



New South Wales

Animals (Regulation of Sale) Bill 2007

Explanatory note

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

Overview of Bill

The object of this Bill is to protect the lives and well-being of dogs, cats and other mammals (but not livestock) as follows:

- (a) by prohibiting the keeping for sale of mammals at shops or markets,
- (b) by prohibiting the sale of mammals at shops or markets,
- (c) by regulating the advertising or brokering of the sale of mammals from shops or markets,
- (d) by regulating the publishing of any advertisement for the sale of mammals,
- (e) by prohibiting the sale of mammals to children,
- (f) by prohibiting the carrying on of a business of selling mammals, or propagating mammals for sale, by anyone other than a recognised breeder,
- (g) by requiring any person who offers a mammal for sale to inform prospective purchasers of the special needs and requirements of the mammal,
- (h) by requiring all mammals sold by animal shelters, council pounds and veterinary practices to be microchipped.

The Bill also amends other Acts and Regulations to make it an offence to fail to collect a mammal from a council pound, or to fail to either collect or surrender a companion animal at an animal shelter, after being notified that it is there.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a date that is 3 months after the date of assent, or on any earlier proclaimed date.

Clause 3 states the object of the proposed Act, which is to protect the lives and well-being of dogs, cats and other mammals (but not livestock).

Clause 4 defines certain words and expressions used in the proposed Act.

Clause 5 provides that the proposed Act does not apply to livestock.

Clause 6 provides that the proposed Act does not affect any regulation of, or prohibition on, the keeping or sale of a mammal under the *National Parks and Wildlife Act 1974*, the *Prevention of Cruelty to Animals Act 1979* or any other Act or statutory rule.

Part 2 Offences

Division 1 Offences concerning the sale of mammals at shops and markets

Clause 7 prohibits the keeping for sale of mammals at shops or markets.

Clause 8 prohibits the selling of mammals at or from shops or markets.

Clause 9 regulates the advertising of the sale of mammals at shops or markets. Such advertising is permitted only if the mammal is at an animal shelter, council pound or veterinary practice or is being cared for in a prescribed private home (that is, a private dwelling at which a person looks after lost, stray, abandoned or surrendered mammals for the purposes of providing refuge until those mammal can be claimed or sold by certain non-profit organisations).

Clause 10 regulates the brokering of the sale of mammals at or from shops or markets (by acting, or purporting to act, as an intermediary to negotiate and obtain the sale of a mammal). Such brokering is permitted only if the mammal is at an animal shelter, council pound or veterinary practice or is being cared for in a prescribed private home.

Division 2 Offence of publishing advertisement for the sale of mammals

Clause 11 prohibits the publishing of advertisements for the sale of mammals except in certain circumstances.

Division 3 Offence of selling mammals to children

Clause 12 prohibits the sale of mammals to children.

Division 4 Offences concerning the sale of mammals generally

Clause 13 prohibits the carrying on of a business of selling dogs or cats, or propagating dogs or cats for sale, by anyone other than certain recognised breeders. The proposed section provides for the sale and propagation of other mammals to be included within the scope of the prohibition by the regulations.

Clause 14 requires anyone who displays a mammal for sale, or otherwise offers it for sale, to provide prospective purchasers with a written statement about the special needs and requirements of the mammal. If the mammal is sold, the purchaser must be provided with a written copy of the statement. The written statement covers such matters as the usual life-span of mammals of that species or breed, the minimum requirements for the humane shelter, accommodation, exercising and socialising of the mammal and the costs associated with feeding, registering and keeping the mammal and obtaining veterinary care for the mammal.

Clause 15 requires mammals sold by an animal shelter, council pound or veterinary practice or breeder to be microchipped.

Part 3 Recognised breeders

Clause 16 provides for the regulations to prescribe standards that are required to be complied with by recognised breeders and provides for the Minister to withdraw the recognition of a recognised breeder if the breeder fails to comply with the standards prescribed by the regulations.

