



New South Wales

Companion Animals Amendment (Puppy Farms) Bill 2024

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Companion Animals Act 1998* (*the Act*) to—

- (a) regulate the conduct of businesses breeding companion animals and other companion animal businesses, and
- (b) provide enforcement powers for the purposes of regulating the conduct of companion animal businesses.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Companion Animals Act 1998 No 87**

Schedule 1[2] inserts proposed sections 61A and 61B to require assistance dog providers to give information to the Minister each financial year. **Schedule 1[1]** inserts a definition for the purposes of proposed sections 61A and 61B.

Schedule 1[3] inserts a 2-year temporary arrangement to limit the number of fertile female dogs or fertile female cats that a person may have (proposed sections 61C–61F).

Schedule 1[4] inserts proposed Part 6A, which contains provisions for the regulation of companion animal businesses. Proposed Part 6A—

- (a) inserts proposed Division 1 (proposed sections 61G–61L), which inserts definitions for the purposes of the proposed part, including the following—
 - (i) **breeding arrangement**—meaning an arrangement between a companion animal breeding business and a person in relation to a dog or cat, where the dog or cat lives in the person’s care and the proprietor of the business may require the person to return the dog or cat for breeding purposes (proposed section 61I),
 - (ii) **business code of practice**—meaning a code of practice that specifies standards for the conduct of companion animal businesses, including a business code of practice made by the Departmental Chief Executive and published in the Gazette (proposed section 61J),
 - (iii) **companion animal breeding business**—meaning an enterprise that carries out the breeding of certain dogs or cats for sale and has 3 or more fertile female dogs or 3 or more fertile female cats (proposed section 61L),
 - (iv) **companion animal business**—meaning a pet shop or a companion animal breeding business (proposed section 61K), and
- (b) inserts proposed Division 2, which contains provisions for the registration of companion animal business premises. Proposed Division 2—
 - (i) enables a person to apply to register premises on which a companion animal business is to be conducted, and a proprietor of a companion animal business to apply to renew or transfer the registration of premises (proposed sections 61M–61O), and
 - (ii) enables a council to grant an application to register premises or to renew or transfer the registration of premises, or to refuse the application or suspend or revoke the registration on discretionary or mandatory grounds (proposed sections 61P–61S), and
 - (iii) enables a court to suspend or revoke the registration of premises or refer the matter to council for determination (proposed section 61T), and
 - (iv) provides for the registration of premises to be in force for 1 year (proposed section 61U), and
- (c) inserts proposed Division 3, which contains provisions requiring councils to provide the Departmental Chief Executive with information relating to applications to register premises or to renew or transfer the registration of premises, including the council’s reasons for refusing the application or suspending or revoking the registration (proposed sections 61V–61Y), and
- (d) inserts proposed Division 4, which contains provisions requiring the Departmental Chief Executive to issue source numbers to companion animal businesses and enabling animal rescues, microbreeders and other sellers to apply to the Departmental Chief Executive to be issued source numbers (proposed sections 61Z–61ZC), and
- (e) inserts proposed Division 5, which contains provisions requiring the Departmental Chief Executive to keep a business information register that contains information provided under proposed Division 3 and source numbers issued under proposed Division 4 and enabling permitted officers or prospective purchasers of companion animals to inspect the register (proposed sections 61ZD–61ZF), and
- (f) inserts proposed Division 6, which contains offence provisions—
 - (i) prohibiting persons from conducting a companion animal business on unregistered premises (proposed section 61ZG), and
 - (ii) requiring proprietors of companion animal businesses to comply with the terms and conditions of their registration (proposed section 61ZH), and
 - (iii) requiring microbreeders, proprietors of companion animal businesses and recreational breeders to comply with the applicable business codes of practice (proposed section 61ZI), and

- (iv) relating to microbreeders, proprietors of companion animal businesses and recreational breeders (proposed sections 61ZJ–61ZR), and
 - (v) relating to proprietors of pet shops (proposed sections 61ZS–61ZV), and
 - (vi) prohibiting persons from advertising dogs and cats for sale without source numbers (proposed section 61ZW), and
- (g) inserts proposed Division 7 to impose requirements for recreational breeders and applicable organisations of which recreational breeders may be members (proposed sections 61ZX–61ZZC), and
- (h) inserts proposed Division 8 to provide for the review of proposed Part 6A (proposed section 61ZZD).

Schedule 1[6] inserts proposed Divisions 3 and 4 into Part 7A.

