record, information or evidence
17 must be provided to the local government.

18 (4) A person must comply with a request made of the
19 person under subsection (1) within the time specified in
20 the request (or, if another time is agreed between the
21 local government and the person, within that time).

22 Penalty for this subsection: a fine of \$10 000.

23 **38M. Self-incrimination**

24 (1) A person is not excused from complying with a request
25 under section 38L to provide a record, information or
26 evidence on the ground that the record, information or
27 evidence might incriminate the person or make the
28 person liable to a penalty.

- 1 (2) However, any record, information or evidence
2 provided by an individual in compliance with a request
3 under section 38L is not admissible in evidence in any
4 proceedings against the individual for an offence other
5 than proceedings for an offence against this Act or
6 arising out of the false or misleading nature of the
7 record, information or evidence.

8 **Division 4 — Dog supply approval**

9 **38N. Only holder of dog supply approval may supply**
10 **dogs to relevant pet shop businesses**

- 11 (1) A person (the *supplier*) must not supply a dog to a
12 relevant pet shop business unless —
13 (a) the dog is a stray, abandoned, seized or
14 surrendered dog that is being kept —
15 (i) as part of refuge operations conducted
16 by the supplier; or
17 (ii) in a dog management facility operated
18 by the supplier;
19 and
20 (b) the supplier holds a dog supply approval.

21 Penalty for this subsection: a fine of \$10 000.

- 22 (2) A person (the *supplier*) must not supply a dog to a
23 relevant pet shop business unless the supplier has —
24 (a) obtained, in respect of the dog, a certificate
25 issued by a veterinarian that declares that the
26 veterinarian has completed a health assessment
27 of the dog and that outlines the prescribed
28 information in relation to the health status of
29 the dog (a *health certificate*); and

- 1 (b) provided the person who conducts the relevant
2 pet shop business, or the person acting on their
3 behalf, with a copy of the health certificate.

4 Penalty for this subsection: a fine of \$5 000.

5 **380. Person conducting refuge operations or operating**
6 **dog management facility may apply for dog supply**
7 **approval**

- 8 (1) A person who conducts refuge operations or is the
9 operator of a dog management facility may apply to the
10 CEO for the grant of an approval to supply to relevant
11 pet shop businesses dogs kept as part of the refuge
12 operations or in the dog management facility (a *dog*
13 *supply approval*).
- 14 (2) An application for the grant of an approval must —
- 15 (a) be made in a manner and form approved by the
16 CEO; and
- 17 (b) contain the information prescribed; and
- 18 (c) without limiting paragraph (b), contain
19 information regarding the intended sources of
20 dogs to be supplied; and
- 21 (d) be accompanied by the fee, if any, prescribed;
22 and
- 23 (e) comply with any other requirements that are
24 prescribed.
- 25 (3) The CEO may require the applicant to give the CEO,
26 within a specified time, any document or information
27 that the CEO requires to determine the application and
28 may require the applicant to verify the information by
29 statutory declaration.

- 1 (4) The CEO may refuse to consider an application if the
2 applicant does not comply with a requirement under
3 subsection (3) within the specified time.
- 4 **38P. Dog supply approval**
- 5 (1) On receiving an application for the grant of a dog
6 supply approval, the CEO is to grant or refuse to grant
7 the dog supply approval.
- 8 (2) The CEO may refuse to grant a dog supply approval
9 only if the CEO is satisfied that at least one of the
10 following applies —
- 11 (a) the applicant is a convicted person;
- 12 (b) in the case of an applicant who purports to
13 conduct refuge operations — there are
14 reasonable grounds to suspect that the applicant
15 is not conducting genuine refuge operations;
- 16 (c) the dog management facility does not, or the
17 facilities that the applicant uses to keep dogs
18 for the purposes of the refuge operations do not,
19 meet the requirements of any relevant written
20 law;
- 21 (d) a local government objects to the grant of the
22 approval;
- 23 (e) a circumstance prescribed for the purposes of
24 this subsection.
- 25 (3) The approval is subject to any conditions the CEO —
- 26 (a) considers necessary or desirable to impose; and
27 (b) specifies in the approval.
- 28 (4) The CEO may, at any time by written notice to the
29 holder of the approval, amend or revoke the conditions,
30 or impose new conditions, on the approval.