Clause 17 provides that inspectors under the *Prevention of Cruelty to Animals Act 1979* may exercise powers under that Act if the inspector believes on reasonable grounds that a recognised breeder has failed to comply with any of the standards prescribed by the regulations.

Part 4 Miscellaneous

Clause 18 provides that the proposed Act binds the Crown.

Clause 19 provides that offences under the proposed Act are to be dealt with summarily before a Local Court or the Supreme Court.

Clause 20 provides that, in certain circumstances, there will be a presumption that a person carries on a business of selling mammals.

Clause 21 deals with offences by corporations.

Clause 22 provides for the issue of penalty notices for offences under the proposed Act.

Clause 23 provides for the making of regulations under the proposed Act.

Clause 24 gives effect to the amendments to Acts and regulations specified in Schedule 1.

Schedule 1 Amendment of Acts and regulations

Schedule 1.1, 1.2 and 1.3 make amendments that are consequential on the fact that dogs and other mammals will no longer be permitted to be sold or kept for sale at pet shops.

Schedule 1.4 provides for the administration of penalty notices issued under the proposed Act to be carried out under the *Fines Act 1996*.

Schedule 1.5 makes it an offence under the *Impounding Act 1993* for a person to fail to collect an impounded animal if the person is notified by an impounding authority that the animal has been impounded.

Schedule 1.6 [1] makes it clear that the prohibition on abandoning animals set out in section 11 of the *Prevention of Cruelty to Animals Act 1979* includes dumping animals.

Schedule 1.6 [2] makes it an offence under the *Prevention of Cruelty to Animals Act 1979* for a person to fail to collect or surrender an animal if the person is notified by the RSPCA, or another organisation that operates an animal shelter, that the animal has been taken or otherwise come into its possession.



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New South Wales

Animals (Regulation of Sale) Bill 2007

No. , 2007

A Bill for

An Act to regulate the sale of mammals other than livestock; and for other purposes.

Clause 1 Animals (Regulation of Sale) Bill 2007

Part 1 Preliminary

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Animals (Regulation of Sale) Act 2007*. 4

2 Commencement 5

This Act commences on the date that is 3 months after the date of assent to this Act, unless sooner commenced by proclamation. 6
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3 Object of Act 8

The object of this Act is to protect the lives and well-being of dogs, cats and other mammals (but not livestock). 9
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4 Definitions 11

(1) In this Act: 12

animal shelter means any of the following: 13

(a) any facility operated by the Royal Society for the Prevention of Cruelty to Animals, New South Wales, 14
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(b) any facility operated by the Animal Welfare League, 16

(c) any facility operated by the Cat Protection Society, 17

(d) any other facility for the holding of lost, stray, abandoned or surrendered mammals for the purposes of providing refuge until those mammals can be claimed or sold, being a facility: 18
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(i) that is operated by a non-profit organisation that has among its objects both the promotion of the welfare of, or the prevention of cruelty to, mammals (or any class of mammals) and a charitable or benevolent purpose, and 21
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(ii) that is approved by the Minister. 25

cat means a live animal (of either sex, or desexed) of the species *Felis catus*, whether or not domesticated. 26
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council pound means: 28