Proposed Part 7A, Division 3 provides for enforcement powers in relation to the regulation of companion animal businesses. Proposed Division 3—

- (a) inserts definitions for the purposes of the proposed division, including *Departmental officer* and *enforcement officer* (proposed section 69I), and
- (b) extends functions of authorised officers under Division 1 to enforcement officers for the purposes of proposed Division 3 and determining compliance with, or a contravention of, proposed Part 6A or a regulation made under the part (proposed section 69J), and
- (c) requires enforcement officers to be issued identification cards (proposed section 69K), and
- (d) enables enforcement officers to enter property and seize dogs and cats in certain circumstances (proposed sections 69L–69N), and
- (e) enables enforcement officers who have determined a person is contravening or has contravened a provision of proposed Part 6A or a regulation made under that proposed part to issue compliance notices (proposed section 69O), and
- (f) permits enforcement officers to exercise certain powers of authorised officers (proposed section 69P), and
- (g) applies the authority to prosecute under the *Prevention of Cruelty to Animals Act 1979*, section 34AA to certain proceedings for offences in relation to companion animal businesses (proposed section 69Q).

Proposed Part 7A, Division 4 provides for the powers of courts to make orders relating to companion animal businesses (proposed section 69R–69T).

Schedule 1[5] makes an amendment to a note consequential on the insertion of proposed sections 69M and 69N.



New South Wales

Companion Animals Amendment (Puppy Farms) Bill 2024

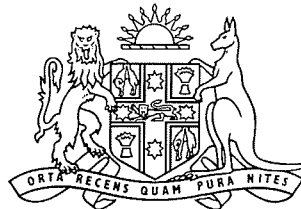
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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Companion Animals Amendment (Puppy Farms) Bill 2024

No. _____, 2024

A Bill for

An Act to amend the *Companion Animals Act 1998* to regulate the conduct of businesses breeding companion animals; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Companion Animals Amendment (Puppy Farms) Act 2024*.

3

2 Commencement

4

This Act commences as follows—

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- (a) Schedule 1[1], [2] and [4]–[7]—on the day that is 2 years after the date of assent to this Act,
- (b) otherwise—on the date of assent to this Act.

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Schedule 1	Amendment of Companion Animals Act 1998	1
	No 87	2
[1] Section 5 Definitions		3
	Insert in alphabetical order in section 5(1)—	4
	<i>assistance dog provider</i> means—	5
	(a) a member of the International Guide Dog Federation, or	6
	(b) an accredited member of Assistance Dogs International.	7
[2] Sections 61A and 61B		8
	Insert after section 61—	9
61A Assistance dog providers to give information to Minister		10
(1)	An assistance dog provider must, within 6 months after the end of each financial year, give the Minister—	11
	(a) a copy of the provider’s annual report for the financial year, and	12
	(b) other information prescribed by the regulations, if applicable.	13
(2)	In this section—	14
	<i>financial year</i> means a period of 12 months commencing on 1 July.	15
61B Application of Act to assistance dog providers		16
	Part 6A and Part 7A, Division 3 do not apply in relation to assistance dog providers.	17
[3] Part 6A		18
	Insert after Part 6—	19
	Part 6A Transitional regulation of companion animal breeding	20
		21
61C Definitions		22
	In this part—	23
	<i>breeding arrangement</i> means an arrangement between a companion animal breeding business and a person in relation to a dog or cat under which—	24
	(a) the dog or cat the subject of the arrangement lives—	25
	(i) in the care of the person, and	26
	(ii) away from the registered premises of the business, and	27
	(b) the proprietor of the business is entitled to, and intends to, require the dog or cat to return to the registered premises of the business for the purposes of breeding or delivering a litter.	28
	<i>companion animal breeding business</i> means an enterprise that—	29
	(a) carries out the breeding of dogs or cats for sale, and	30
	(b) has, at any time, no fewer than 3 fertile female dogs or 3 fertile female cats, including dogs or cats the subject of a breeding arrangement.	31
	<i>existing breeder</i> means a person who, on the commencement of this section, has—	32
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(a)	more than 10 fertile female dogs, including any that are subject of a breeding arrangement, or	1 2
(b)	more than 10 fertile female cats, including any that are subject of a breeding arrangement.	3 4
	<i>fertile female</i> , in relation to a dog or cat, means a female dog or cat that—	5
(a)	is at least 12 months of age, and	6
(b)	has not been desexed.	7
61D	Limit of 10 fertile female dogs or cats	8
(1)	This section applies to a person other than an existing breeder.	9
(2)	A person must not have more than 10 fertile female dogs or more than 10 fertile female cats, including fertile female dogs or fertile female cats that are the subject of a breeding arrangement.	10 11 12
	Maximum penalty—	13
(a)	for an individual—1,000 penalty units or imprisonment for 2 years, or both, or	14 15
(b)	otherwise—5,000 penalty units.	16
61E	Limit on fertile female dogs or cats—existing breeders	17
(1)	An existing breeder must not acquire any additional fertile female dogs unless the total number of fertile female dogs the breeder has does not exceed a total of 10, including any fertile female dogs that are the subject of a breeding arrangement.	18 19 20 21
	Maximum penalty—	22
(a)	for an individual—1,000 penalty units or imprisonment for 2 years, or both, or	23 24
(b)	otherwise—5,000 penalty units.	25
(2)	An existing breeder must not acquire any additional fertile female cats unless the total number of fertile female cats the breeder has does not exceed a total of 10, including any fertile female cats that are the subject of a breeding arrangement.	26 27 28 29
	Maximum penalty—	30
(a)	for an individual—1,000 penalty units or imprisonment for 2 years, or both, or	31 32
(b)	otherwise—5,000 penalty units.	33
61F	Repeal	34
	This part is repealed on the day that is 2 years after the date of assent to the <i>Companion Animals Amendment (Puppy Farms) Act 2024</i> .	35 36
[4]	Part 6A	37
	Insert after Part 6—	38