- 1 (5) A dog supply approval remains in force unless and
2 until it is cancelled in accordance with section 38Q.

3 **38Q. Cancellation of dog supply approval**

4 The CEO may cancel a dog supply approval granted to
5 a person only if the person requests that the CEO
6 cancel the approval or the CEO is satisfied that —

- 7 (a) any of the things set out in section 38P(2)
8 applies in relation to the person; or
9 (b) the person does not need the approval; or
10 (c) the person has not complied with a condition
11 imposed on the approval; or
12 (d) the person has supplied to a relevant pet shop
13 business a dog which the CEO suspects, on
14 reasonable grounds, is not a stray, abandoned,
15 seized or surrendered dog; or
16 (e) the person has not complied with a requirement
17 under this Act or the *Animal Welfare Act 2002*;
18 or
19 (f) there has been a contravention of this Act or the
20 *Animal Welfare Act 2002* in relation to the
21 refuge operations or dog management facility
22 to which the approval relates; or
23 (g) a circumstance prescribed for the purposes of
24 this section applies.

25 **38R. Notice of certain decisions made under this Division**

- 26 (1) This section applies to each of the following —
27 (a) a decision to refuse to grant a dog supply
28 approval;

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 30

- 1 (b) a decision to cancel a dog supply approval
2 (other than a decision to cancel the approval at
3 the request of the person who held the
4 approval);
- 5 (c) a decision to impose or amend conditions on a
6 dog supply approval.
- 7 (2) Within 7 days after the day on which the CEO makes a
8 decision referred to in subsection (1), the CEO is to
9 give to the applicant for, or holder of, the approval to
10 which the decision relates written notice of the decision
11 and the reasons for the decision.
- 12 (3) The regulations may provide for the review by the
13 State Administrative Tribunal of a decision of the CEO
14 referred to in subsection (1) and may provide for the
15 effect of a decision to be suspended while a right of
16 review exists or a review is underway.
- 17 **38S. Record of dog supply approval**
- 18 (1) As soon as practicable after the CEO makes a decision
19 to grant or refuse to grant a dog supply approval, the
20 CEO is to enter the decision and the prescribed
21 information in the centralised registration system.
- 22 (2) The CEO is to ensure that the information recorded
23 under subsection (1) is updated to reflect —
- 24 (a) any change to the information notified under
25 section 38T; and
- 26 (b) any imposition or amendment of conditions on
27 the dog supply approval; and
- 28 (c) any cancellation of the dog supply approval;
29 and

- 1 (d) the outcome of any review provided for under
2 section 38R(3).

3 **38T. Notice of change to information**

4 The holder of a dog supply approval must, within
5 7 days after the day on which the holder becomes
6 aware of a change to any of the information prescribed
7 under section 38S(1) in respect of the dog supply
8 approval, give notice in writing of the change to the
9 CEO.

10 Penalty: a fine of \$5 000.

11 **Division 5 — Obligations of holder of dog supply**
12 **approval**

13 **38U. Holder of dog supply approval to keep records**

- 14 (1) A person who holds a dog supply approval must keep,
15 in relation to each dog supplied by the person to a
16 relevant pet shop business, a record that —
17 (a) contains the prescribed information in relation
18 to the source and history of the dog; and
19 (b) includes any evidence necessary to enable the
20 information in the record to be verified.
- 21 (2) The person must keep the record, even if the person
22 ceases to hold the dog supply approval —
23 (a) in the prescribed way, if any; and
24 (b) for 5 years after the day on which the dog was
25 supplied by the person.

Dog Amendment (Stop Puppy Farming) Bill 2020

Part 2 Dog Act 1976 amended

Division 3 Amendments commencing on proclamation

s. 30

- 1 (3) If the regulations prescribe a time within which a
2 record referred to in subsection (1) must be made, the
3 record must be made within that time.
- 4 (4) A person who fails to comply with this section
5 commits an offence.
6 Penalty for this subsection: a fine of \$5 000.
- 7 **38V. Holder of dog supply approval to provide**
8 **information to CEO**
- 9 (1) The CEO may request a person who holds or has held a
10 dog supply approval to provide the CEO with any of
11 the following —
- 12 (a) any record, information or evidence the person
13 is required to keep under section 38U;
- 14 (b) any other information, evidence or document
15 that the CEO requires to determine if the dog
16 supply approval should remain in force.
- 17 (2) The CEO may take extracts from, or make copies of,
18 any record, information, evidence or document
19 provided.
- 20 (3) A request made under subsection (1) must specify the
21 time within which the record, information, evidence or
22 document must be provided to the CEO.
- 23 (4) A person must comply with a request made of the
24 person under subsection (1) within the time specified in
25 the request (or, if another time is agreed between the
26 CEO and the person, within that time).
27 Penalty for this subsection: a fine of \$5 000.