(a) a public or private pound established by a local council under the *Impounding Act 1993*, or 29
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(b) any other place approved by a local council as a place for the holding of animals seized under the *Companion Animals Act 1998*. 31
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dog means a live animal (of either sex, or desexed) of the species *Canis familiaris*, whether or not domesticated. 34
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<i>livestock</i> means any live cattle, horses, sheep, goats, swine, deer, buffalo or alpacas.	1
<i>mammal</i> means any live mammal (other than a human being).	2
Note. Section 5 excludes livestock from the application of this Act.	3
<i>market</i> includes:	4
(a) any fair, and	5
(b) any similar event to a market or fair, and	6
(c) any booth or stall at any market, fair or similar event.	7
<i>prescribed private home</i> means a private dwelling at which a person looks after lost, stray, abandoned or surrendered mammals for the purposes of providing refuge until those mammals can be claimed or sold by:	8
(a) the Royal Society for the Prevention of Cruelty to Animals, New South Wales, or	9
(b) the Animal Welfare League, or	10
(c) the Cat Protection Society, or	11
(d) a non-profit organisation that is approved by the Minister and that has among its objects both the promotion of the welfare of, or the prevention of cruelty to, mammals (or any class of mammals) and a charitable or benevolent purpose.	12
<i>recognised breeder</i> means:	13
(a) in relation to the sale or advertising of a dog—a member of the Royal NSW Canine Council Ltd or any other body recognised by the Minister, or	14
(b) in relation to the sale or advertising of a cat—a member of the NSW Cat Fanciers Association Inc or Waratah State Cat Alliance Inc or any other body recognised by the Minister, or	15
(c) in relation to the sale or advertising of a species of mammal other than a cat or a dog—a member of the body or association recognised by the Minister in relation to mammals of that species.	16
<i>sell</i> includes:	17
(a) cause or permit to sell, and	18
(b) auction or exchange, and	19
(c) agree or attempt to sell, and	20
(d) expose, send, forward or deliver for sale, and	21
(e) barter, and	22
(f) transfer ownership for any amount, whether or not that amount is expressed to involve cost-recovery only (for example, the recovery of the reasonable cost of feeding, keeping, desexing and	23
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microchipping the mammal sold) or by any means (including gift), and	1
(g) hire or cause to be hired, and	2
(h) display for sale or hire.	3
shop means any place, building, stall, tent, vehicle or boat in which mammals or goods are sold or offered or exposed for sale by retail, or from which mammals or goods are sold by retail, and includes any portion of a building that is separated from the rest of the building by a permanent and substantial partition or wall and in which mammals or goods are sold or offered or exposed for sale by retail, but does not include an animal shelter, council pound, veterinary practice or prescribed private home.	4
veterinary practice means a business that provides veterinary services.	5
(2) Notes included in this Act do not form part of this Act.	6
5 Act does not apply to livestock	7
This Act does not apply to the sale, display or advertising of livestock unless the person selling, displaying or advertising the livestock knows, or could reasonably be expected to know, that the person buying the livestock, or considering buying the livestock, intends to treat the livestock as a companion or pet or to keep it in a domestic situation or context.	8
6 Act does not affect other prohibitions	9
This Act does not affect any provision of the <i>National Parks and Wildlife Act 1974</i> , the <i>Prevention of Cruelty to Animals Act 1979</i> or any other Act or statutory rule that regulates or prohibits the keeping or sale of a mammal.	10
Note. Division 1 of Part 2 of this Act prohibits the keeping and sale of mammals at or from shops and markets. The <i>National Parks and Wildlife Act 1974</i> prohibits the selling of certain fauna. This Act does not affect that prohibition.	11
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Part 2	Offences	1
Division 1	Offences concerning the sale of mammals at shops and markets	2
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7	Prohibition on keeping for sale of mammals at shops or markets	4
(1)	A person must not keep for sale, or cause or permit another person to keep for sale, a mammal at a shop or market, either permanently or temporarily.	5
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	Maximum penalty: 200 penalty units for a corporation and 40 penalty units for an individual.	8
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(2)	A person does not commit an offence under this section if:	10
(a)	the mammal is kept at the shop or market on behalf of a person or organisation that operates an animal shelter or a person who ordinarily cares for the mammal in a prescribed private home, and	11
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(b)	the mammal is not left unattended at the shop or market, and	15
(c)	the mammal is not kept at the shop or market overnight, and	16
(d)	the mammal is not sold at the shop or market.	17
8	Prohibition on sale of mammals at or from shops or markets	18
(1)	A person must not offer for sale, or sell, a mammal at or from a shop or market.	19
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	Maximum penalty: 250 penalty units for a corporation and 50 penalty units for an individual.	21
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(2)	A person does not commit an offence under this section of offering a mammal for sale at or from a shop or market if:	23