Part 6A Regulation of companion animal businesses 1

Division 1 Preliminary 2

61G Definitions 3

(1) In this part— 4

animal rescue includes an animal shelter, foster carer or foster care network that provides care for a stray or abandoned dog or cat that is— 5
6

(a) temporary, or 7

(b) for the purpose of finding a new home for the dog or cat. 8

applicable organisation means an organisation that holds an applicable organisation approval that is in force. 9
10

applicable organisation approval—see section 61ZY(1). 11

breeding arrangement—see section 61I. 12

business code of practice—see section 61J. 13

business information register means the register established under section 61ZD. 14
15

companion animal—see section 61H. 16

companion animal breeding business—see section 61L. 17

companion animal business—see section 61K. 18

Departmental officer means an employee of, or other person engaged by, the Office of Local Government who is authorised by the Departmental Chief Executive to exercise the functions of an enforcement officer under this division. 19
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enforcement officer means the following— 23

(a) an authorised officer, 24

(b) a Departmental officer, 25

(c) an inspector appointed by any of the following— 26

(i) the Royal Society for the Prevention of Cruelty to Animals, New South Wales, 27
28

(ii) the Animal Welfare League NSW, 29

(iii) the NSW Police Force. 30

fertile female, in relation to a dog or cat, means a female dog or cat that— 31

(a) is at least 12 months of age, and 32

(b) has not been desexed. 33

microbreeder means a person who— 34

(a) carries out the breeding of dogs or cats for sale, and 35

(b) has, at any time, no more than 2 fertile female dogs or 2 fertile female cats. 36
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proprietor means a person who conducts a companion animal business. 38

recreational breeder means a person who— 39

(a) carries out the breeding of dogs or cats for sale, and 40

(b) has, at any time, no more than 10 fertile female dogs or no more than 10 fertile female cats, including a fertile female dog or cat that is the subject of a breeding arrangement, and 41
42
43