- 1 **38W. Holder of dog supply approval to provide**
2 **information to local government**
- 3 (1) In this section, a relevant pet shop business is an
4 *applicable pet shop business* in relation to a local
5 government if the pet shop is located in the local
6 government’s district.
- 7 (2) A local government may request a person who holds or
8 has held, or purports to hold or have held, a dog supply
9 approval, and who supplies or has supplied dogs to an
10 applicable pet shop business, to provide the local
11 government with any of the following —
- 12 (a) evidence that the person holds or has held the
13 dog supply approval;
- 14 (b) a copy of the health certificate of any dog
15 supplied by the person to an applicable pet shop
16 business in the previous 5 years or, if a shorter
17 period, the period since the person was granted
18 the dog supply approval.
- 19 (3) The local government may take extracts from, or make
20 copies of, any evidence or copy provided.
- 21 (4) A request made under subsection (2) must specify the
22 time within which the evidence or copy must be
23 provided to the local government.
- 24 (5) A person must comply with a request made of the
25 person under subsection (2) within the time specified in
26 the request (or, if another time is agreed between the
27 local government and the person, within that time).
- 28 Penalty for this subsection: a fine of \$5 000.

1 **38X. Self-incrimination**

2 (1) A person is not excused from complying with a request
3 under this Division to provide information, evidence, a
4 record or a document on the ground that the
5 information, evidence, record or document might
6 incriminate the person or make the person liable to a
7 penalty.

8 (2) However, any information, evidence, record or
9 document provided by an individual in compliance
10 with a request under this Division is not admissible in
11 evidence in any proceedings against the individual for
12 an offence other than proceedings for an offence
13 against this Act or arising out of the false or misleading
14 nature of the information, evidence, record or
15 document.

16
17 **31. Section 43AA inserted**

18 After section 43 insert:
19

20 **43AA. False or misleading information**

- 21 (1) A person must not do anything set out in
22 subsection (2) —
- 23 (a) in, or in connection with, an application for an
24 approval under this Act; or
 - 25 (b) in, or in connection with, a notice or document
26 given under this Act; or
 - 27 (c) in dealing with a person who is performing a
28 function under this Act; or

- 1 (d) in compliance, or purported compliance, with a
2 requirement under this Act.
- 3 Penalty for this subsection: a fine of \$5 000.
- 4 (2) The things to which subsection (1) applies are making
5 a statement or giving information that —
- 6 (a) the person knows is false or misleading in a
7 material particular; or
- 8 (b) omits anything without which the statement or
9 information is, to the person’s knowledge,
10 misleading in a material particular.
11

12 **32. Section 43A amended**

- 13 (1) At the beginning of section 43A insert:
14
- 15 (1) In this section —
16 *relevant person* means an authorised person or a
17 designated person.
18
- 19 (2) In section 43A delete the passage that begins with “A person
20 who” and ends with “residence.” and insert:
21
- 22 (2) A person who is alleged by a relevant person to be
23 concerned in the commission of an offence against this
24 Act must give to that relevant person on demand their
25 full name, date of birth and residential address.
26

1 (3) In section 43A in the Penalty delete “Penalty:” and insert:

2

3 Penalty for this subsection:

4

5 **33. Section 43B inserted**

6 After section 43A insert:

7

8 **43B. General powers of relevant persons**

9 (1) In this section —

10 *authorised purpose* means the purpose of investigating
11 whether, or collecting evidence that —

12 (a) an offence is being, or has been, committed
13 against this Act; or

14 (b) grounds exist for the cancellation of an
15 approval to breed, a pet shop approval or a dog
16 supply approval;

17 *relevant person* means an authorised person or a
18 designated person.