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(a)	the mammal is kept at the shop or market on behalf of a person or organisation that operates an animal shelter or a person who ordinarily cares for the mammal in a prescribed private home, and	25
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(b)	the mammal is not left unattended at the shop or market, and	29
(c)	the mammal is not kept at the shop or market overnight, and	30
(d)	the mammal is not sold at the shop or market.	31
9	Regulation of advertising sale of mammals at a shop or market	32
(1)	A person must not offer for sale, or advertise the sale of, a mammal at a shop or market by any means, including by electronic means, unless:	33
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- (a) the person does so merely by displaying photographs or other information about the mammal, and 1
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 - (b) the display includes a written statement about the basic husbandry requirements of the mammal that complies with the regulations, and 3
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 - (c) the mammal is, at the time the offer or advertisement is made, being kept at an animal shelter, council pound, veterinary practice or prescribed private home and is proposed to be sold by that shelter, pound or practice, or the organisation on behalf of which the mammal is being looked after at the prescribed private home, directly to any other person in accordance with this Act. 6
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- Maximum penalty: 150 penalty units for a corporation and 30 penalty units for an individual. 12
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- (2) A recognised breeder does not commit an offence under subsection (1) merely because an offer for sale or advertisement includes a statement, in general terms, about the recognised breeder's business. 14
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 - (3) This section applies even if the person who offers a mammal for sale or advertises the sale of a mammal does not receive any fee or reward for doing so. 17
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10 Regulation of brokering sale of mammals at shops, markets and other places 20
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- (1) A person must not, while at a shop or market or any other place, or while conducting a business that is connected with a shop or market, act, or purport to act, as an intermediary to negotiate and obtain for another person (*the customer*), whether as vendor or purchaser, the sale of a mammal unless: 22
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 - (a) the person does so merely by displaying photographs or other information about the mammal at the shop, market or place, and 27
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 - (b) the customer is, as soon as practicable after the person acts or purports to act as an intermediary, given a written statement about the basic husbandry requirements of the mammal that complies with section 14 (5), and 29
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 - (c) the mammal is, at the time the person acts or purports to act as an intermediary, being kept at an animal shelter, council pound, veterinary practice or prescribed private home, and is proposed to be sold by that shelter, pound or practice, or the organisation on behalf of which the mammal is being looked after in a prescribed private home, directly to the customer in accordance with this Act. 33
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- Maximum penalty: 250 penalty units for a corporation and 50 penalty units for an individual. 40
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(2)	This section applies even if the person who acts, or purports to act, as an intermediary does not receive any fee or reward for doing so.	1 2
Division 2	Offence of publishing advertisement for the sale of mammals	3 4
11	Regulation of publishing advertisement for the sale of mammals	5
(1)	A person must not publish, or cause to be published, any advertisement for the sale of a mammal unless:	6 7
(a)	the display includes a written statement about the basic husbandry requirements of the mammal that complies with the regulations, and	8 9 10
(b)	the mammal is, at the time the advertisement is made, being kept at an animal shelter, council pound, veterinary practice or prescribed private home, and is proposed to be sold by that shelter, pound or practice, or the organisation on behalf of which the mammal is being looked after in a prescribed private home, directly to any other person in accordance with this Act.	11 12 13 14 15 16
	Maximum penalty: 150 penalty units for a corporation and 30 penalty units for an individual.	17 18
(2)	A recognised breeder does not commit an offence under subsection (1) merely because an advertisement includes a statement, in general terms, about the recognised breeder's business.	19 20 21
(3)	This section applies even if the person who publishes an advertisement or causes an advertisement to be published does not receive any fee or reward for doing so.	22 23 24
(4)	This section does not apply to the publishing of an advertisement at or from a shop or market.	25 26
(5)	In this section: <i>publish</i> includes disseminate in any way, whether by oral, visual, written or other means (for example dissemination by means of cinema, video, radio, electronics, the Internet or television or by means of promotional material such as club journals, brochures or flyers).	27 28 29 30 31
Division 3	Offence of selling mammals to children	32
12	Prohibition on sale of mammals to children	33
	A person (<i>the seller</i>) must not sell a mammal to a person whom the seller has reasonable cause to believe to be under the age of 16.	34 35
	Maximum penalty: 150 penalty units for a corporation and 30 penalty units for an individual.	36 37