(c) is a member of an applicable organisation. 44

<i>registered greyhound</i> means a greyhound registered with the Greyhound Welfare and Integrity Commission, but not a greyhound that has—	1 2
(a) participated in a greyhound adoption program operated by Greyhound Racing New South Wales, or	3 4
(b) been retired from racing and is being kept in the community as a companion by a person who is not registered by the Commission as a greyhound racing participant.	5 6 7
<i>registered premises</i> means premises registered under Division 2.	8
<i>relevant council</i> , in relation to a companion animal business, means the council of the area in which the premises on which the business is being or is proposed to be conducted is situated.	9 10 11
<i>source number</i> means a number issued under Division 4.	12
(2) For this part—	13
(a) a female dog or cat and the litter of that dog or cat are taken to be equivalent to 1 adult dog or cat, respectively, if the offspring in the litter are—	14 15 16
(i) with the dog or cat, and	17
(ii) under 8 weeks of age, and	18
(b) the offspring in the litter of a female dog or cat are together taken to be equivalent to 1 adult dog or cat, respectively, if the offspring are—	19 20
(i) not with the dog or cat, and	21
(ii) under 16 weeks of age.	22
(3) For this part, a companion animal breeding business has a cat or dog, or a cat or dog is a cat or dog of a companion animal breeding business, if the proprietor of the business keeps the cat or dog for the purposes of, or in connection with, breeding.	23 24 25 26
61H Part applies to cats and certain dogs only	27
In this part—	28
<i>companion animal</i> means the following—	29
(a) a cat,	30
(b) a dog other than a working dog.	31
61I Meaning of “breeding arrangement”	32
(1) For this part, a <i>breeding arrangement</i> means an arrangement between a companion animal breeding business and a person in relation to a dog or cat where—	33 34 35
(a) the dog or cat that is the subject of the arrangement lives—	36
(i) in the care of the person, and	37
(ii) away from the registered premises of the business, and	38
(b) the proprietor of the business is entitled to, and intends to, require the person to return the dog or cat to the registered premises of the business for the purposes of breeding or delivering a litter.	39 40 41
(2) A person who enters into a breeding arrangement may, on payment of the market price of the dog or cat to the proprietor of the business—	42 43
(a) terminate the arrangement at any time, and	44
(b) keep the dog or cat.	45

- (3) If the person who enters into a breeding arrangement has made a payment of a portion of the market price of the dog or cat to enter into the arrangement, the person must only pay the remainder of the market price for the purposes of subsection (2). 1
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- (4) Despite another provision of this section, a breeding arrangement is terminated and the person who entered the arrangement may keep the dog or cat without making a payment of the market price of the dog or cat if— 5
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- (a) following a veterinary practitioner’s assessment of the dog or cat, the dog or cat is found by the practitioner to be unsuitable for breeding for reasons other than that the dog or cat is— 8
9
10
- (i) under 12 months of age, or 11
- (ii) not sufficiently physically mature for the purposes of breeding, or 12
- (b) the proprietor of the business requires the person to return the dog or cat to the registered premises of the business for the purposes of breeding without having obtained a certification from a veterinary practitioner that the dog or cat is suitable for breeding required under section 61ZL. 13
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- 61J Meaning of “business code of practice”** 17
- (1) For this part, a *business code of practice* means a code of practice that specifies standards for the conduct of companion animal businesses, including the following— 18
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- (a) the *Animal Welfare Code of Practice No 5—Dogs and cats in animal boarding establishments* published by NSW Agriculture in October 1996, 21
22
23
- (b) the *Animal Welfare Code of Practice—Animals in pet shops* published by the Department of Primary Industries on 1 August 2008, 24
25
- (c) the *Animal Welfare Code of Practice—Breeding dogs and cats* published by the Department of Primary Industries on 30 August 2021, 26
27
- (d) a business code of practice made by the Departmental Chief Executive and published in the Gazette. 28
29
- (2) A business code of practice made by the Departmental Chief Executive may specify standards for the following— 30
31
- (a) the keeping, treatment, handling and care of companion animals, 32
- (b) the facilities, equipment and conditions at registered premises, 33
- (c) other practices or procedures to be adopted. 34
- (3) A business code of practice made by the Departmental Chief Executive may apply, adopt or incorporate, with or without modification, standards, rules, codes, specifications or methods published by an authority or body. 35
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37
- (4) A business code of practice made by the Departmental Chief Executive comes into operation on the later of the following— 38
39
- (a) the day specified in the code, 40
- (b) the day the code is published in the Gazette. 41
- (5) The Departmental Chief Executive must, within 2 years after the commencement of the *Companion Animals Amendment (Puppy Farms) Act 2024*, make and publish in the Gazette updated versions of the codes of practice referred to in subsection (1). 42
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- (6) A reference to a code of practice referred to in subsection (1) is taken, on the publication of the updated version, to be a reference to the updated version. 46
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61K	Meaning of “companion animal business”	1
	For this part, a <i>companion animal business</i> means the following—	2
	(a) a pet shop,	3
	(b) a companion animal breeding business.	4
61L	Meaning of “companion animal breeding business”	5
(1)	For this part, a <i>companion animal breeding business</i> means an enterprise that—	6 7
	(a) carries out the breeding of dogs or cats for sale, and	8
	(b) has, at any time, no fewer than 3 fertile female dogs or 3 fertile female cats, including a dog or cat the subject of a breeding arrangement.	9 10
(2)	Despite subsection (1), a farmer is not taken to conduct a companion animal breeding business in relation to a fertile female dog if the dog is primarily a working dog.	11 12 13
(3)	In this section—	14
	<i>dog</i> means a dog other than a registered greyhound.	15
Division 2	Registration of companion animal business premises	16
61M	Applications to register premises	17
(1)	A person may apply to a council to register premises within the area of that council as premises on which a companion animal business is to be conducted.	18 19
(2)	The application must be made—	20
	(a) in a form specified by the council, and	21
	(b) accompanied by a fee fixed by the council, and	22
	(c) in compliance with requirements that may be prescribed by the regulations.	23 24
(3)	The applicant must provide further information relating to the application as required by the council.	25 26
(4)	If the council proposes to register the premises, an authorised officer of the council must enter and inspect the premises to determine whether the person has complied with business codes of practice that apply to the business.	27 28 29
(5)	A council must not fix a fee under subsection (2)(b) unless the fee—	30
	(a) is fixed following the community consultation requirements, if any, prescribed by the regulations, and	31 32
	(b) covers the costs of processing the application.	33
61N	Applications to renew registration of premises	34
(1)	A proprietor of a companion animal business may apply to the relevant council to renew the registration no less than 30 days before the day the registration expires.	35 36 37
(2)	The application must be—	38
	(a) made in a form specified by the council, and	39
	(b) accompanied by a fee fixed by the council, and	40
	(c) in compliance with requirements specified in the regulations.	41