19 (2) A relevant person may, in any premises lawfully
20 entered, do any one or more of the following as is
21 reasonably required for an authorised purpose —

22 (a) examine, seize, copy or take extracts from a
23 document;

24 (b) take photographs, films and audio, video or
25 other recordings;

26 (c) direct a person to answer questions;

27 (d) examine, including by scanning, a dog;

- 1 (e) take any other action that the relevant person
2 believes, on reasonable grounds, is necessary.
3

4 **34. Section 44 amended**

- 5 (1) After section 44(2)(b) insert:
6

- 7 (ba) by the CEO or a designated person; or
8

- 9 (2) In section 44(3) delete the passage that begins with
10 “government no” and ends with “authorised shall be” and insert:
11

12 government, the CEO or a designated person, no proof is
13 required that the person is authorised to take the proceedings
14 (or, in the case of an employee of a local government, of the
15 appointment of that employee as an employee of the local
16 government), but the averment on the process that the person is
17 authorised to take the proceedings is
18

19 **35. Section 45 amended**

20 In section 45(1):

- 21 (a) in paragraph (a)(xii) and (xiii) delete “3 months of” and
22 insert:
23

24 a certain
25

- 26 (b) in paragraph (b) delete “the age of 3 months” and insert:
27

28 a certain age
29

s. 36

1 **36. Section 45A amended**

2 In section 45A(4) delete “the local government by whom that
3 person was notified of the commission of the offence that the
4 modified penalty has been paid to that local government shall
5 be” and insert:

6

7 the local government or designated person by whom that person
8 was notified of the commission of the offence that the modified
9 penalty has been paid to that local government or designated
10 person is

11

12 **37. Part X heading replaced**

13 Delete the heading to Part X and insert:

14

15 **Part X — Miscellaneous**

16

17 **38. Part X Division 1 heading inserted**

18 At the beginning of Part X insert:

19

20 **Division 1 — Regulations**

21

22 **39. Section 54 amended**

23 After section 54(2B) insert:

24

25 (2C) Despite the *Interpretation Act 1984* section 45(3), the
26 *Interpretation Act 1984* section 45(1) and (2) applies to
27 subsidiary legislation made under a power conferred by
28 this Act.

- 1 (2D) Without limiting subsection (1), regulations may
2 require or permit any notice, information or document
3 required or authorised to be given under this Act to be
4 given in a certain way or ways, including by using the
5 centralised registration system.
6

7 **40. Part X Division 2 inserted**

8 At the end of Part X insert:
9

10 **Division 2 — Local government approvals**

11 **Subdivision 1 — Applications for approval**

12 **54A. Applications**

- 13 (1) An application for the grant of an approval to breed, or
14 for the grant or renewal of a pet shop approval, must —
15 (a) be made in a manner and form approved by the
16 CEO; and
17 (b) contain the information prescribed; and
18 (c) be accompanied by the fee, if any, prescribed;
19 and
20 (d) comply with any other requirements that are
21 prescribed.
- 22 (2) A local government that receives an application may
23 require the applicant to give the local government,
24 within a specified time, any document or information
25 that the local government requires to determine the
26 application and may require the applicant to verify the
27 information by statutory declaration.

s. 40

- 1 (3) The local government may refuse to consider an
2 application if the applicant does not comply with a
3 requirement under subsection (2) within the specified
4 time.

5 **54B. Record of approval**

- 6 (1) As soon as practicable after a local government makes
7 a decision to grant or refuse to grant an approval to
8 breed or a pet shop approval, or to renew or refuse to
9 renew a pet shop approval, the local government is to
10 enter the decision and the prescribed information in the
11 centralised registration system.
- 12 (2) A local government is to ensure that the information
13 recorded under subsection (1) is updated to reflect —
- 14 (a) any change to the information notified under
15 section 54C; and
- 16 (b) any imposition or amendment of conditions on
17 the approval to breed or pet shop approval; and
- 18 (c) any expiry or cancellation of the approval to
19 breed or pet shop approval; and
- 20 (d) the outcome of any objection or review under
21 section 54G or 54H.