Division 4	Offences concerning the sale of mammals generally	1
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13	Prohibition on carrying on business of selling certain mammals, or propagating certain mammals for sale, unless a recognised breeder	3
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(1)	A person must not:	5
(a)	carry on a business of selling dogs, or propagating dogs for sale, unless the person is a member of the Royal NSW Canine Council Ltd or any other body recognised by the Minister, or	6
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(b)	carry on a business of selling cats, or propagating cats for sale, unless the person is a member of the NSW Cat Fanciers Association Inc or Waratah State Cat Alliance Inc or any other body recognised by the Minister, or	9
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(c)	carry on a business of selling any mammal (other than a dog or a cat), or propagating any mammal (other than a dog or a cat) for sale, being a mammal prescribed by the regulations for the purposes of this paragraph, unless the person is a member of the body or association prescribed by the regulations in relation to such a mammal.	13
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	Maximum penalty: 500 penalty units for a corporation and 100 penalty units for an individual.	19
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(2)	For the purposes of this section, animal shelters, council pounds, veterinary practices and persons who care for a mammal in a prescribed private home do not carry on a business of selling mammals.	21
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(3)	For the purposes of this section, it does not matter where or by what method the mammals were sold.	24
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14	Information to be provided when mammals are offered for sale and sold	26
(1)	This section applies to a person:	27
(a)	who carries on a business of selling mammals that does not contravene section 13, or	28
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(b)	who carries on a business of propagating mammals for sale that does not contravene section 13, or	30
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(c)	who operates or is responsible for an animal shelter, council pound or a veterinary practice.	32
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(2)	A person to whom this section applies must not display or offer a mammal for sale, or cause or permit another person to display or offer a mammal for sale, unless the person displays near the mammal a sign	34
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- that includes a clearly legible statement about the basic husbandry requirements of the mammal that complies with the regulations. 1
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- Maximum penalty: 150 penalty units for a corporation and 30 penalty units for an individual. 3
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- (3) A person to whom this section applies must not otherwise offer to sell, or cause or permit another person to offer to sell, a mammal unless any person who inquires about the mammal's sale is provided with an accurate written statement about the basic husbandry requirements of the particular mammal. 5
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- Maximum penalty: 150 penalty units for a corporation and 30 penalty units for an individual. 10
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- (4) A person to whom this section applies must not sell, or cause or permit another person to sell, a mammal unless the purchaser of the mammal is provided with an accurate written statement about the basic husbandry requirements of the mammal. 12
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- Maximum penalty: 150 penalty units for a corporation and 30 penalty units for an individual. 16
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- (5) In each case, that written statement must include the following matters: 18
- (a) the usual life-span of mammals of that breed or species, 19
 - (b) the minimum requirements for the humane shelter and accommodation of the mammal, 20
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 - (c) the minimum requirements for keeping the mammal securely within the home or yard of an owner, 22
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 - (d) the minimum requirements for the humane exercising of the mammal, 24
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 - (e) the minimum requirements for the humane provision of social contact with humans and with other mammals of the same breed or species as the mammal and the possible behavioural problems that may arise as a consequence of not doing so, 26
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 - (f) the minimum requirements for disease control and prevention (such as vaccinations, worming and annual check-ups) that are required for the humane treatment of the mammal, 30
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 - (g) the costs that could ordinarily be expected to be associated with feeding, registering and keeping the mammal and providing it with veterinary attention when it would be humane to provide such attention, 33
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 - (h) the maximum time that the mammal can be humanely left unattended if, for example, the owner goes on holidays and that, even then, the mammal must be checked on at least once a day by a responsible adult and must be provided with social contact with humans and other mammals of the same breed, 37
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(i)	the number of off-spring that the mammal may reasonably be expected to produce in its life time, or on an annual or cyclical basis, if it is not desexed,	1 2 3
(j)	that mistreating, dumping or otherwise abandoning the mammal is an offence, and the maximum penalties for those offences,	4 5
(k)	any other information about keeping the mammal that a reasonable person would believe that it is important for the purchaser to know.	6 7 8
(6)	For the purposes of this section, it does not matter where or by what method the mammal concerned was advertised, offered or sold.	9 10
15	Mammals from animal shelters, council pounds, veterinary practices or breeders must be microchipped	11 12
(1)	A person who operates, or has management or control of, an animal shelter, council pound or veterinary practice must ensure that any mammal sold by the shelter, pound or practice that can be safely and effectively microchipped is microchipped. Maximum penalty: 50 penalty units for a corporation and 8 penalty units for an individual.	13 14 15 16 17 18
(2)	A person who carries on a business of selling any mammal, or propagating any mammal for sale, must ensure that any mammal sold by the person that can be safely and effectively microchipped is microchipped. Maximum penalty: 50 penalty units for a corporation and 8 penalty units for an individual.	19 20 21 22 23 24
(3)	This section does not apply to a companion animal. Note. Section 8 of the <i>Companion Animals Act 1998</i> makes it an offence to sell a companion animal unless it has been identified in accordance with the regulations under that Act.	25 26 27 28
(4)	In this section: companion animal has the same meaning as in the <i>Companion Animals Act 1998</i> . microchipped means:	29 30 31 32
(a)	permanently identified by means of the implantation in the mammal of a recognised microchip within the meaning of the regulations made under the <i>Companion Animals Act 1998</i> (whether or not the mammal is a companion animal within the meaning of that Act), or	33 34 35 36 37