- (3) The applicant must provide further information relating to the application as required by the council. 1
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- (4) If the council proposes to renew the registration of the premises, an authorised officer of the council must enter and inspect the premises to determine whether the person has complied with business codes of practice that apply to the business. 3
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- (5) A council must not fix a fee under subsection (2)(b) unless the fee— 7
(a) is fixed following the community consultation requirements, if any, prescribed by the regulations, and 8
9
(b) covers the costs of processing the application. 10
- 61O Applications to transfer registration of premises** 11
- (1) A proprietor of a companion animal business may apply to a council to transfer the registration of premises to premises within the area of that council as new premises (the *new registered premises*) on which the business is to be conducted. 12
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- (2) The application must be— 16
(a) made in a form specified by the council, and 17
(b) accompanied by a fee fixed by the council, and 18
(c) in compliance with requirements specified in the regulations. 19
- (3) The applicant must provide further information relating to the application as required by the council. 20
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- (4) If the council proposes to transfer the registration of premises, an authorised officer of the council must enter and inspect the new registered premises to determine whether the proprietor has complied with business codes of practice that apply to the business. 22
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- (5) A council must not fix a fee under subsection (2)(b) unless the fee— 26
(a) is fixed following the community consultation requirements, if any, prescribed by the regulations, and 27
28
(b) covers the costs of processing the application. 29
- 61P Councils may grant or refuse applications** 30
- (1) On receiving an application under this division, a council may— 31
(a) grant the application and impose terms and conditions on the registration as the council considers appropriate, or 32
33
(b) refuse the application on a ground specified in section 61R. 34
- (2) A council must refuse the application if a ground specified in section 61S exists. 35
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- (3) Before a council refuses an application, the council must give notice to the applicant and provide the applicant with an opportunity to make submissions. 37
38
- (4) If a council refuses an application, the council must give notice of the council's decision, with reasons, to the applicant within 7 days after making the decision. 39
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- (5) An applicant may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the council's decision to refuse the application. 42
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61Q Councils may suspend or revoke registrations	1
(1) A relevant council may suspend or revoke a registration granted under this division on a ground specified in section 61R.	2 3
(2) A relevant council must revoke a registration granted under this division if a ground specified in section 61S exists.	4 5
(3) Before a council suspends or revokes a registration, the council must give notice to the proprietor and provide the proprietor with an opportunity to make submissions.	6 7 8
(4) If a council suspends or revokes a registration, the council must give notice of the council's decision, with reasons, to the proprietor within 7 days after making the decision.	9 10 11
(5) A proprietor may apply to the Civil and Administrative Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of the council's decision to suspend or revoke the registration.	12 13 14
61R Discretionary grounds to refuse applications or suspend or revoke registrations	15 16
A council may refuse an application or suspend or revoke a registration if the council is satisfied the applicant or proprietor concerned—	17 18
(a) has at any time declared bankruptcy or been the director of a body corporate placed in liquidation or under external administration while the applicant or proprietor was a director, or	19 20 21
(b) is likely to not be able to meet the expenses associated with—	22
(i) conducting a companion animal business, or	23
(ii) providing proper care for the dogs or cats, including veterinary care, or	24 25
(c) has failed to comply with—	26
(i) a business code of practice that applies to the business, or	27
(ii) a term or condition of the registration, or	28
(iii) this Act or the regulations, or	29
(d) has given false or misleading information in making an application under this division, or	30 31
(e) does not have sufficient qualifications or experience in caring for companion animals, or	32 33
(f) is otherwise not a fit and proper person to conduct the business.	34
61S Mandatory grounds to refuse applications or revoke registrations	35
A council must refuse an application or revoke a registration if the council is satisfied the applicant or proprietor concerned—	36 37
(a) is also an applicant or proprietor in relation to another companion animal business, or	38 39
(b) has been found guilty of an offence under this Act or the regulations, or a law of another State or Territory that corresponds with this Act or the regulations, or	40 41 42
(c) has been found guilty of an offence under the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act, or a law of another State or Territory that corresponds with that Act or regulation, or	43 44 45 46