22 **54C. Notice of change to information**

23 The holder of an approval to breed or a pet shop
24 approval must, within 7 days after the day on which the
25 holder becomes aware of a change to any of the
26 information prescribed under section 54B(1) in respect
27 of the approval, give notice in writing of the change to
28 the local government that granted the approval.

29 Penalty: a fine of \$5 000.

1 **54D. Certificate and unique number to be given to holder**
2 **of approval**

- 3 (1) If a local government grants an approval to breed or a
4 pet shop approval to a person, the local government
5 must —
- 6 (a) give the person a certificate containing the
7 prescribed information; and
- 8 (b) in the case of a pet shop approval — issue the
9 person with a unique number for the pet shop to
10 which the approval relates (a *pet shop*
11 *number*).
- 12 (2) If a local government renews a pet shop approval held
13 by a person, the local government must give the person
14 a certificate containing the prescribed information.
- 15 (3) A local government may give a person who holds an
16 approval to breed or a pet shop approval granted by the
17 local government a new certificate if the local
18 government is satisfied that the person's certificate has
19 been stolen, lost, damaged or destroyed.

20 **Subdivision 2 — Objection and review process**

21 **54E. Notice of certain decisions made by local**
22 **government**

- 23 (1) This section applies to each of the following —
- 24 (a) a decision to refuse to grant an approval to
25 breed;
- 26 (b) a decision to refuse to grant or renew a pet shop
27 approval;

s. 40

- 1 (c) a decision to cancel an approval to breed or a
2 pet shop approval (other than a decision to
3 cancel the approval at the request of the person
4 who held the approval);
- 5 (d) a decision to impose or amend conditions on an
6 approval to breed or a pet shop approval.
- 7 (2) Within 7 days after the day on which a local
8 government makes a decision referred to in
9 subsection (1), the local government is to give to the
10 applicant for, or holder of, the approval to which the
11 decision relates written notice of —
- 12 (a) the decision; and
13 (b) the reasons for the decision; and
14 (c) the person’s rights under sections 54F and 54H
15 either —
- 16 (i) to lodge a written objection against the
17 decision with the local government,
18 with a subsequent right to apply to the
19 State Administrative Tribunal for a
20 review of the decision made by the local
21 government on the objection; or
22 (ii) to apply directly to the State
23 Administrative Tribunal for a review of
24 the decision.

25 **54F. Objection may be lodged**

- 26 (1) A person who has been given notice under section 54E
27 of a decision by a local government may, within
28 28 days after the day on which the person was given
29 the notice, object in writing to the decision.
- 30 (2) The objection is made by preparing it in a form
31 approved by the CEO and containing the information
32 prescribed, and lodging it with the local government in
33 a manner approved by the local government.

- 1 (3) Subsection (1) does not apply if the person has applied
2 for a review of the decision under section 54H.

3 **54G. Dealing with objection**

- 4 (1) The objection is to be dealt with by the council of the
5 local government or by a committee authorised by the
6 council to deal with the objection.
- 7 (2) A committee cannot deal with an objection against a
8 decision that the committee made or a decision that the
9 council made.
- 10 (3) The person who made the objection is to be given a
11 reasonable opportunity to make submissions on how to
12 dispose of the objection.
- 13 (4) The objection may be disposed of by —
14 (a) dismissing the objection; or
15 (b) varying the decision objected to; or
16 (c) revoking the decision objected to, with or
17 without substituting for it another decision.
- 18 (5) The local government is to ensure that the person who
19 made the objection is given notice in writing of how it
20 has been decided to dispose of the objection and the
21 reasons for disposing of it in that way.

22 **54H. Review of decisions**

- 23 (1) A person who has been given notice under section 54E
24 of a decision by a local government may apply to the
25 State Administrative Tribunal for a review of the
26 decision if the person —
27 (a) has not lodged an objection to the decision
28 under section 54F; or

s. 40

- 1 (b) has lodged an objection but, at the expiration of
2 35 days after the day on which the objection
3 was lodged, has not been given notice in
4 writing of how it has been decided to dispose of
5 the objection.
- 6 (2) An application under subsection (1) must be made —
7 (a) if subsection (1)(a) applies — within 42 days
8 after the day on which the person is given the
9 notice under section 54E; or
10 (b) if subsection (1)(b) applies — more than
11 35 days, but within 77 days, after the day on
12 which the person lodged the objection.
- 13 (3) If the person lodged an objection and has been given
14 notice in writing of how it has been decided to dispose
15 of the objection, the person may apply to the State
16 Administrative Tribunal, within 42 days after the day
17 on which the person was given the notice, for a review
18 of the decision on the objection.

