

COMPANION ANIMALS AMENDMENT (PUPPY FARMS) BILL 2022

No. 1 **OPP No. 1 [c2021-150K]**

Page 2, clause 2. Omit "1 year". Insert instead "2 years".

No. 2 **AJP No. 1 [c2022-220B]**

Page 3, Schedule 1. Insert after line 2—

[1A] Section 5 Definitions

Insert in alphabetical order in section 5(1)—

assistance dog provider means—

- (a) a member of the International Guide Dog Federation, or
- (b) an accredited member of Assistance Dogs International.

[1B] Sections 61AA and 61AB

Insert after section 61—

61AA Assistance dog providers to give information to Minister

- (1) An assistance dog provider must, within 6 months after the end of each financial year, give the Minister—
 - (a) a copy of the provider's annual report for the financial year, and
 - (b) if applicable, other information prescribed by the regulations.
- (2) In this section—

financial year means a period of 12 months commencing on 1 July.

61AB Application of Act to assistance dog providers

Part 6A and Part 7A, Division 3 do not apply in relation to assistance dog providers.

No. 3 **OPP No. 1 [c2022-187B]**

Page 3, Schedule 1[1], proposed section 61A(1). Insert after line 16—

companion animal—see section 61AA.

No. 4 **OPP No. 2 [c2021-150K]**

Page 3, Schedule 1[1], proposed section 61A(1), definition of *microbreeder*, paragraph (b), line 24.

Omit "2 fertile female dogs or 2". Insert instead "5 fertile female dogs or 5".

No. 5 **OPP No. 2 [c2022-187B]**

Page 4, Schedule 1[1]. Insert after line 9—

61AA Part applies to cats and certain dogs only

In this Part—

companion animal means the following—

- (a) a cat,
- (b) a dog other than a working dog.

No. 6 **OPP No. 3 [c2021-150K]**

Page 5, Schedule 1[1], proposed section 61C. Insert after line 5—

- (1A) The Departmental Chief Executive must make a business code of practice within 2 years of the commencement of this Part.

No. 7 **OPP No. 4 [c2021-150K]**

Page 5, Schedule 1[1], proposed section 61E, line 32.

Omit "3 fertile female dogs or 3". Insert instead "6 fertile female dogs or 6".

No. 8 **OPP No. 5 [c2021-150K]**

Page 6, Schedule 1[1], proposed section 61F. Insert after line 10—

- (5) A council must not fix a fee under subsection (2)(b) unless the fee—
 - (a) is fixed following compliance with the community consultation requirements, if any, prescribed by the regulations, and
 - (b) covers the costs of processing the application.

No. 9 **OPP No. 6 [c2021-150K]**

Page 6, Schedule 1[1], proposed section 61G. Insert after line 24—

- (5) A council must not fix a fee under subsection (2)(b) unless the fee—
 - (a) is fixed following compliance with the community consultation requirements, if any, prescribed by the regulations, and
 - (b) covers the costs of processing the application.

No. 10 **OPP No. 7 [c2021-150K]**

Page 6, Schedule 1[1], proposed section 61H. Insert after line 39—

- (5) A council must not fix a fee under subsection (2)(b) unless the fee—
 - (a) is fixed following compliance with the community consultation requirements, if any, prescribed by the regulations, and
 - (b) covers the costs of processing the application.

No. 11 OPP No. 3 [c2022-187B]

Page 15, Schedule 1[1], proposed section 61ZF(a), line 21. Omit "more than twice".

Insert instead "if the dog or cat has already been bred by the proprietor 5 times".

No. 12 AJP No. 2 [c2022-220B]

Page 15, Schedule 1[1], proposed section 61ZF(c), line 23. Omit "related to the dog or cat by blood".
Insert instead "related by blood to the dog or cat".

No. 13 AJP No. 3 [c2022-220B]

Page 15, Schedule 1[1], proposed section 61ZF. Insert after line 27—

- (2) The regulations may define either or both of the following—
 - (a) "heritable defect" for subsection (1)(b),
 - (b) "related by blood" for subsection (1)(c).

No. 14 OPP No. 8 [c2021-150K]

Page 15, Schedule 1[1], proposed section 61ZG, line 32.

Omit "5". Insert instead "25".

No. 15 OPP No. 9 [c2021-150K]

Page 15, Schedule 1[1], proposed section 61ZG. Insert after line 36—

- (1A) This section applies only if the proprietor is an approved commercial breeder within the meaning of section 61ZR.

No. 16 OPP No. 4 [c2022-187B]

Page 17, Schedule 1[1], proposed section 61ZJ(3), line 1. Omit "clause". Insert instead "section".

No. 17 OPP No. 5 [c2022-187B]

Page 17, Schedule 1[1], proposed section 61ZK(1)(a)(iii), line 16. Omit "2 litters".

Insert instead "5 litters".

No. 18 OPP No. 6 [c2022-187B]

Page 17, Schedule 1[1], proposed section 61ZL, lines 28 and 29. Omit all words on the lines.