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- (b) if the regulations made under the *Companion Animals Act 1998* prescribe another manner of identification of mammals—
permanently identified in that manner (whether or not the mammal is a companion animal within the meaning of that Act).
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Part 3	Recognised breeders	1
16	Recognised breeders must comply with certain standards	2
(1)	The regulations may prescribe standards that are required to be complied with by recognised breeders, including standards relating to the confinement, carriage and welfare of mammals.	3 4 5
(2)	The Minister may withdraw the recognition of a recognised breeder if the Minister is satisfied that the recognised breeder has failed to comply with any of the standards prescribed by the regulations that apply to the breeder.	6 7 8 9
17	Powers of inspectors under Prevention of Cruelty to Animals Act 1979	10
(1)	An inspector may exercise any power under Division 2 of Part 2A of the <i>Prevention of Cruelty to Animals Act 1979</i> in relation to a recognised breeder if the inspector believes on reasonable grounds that the recognised breeder has failed to comply with any of the standards prescribed by the regulations that apply to the breeder.	11 12 13 14 15
(2)	In this section: <i>inspector</i> means an inspector appointed under the <i>Prevention of Cruelty to Animals Act 1979</i> .	16 17 18

Part 4	Miscellaneous	1
18	Act to bind Crown	2
	This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.	3 4 5
19	Nature of proceedings for offences	6
	(1) Proceedings for an offence against this Act or the regulations may be dealt with:	7 8
	(a) summarily before a Local Court, or	9
	(b) by the Supreme Court in its summary jurisdiction.	10
	(2) If proceedings are brought before a Local Court, the maximum monetary penalty that the Local Court may impose for the offence is, despite any other provision of this Act, 200 penalty units.	11 12 13
20	Presumption that a person carries on a business	14
	(1) In any proceedings under this Act, a person who, on more than 6 days in any period of 12 months, offered for sale or sold any mammal of a particular species is presumed to be carrying on a business of selling mammals of that species, but the presumption may be displaced by evidence that satisfies the court to the contrary.	15 16 17 18 19
	(2) This section operates without prejudice to any other means of proving, for the purposes of any proceedings, that a person is carrying on a business of selling mammals.	20 21 22
21	Offences by corporations	23
	(1) If a corporation contravenes, whether by act or omission, any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly participated in, authorised or permitted the contravention.	24 25 26 27 28
	(2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or has been convicted under the provision.	29 30 31
	(3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act.	32 33