19 **54I. Suspension of effect of some decisions**

- 20 (1) This section applies if —
21 (a) a decision has been made to —
22 (i) cancel an approval to breed or a pet
23 shop approval; or
24 (ii) not renew a pet shop approval;
25 or
26 (b) a decision has been made under section 54G to
27 dispose of an objection in a way that results
28 in —
29 (i) an approval to breed or a pet shop
30 approval being cancelled; or

- 1 (ii) a pet shop approval not being renewed.
- 2 (2) The effect of the decision is suspended, and the
3 approval is to be taken to continue to have effect,
4 until —
- 5 (a) if an application is made to the State
6 Administrative Tribunal under section 54H for
7 a review of the decision — the State
8 Administrative Tribunal determines the
9 application; or
- 10 (b) in any other case — there is no longer any right
11 to lodge an objection under section 54F or
12 apply to the State Administrative Tribunal
13 under section 54H in relation to the decision.
- 14 (3) Subsection (2) does not apply if the State
15 Administrative Tribunal orders that the effect of the
16 decision should not be suspended.
17

18 **41. Part XI Division 1A inserted**

19 After Part XI Division 1 insert:
20

21 **Division 1A — Transitional provisions for the *Dog***
22 ***Amendment (Stop Puppy Farming) Act 2020***

23 **60A. Transitional provision for centralised registration**
24 **system**

- 25 (1) In this section —
- 26 *centralised registration system* means the electronic
27 database or system the CEO will be required to
28 establish and maintain when the *Dog Amendment (Stop*
29 *Puppy Farming) Act 2020* section 13 comes into
30 operation;

s. 42

- 1 *commencement day* means the day on which the *Dog*
2 *Amendment (Stop Puppy Farming) Act 2020* section 13
3 comes into operation.
- 4 (2) The CEO may establish and maintain the centralised
5 registration system before the commencement day and
6 may —
- 7 (a) permit a local government to record in the
8 centralised registration system any information
9 that the local government is required under this
10 Act to record in a register maintained by it; and
- 11 (b) cause or permit information to be transferred
12 from a register maintained by a local
13 government to the centralised registration
14 system.
- 15 (3) If a local government records information in the
16 centralised registration system under subsection (2)(a),
17 or information from a register maintained by the local
18 government is transferred to the centralised registration
19 system under subsection (2)(b), before the
20 commencement day the information is to be taken, for
21 the purposes of this Act, to be information recorded by
22 the local government on a register maintained by the
23 local government.

25 **42. Sections 60B to 60E inserted**

26 After section 60A insert:

28 **60B. Registered unsterilised dogs**

- 29 (1) In this section —
- 30 *commencement day* means the day on which the *Dog*
31 *Amendment (Stop Puppy Farming) Act 2020* section 15
32 comes into operation.

- 1 (2) If the registration of a dog that is not sterilised is, at the
2 time immediately before the commencement day, in
3 effect under this Act, section 15, as it is immediately
4 before the commencement day, continues to apply to
5 that registration (until the registration ceases to have
6 effect in accordance with that section) as if the *Dog*
7 *Amendment (Stop Puppy Farming) Act 2020* section 15
8 had not been enacted.

9 **60C. Application for registration**

10 An application for registration delivered under
11 section 16(1) but not finally dealt with under
12 section 16(2) before the day on which the *Dog*
13 *Amendment (Stop Puppy Farming) Act 2020* section 16
14 comes into operation is, on and from that day, to be
15 dealt with as if the *Dog Amendment (Stop Puppy*
16 *Farming) Act 2020* section 16(5) had not been enacted.

17 **60D. Transition period in relation to approval to breed**

- 18 (1) In this section —
19 *commencement day* means the day on which the *Dog*
20 *Amendment (Stop Puppy Farming) Act 2020* section 22
21 comes into operation.
- 22 (2) If a dog is pregnant immediately before the
23 commencement day, section 26I does not apply to a
24 birth that results from that pregnancy.