Insert instead—

- (1) A person must not sell, or cause the sale of, a companion animal to the proprietor of a pet shop if the companion animal is not from—
 - (a) a rehoming organisation, or
 - (b) an approved breeder.

No. 19 OPP No. 7 [c2022-187B]

Page 17, Schedule 1[1], proposed section 61ZL. Insert after line 33—

- (2) In this section—

approved breeder means a companion animal breeding business or microbreeder approved by the Minister for the purposes of this section.

No. 20 OPP No. 8 [c2022-187B]

Page 17, Schedule 1[1], proposed section 61ZM(1), lines 36 and 37.

Omit "from a rehoming organisation.". Insert instead—

from—

- (a) a rehoming organisation, or
- (b) an approved breeder.

No. 21 OPP No. 9 [c2022-187B]

Page 17, Schedule 1[1], proposed section 61ZM(2), lines 39 and 40.

Omit "from a rehoming organisation.". Insert instead—

from—

- (a) a rehoming organisation, or
- (b) an approved breeder.

No. 22 OPP No. 10 [c2022-187B]

Page 17, Schedule 1[1], proposed section 61ZM. Insert after line 44—

- (3) In this section—

approved breeder means a companion animal breeding business or microbreeder approved by the Minister for the purposes of this section.

No. 23 **OPP No. 11 [c2022-187B]**

Page 18, Schedule 1[1], proposed section 61ZN(1), lines 3–5. Omit all words on the lines.

Insert instead "accept or receive a companion animal for sale that is less than 8 weeks old."

No. 24 **OPP No. 12 [c2022-187B]**

Page 18, Schedule 1[1], proposed section 61ZN(2), lines 7–9. Omit all words on the lines.

Insert instead "sell, or cause or allow the sale of, a companion animal that is less than 8 weeks old."

No. 25 **OPP No. 13 [c2022-187B]**

Page 18, Schedule 1[1]. Insert after line 41—

Division 6A Exemptions for certain pet shops

61ZPA Exempt pet shops

(1) Despite another provision of this Part, the following provisions do not apply to an exempt pet shop proprietor—

- (a) this Part, other than this section,
- (b) Part 7A, Division 3.

(2) The regulations may prescribe criteria for the Minister's approval of an association or other organisation as an applicable industry association.

(3) In this section—

applicable industry association means an association or other organisation approved by the Minister for the purposes of this section.

exempt pet shop proprietor means a proprietor of a pet shop who is a member of an applicable industry association.

No. 26 **OPP No. 10 [c2021-150K]**

Page 18, Schedule 1[1]. Insert after line 41—

Division 7 Recreational breeders, approved commercial breeders and review

61ZQ Recreational breeders

(1) Despite another provision of this Part, the following provisions do not apply to a recreational breeder—

- (a) this Part, other than this section,
- (b) Part 7A, Division 3.

(2) A recreational breeder must comply with the rules and code of ethics, if any, of the applicable organisation of which the recreational breeder is a member.

Maximum penalty—40 penalty units.

- (3) The regulations may prescribe criteria for the Minister's approval of an organisation as an applicable organisation.
- (4) In this section—

applicable organisation means an organisation approved by the Minister for the purposes of this section.

recreational breeder means a person who—

- (a) carries out the breeding of dogs or cats for sale, and
- (b) has, at any one time, more than 5, but no more than 10, fertile female dogs or more than 5, but no more than 10, fertile female cats, including a fertile female dog or cat that is the subject of a breeding arrangement, and
- (c) is a member of an applicable organisation.

61ZR Approved commercial breeders

- (1) Section 61ZC does not apply to an approved commercial breeder.
- (2) An approved commercial breeder must not have, at any one time, more than 50 fertile female dogs or 50 fertile female cats on the same premises.

Maximum penalty—

- (a) for a corporation—5,000 penalty units,
 - (b) for an individual—1,000 penalty units or imprisonment for 2 years, or both.
- (3) The regulations may prescribe criteria for the Minister's approval of a person as an approved commercial breeder.
 - (4) The Departmental Chief Executive must, for the purpose of deciding whether an approved commercial breeder has contravened this section or another provision of this Act, ensure an enforcement officer inspects the registered premises of the approved commercial breeder at least annually.
 - (5) In this section—

approved commercial breeder means a person who—

- (a) carries out the breeding of dogs or cats for sale, and
- (b) is approved by the Minister for the purposes of this section.

enforcement officer has the same meaning as in Part 7A, Division 3.

61ZS Review

- (1) The Minister must review this Part to determine whether—
 - (a) its policy objectives remain valid, and
 - (b) its terms remain appropriate for securing its policy objectives.
- (2) The review must be undertaken as soon as possible after the period of 5 years from the commencement of this Part.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

No. 27 **OPP No. 14 [c2022-187B]**

Page 19, Schedule 1[2], proposed section 69I, line 4.

Insert "*companion animal*," before "*companion animal business*".