22	Penalty notices	1
(1)	An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act or the regulations, being an offence prescribed by the regulations as a penalty notice offence.	2 3 4 5
(2)	A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of the penalty prescribed by the regulations for the offence if dealt with under this section.	6 7 8 9 10
(3)	A penalty notice may be served personally or by post.	11
(4)	If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.	12 13 14
(5)	Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.	15 16 17
(6)	The regulations may:	18
(a)	prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and	19 20 21
(b)	prescribe the amount of penalty payable for the offence if dealt with under this section, and	22 23
(c)	prescribe different amounts of penalties for different offences or classes of offences.	24 25
(7)	The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.	26 27 28
(8)	This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.	29 30 31
(9)	In this section, authorised officer means:	32
(a)	a police officer, or	33
(b)	an officer of the Royal Society for the Protection of Animals, New South Wales who is authorised in writing by the Minister as an authorised officer for the purposes of this section, or	34 35 36
(c)	an officer of the Animal Welfare League who is authorised in writing by the Minister as an authorised officer for the purposes of this section, or	37 38 39

(d)	an officer of Animal Liberation, NSW who is authorised in writing by the Minister as an authorised officer for the purposes of this section.	1 2 3
23	Regulations	4
(1)	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	5 6 7 8
(2)	The regulations may create offences punishable by a penalty not exceeding 50 penalty units.	9 10
24	Amendment of Acts and regulations	11
	The Acts and regulations specified in Schedule 1 are amended as set out in that Schedule.	12 13

Schedule 1	Amendment of Acts and regulations	1
	(Section 24)	2
1.1	Companion Animals Act 1998 No 87	3
	Section 14 Dogs prohibited in some public places	4
	Omit “a pet shop,” from section 14 (6) (c).	5
1.2	Companion Animals Regulation 1999	6
[1]	Clause 13 Exemptions	7
	Omit clause 13 (3).	8
[2]	Clause 17 Exemptions from registration requirement	9
	Insert “(other than a dog, cat or other mammal) that is a companion animal”	10
	after “animal” wherever occurring in clause 17 (d) and (e).	11
1.3	Exhibited Animals Protection Regulation 2005	12
	Clause 5 Exhibitions exempted from the operation of the Act	13
	Insert “, being an animal that is not a mammal” after “animal” where firstly	14
	occurring in clause 5 (1) (k).	15
1.4	Fines Act 1996 No 99	16
	Schedule 1 Statutory provisions under which penalty notices issued	17
	Insert in alphabetical order of Acts:	18
	<i>Animals (Regulation of Sale) Act 2007, section 22</i>	19
1.5	Impounding Act 1993 No 31	20
	Section 33A	21
	Insert after section 33:	22
33A	Failure to collect impounded animal	23
(1)	A person who, immediately before an animal is impounded,	24
	owned or was responsible for the animal, must collect the	25
	impounded animal within 7 days after the person is notified by	26
	the impounding authority that the animal has been impounded.	27
	Maximum penalty: 200 penalty units for a corporation or 40	28
	penalty units for an individual.	29

(2)	A conviction under this section does not affect any obligation to pay any amount fixed under section 26.	1 2
1.6	Prevention of Cruelty to Animals Act 1979 No 200	3
[1]	Section 11 Animals not to be dumped or otherwise abandoned	4
	Insert “dump or otherwise” after “not”.	5
[2]	Section 31B	6
	Insert after section 31A:	7
31B	Failure to claim companion animal from charitable organisation or to surrender animal	8 9
	A person who, immediately before an animal is taken or otherwise came into the possession of a charitable organisation (otherwise than by being surrendered), owned or was responsible for the animal, must claim or surrender the animal within 7 days after the person is notified by the charitable organisation that the animal has been taken or otherwise come into the possession of the charitable organisation.	10 11 12 13 14 15 16
	Maximum penalty: 200 penalty units for a corporation or 40 penalty units for an individual.	17 18