25 **60E. Transition period for relevant pet shop businesses**

- 26 (1) In this section —
27 *application day* means the prescribed date;
28 *commencement day* means the day on which the *Dog*
29 *Amendment (Stop Puppy Farming) Act 2020* section 30
30 comes into operation;

s. 42

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pre-existing dog, in relation to a relevant pet shop business, means a dog that is supplied to the relevant pet shop business (within the meaning of section 38A) before the application day.

- (2) If, immediately before the commencement day, a person conducts a relevant pet shop business —
 - (a) sections 38B, 38G, 38H, 38I, 38J, 38K and 38L do not apply to the person in relation to the relevant pet shop business and the pet shop before the application day; and
 - (b) sections 38G, 38I, 38J, 38K and 38L do not apply to the person in relation to a pre-existing dog.
- (3) Section 38N does not apply to a person before the application day.

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Part 3 — *Cat Act 2011* amended

43. Act amended

This Part amends the *Cat Act 2011*.

44. Section 3 amended

(1) In section 3(1) delete the definition of *register*.

(2) In section 3(1) insert in alphabetical order:

centralised registration system has the meaning given
in section 41A(1);

Department CEO means the chief executive officer of
the department of the Public Service principally
assisting the Minister in the administration of this Act;

(3) In section 3(1) in the definition of *sterilised* delete “infertile by
a surgical procedure;” and insert:

infertile;

(4) In section 3(1) in the definition of *transfer* paragraph (a) delete
“for, transfer ownership of and offer for sale; and” and insert:

for and transfer ownership of; and

45. Section 8 amended

In section 8(2)(a) delete “the manner and form prescribed; and”
and insert:

a manner and form approved by the Department CEO; and

s. 46

1 **46. Section 12 replaced**

2 Delete section 12 and insert:

3

4 **12. Local governments to keep record of registered cats**
5 **in centralised registration system**

6 (1) A local government is to keep, using the centralised
7 registration system, an accurate and up-to-date record
8 of cats registered by the local government.

9 (2) The local government is to record in the centralised
10 registration system the information prescribed in
11 respect of each cat registered by the local government.
12

13 **47. Section 16 amended**

14 In section 16 after “section 15” insert:

15

16 that has been given to it
17

18 **48. Section 24 amended**

19 In section 24(a)(ii) delete “section 12(3)” and insert:

20

21 section 12(2)
22

1 **49. Section 25 replaced**

2 Delete section 25 and insert:

3

4 **25. Notice of change to recorded information**

5 If there is a change to any of the information prescribed
6 under section 12(2) or 15 in respect of a cat, the owner
7 of the cat must, within 7 days after the day on which
8 the owner becomes aware of the change, give notice in
9 writing of the change —

- 10 (a) to the local government with which the cat is
11 registered, if the change is to the information
12 prescribed under section 12(2); and
13 (b) to the microchip database company for the cat,
14 if the change is to the information prescribed
15 under section 15.

16 Penalty: a fine of \$5 000.

17

18 **50. Section 33 amended**

19 In section 33:

- 20 (a) in paragraph (a) delete “microchipped, and has no
21 reason to believe that the cat is exempt from
22 microchipping as referred to in section 14(2); or” and
23 insert:

24

25 microchipped and is required under section 14 to be
26 microchipped; or

27

s. 51

1 (b) in paragraph (b) delete “sterilised, and has no reason to
2 believe that the cat is exempt from sterilisation as
3 referred to in section 18(2),” and insert:

4
5 sterilised and is required under section 18 to be
6 sterilised,
7

8 **51. Section 36 amended**

9 In section 36(2)(a) delete “the manner and form prescribed;
10 and” and insert:

11
12 a manner and form approved by the Department CEO; and
13

14 **52. Sections 40A and 40B inserted**

15 After section 40 insert:

16
17 **40A. Record of approval to breed cats**

18 (1) As soon as practicable after a local government makes
19 a decision to grant or refuse to grant, or to renew or
20 refuse to renew, an approval to breed cats, the local
21 government is to enter the decision and the prescribed
22 information in the centralised registration system.

23 (2) A local government is to ensure that the information
24 recorded under subsection (1) is updated to reflect —

- 25 (a) any change to the information notified under
26 section 40B; and
27 (b) any expiry or cancellation of the approval; and
28 (c) the outcome of any objection or review under
29 Part 4 Division 5.

1 **40B. Notice of change to information**

2 An approved cat breeder must, within 7 days after the
3 day on which the approved cat breeder becomes aware
4 of a change to any of the information prescribed under
5 section 40A(1) in respect of their approval to breed
6 cats, give notice in writing of the change to the local
7 government that granted the approval.

8 Penalty: a fine of \$5 000.

9

10 **53. Part 4 Division 1A inserted**

11 At the beginning of Part 4 insert:

12

13 **Division 1A — Centralised registration system**

14 **41A. Centralised registration system**

15 (1) The Department CEO must establish and maintain an
16 electronic database or system in which information
17 relating to cats can be recorded (the *centralised*
18 *registration system*).

19 (2) The Department CEO and each local government is
20 to —

21 (a) record in the centralised registration system any
22 information that is prescribed; and

23 (b) ensure that the information recorded by it in the
24 centralised registration system is accurate and
25 kept up-to-date.

26 (3) The Department CEO or a local government may cause
27 any error in, or omission from, the centralised
28 registration system to be corrected.

s. 54

- 1 (4) Where anything under this Act is required or permitted
2 to be done in a manner approved by the Department
3 CEO, the manner approved by the Department CEO
4 may, without limitation, involve the use of the
5 centralised registration system.
- 6 (5) Regulations may deal with any matter relating to the
7 centralised registration system, including (without
8 limitation) its establishment, maintenance and
9 accessibility (including its accessibility to the public).
- 10 (6) The Department CEO may establish a single database
11 or system for the purposes of subsection (1) and the
12 *Dog Act 1976* section 13A(1).
13

14 **54. Section 43A inserted**

15 At the end of Part 4 Division 1 insert:
16

17 **43A. Delegation by Department CEO**

- 18 (1) The Department CEO may delegate to a person any
19 function of the Department CEO under another
20 provision of this Act.
- 21 (2) The delegation must be in writing signed by the
22 Department CEO.
- 23 (3) A person to whom a function is delegated under this
24 section cannot delegate that function.
- 25 (4) A person performing a function that has been delegated
26 to the person under this section is to be taken to do so
27 in accordance with the terms of the delegation unless
28 the contrary is shown.

- 1 (5) Nothing in this section limits the ability of the
2 Department CEO to perform a function through an
3 officer or agent.
4

5 **55. Section 76 amended**

6 In section 76(2):

- 7 (a) in paragraph (b) delete “Act.” and insert:

8

9 Act;

10

- 11 (b) after paragraph (b) insert:

12

- 13 (c) a requirement or permission to give notices,
14 information or documents required or
15 authorised to be given under this Act in a
16 certain way or ways, including by using the
17 centralised registration system.
18

19 **56. Section 88 inserted**

20 At the end of the Act insert:

21

22 **88. Transitional provision for the *Dog Amendment (Stop***
23 ***Puppy Farming) Act 2020***

- 24 (1) In this section —

25 *centralised registration system* means the electronic
26 database or system the Department CEO will be
27 required to establish and maintain when the *Dog*
28 *Amendment (Stop Puppy Farming) Act 2020* section 53
29 comes into operation;

s. 56

- 1 **commencement day** means the day on which the *Dog*
2 *Amendment (Stop Puppy Farming) Act 2020* section 53
3 comes into operation;
- 4 **Department CEO** means the chief executive officer of
5 the department of the Public Service principally
6 assisting the Minister in the administration of this Act.
- 7 (2) The Department CEO may establish and maintain the
8 centralised registration system before the
9 commencement day and may —
- 10 (a) permit a local government to record in the
11 centralised registration system any information
12 that the local government is required under this
13 Act to record in a register maintained by it; and
- 14 (b) cause or permit information to be transferred
15 from a register maintained by a local
16 government to the centralised registration
17 system.
- 18 (3) If a local government records information in the
19 centralised registration system under subsection (2)(a),
20 or information from a register maintained by the local
21 government is transferred to the centralised registration
22 system under subsection (2)(b), before the
23 commencement day the information is to be taken, for
24 the purposes of this Act, to be information recorded by
25 the local government on a register maintained by the
26 local government.
- 27

=====
28