(d)	has been the subject of an order made or recognised under the <i>Prevention of Cruelty to Animals Act 1979</i> , section 30B(1), 31(1) or 31AA(1), or	1 2 3
(e)	has been found guilty of an offence under the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531.	4 5
61T	Courts may suspend or revoke registration or refer matter to relevant councils	6
(1)	This section applies to proceedings before a court where a proprietor of a companion animal business is found guilty of an offence under—	7 8
(a)	this Act or the regulations, or	9
(b)	the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act, or	10 11
(c)	a law of another State or Territory that corresponds with a law referred to in paragraph (a) or (b), or	12 13
(d)	the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531.	14
(2)	If, in the court’s opinion, a registration relating to the companion animal business should be suspended or revoked, the court may—	15 16
(a)	make an order suspending or revoking a registration granted under this division, or	17 18
(b)	refer the matter to the relevant council for determination under section 61P.	19 20
(3)	An officer of the court must provide a copy of an order made under subsection (2)(a) to the relevant council as soon as possible after the order is made.	21 22
61U	Registration—term and cessation	23
(1)	A registration remains in force until 1 year has elapsed since the day of the registration.	24 25
(2)	However, the registration ceases before that day as follows—	26
(a)	if the registration is renewed—on the day of the renewal,	27
(b)	if the ownership of the business changes—on the day the change occurs,	28
(c)	if the proprietor concerned surrenders the registration by written notice to the relevant council—on the day the council receives the notice.	29 30
Division 3	Information about registration applications	31
61V	Registration applications—councils must provide general information	32
(1)	A council must, within 7 days after making a decision to grant or refuse an application to register premises under Division 2, provide the following information to the Departmental Chief Executive—	33 34 35
(a)	the name of the applicant,	36
(b)	the name of the companion animal business,	37
(c)	the tax file number, Australian Business Number or Australian Company Number of the applicant or business,	38 39
(d)	the type of companion animal business,	40
(e)	the address of, and contact details for, the companion animal business,	41
(f)	the name of the owner of the premises at which the companion animal business is intended to be conducted,	42 43

(g)	the details of a finding of guilt made against the applicant for an offence under the following, if any—	1
	(i) this Act or the regulations,	2
	(ii) the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act,	3
	(iii) the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531,	4
	(iv) a law of another State or a Territory that corresponds with a law referred to in subparagraph (i) or (ii),	5
(h)	the details of the applicant being the subject of an order made or recognised under the <i>Prevention of Cruelty to Animals Act 1979</i> , section 30B(1), 31(1) or 31AA(1),	6
(i)	the details of the applicant’s qualifications or experience in caring for companion animals, if any,	7
(j)	other matters prescribed by the regulations.	8
(2)	In this section—	9
	companion animal business includes a proposed companion animal business.	10
61W	Registrations granted—councils must provide additional information	11
(1)	A council must, within 7 days after making a decision to grant an application to register premises under Division 2, provide the following additional information to the Departmental Chief Executive—	12
	(a) the residential address, telephone number and email address of the applicant,	13
	(b) the date of registration and the registration number of the registered premises of the companion animal business,	14
	(c) the date of the most recent inspection of the registered premises by an authorised officer of the relevant council,	15
	(d) the local government area within which the registered premises is located.	16
(2)	If the companion animal business is a companion animal breeding business, the council must provide the following additional information—	17
	(a) the number of dogs or cats kept, or to be kept, at the registered premises of the business,	18
	(b) the number of dogs or cats the subject of a breeding arrangement,	19
	(c) the unique identification number allocated to the microchip implanted in each dog or cat,	20
	(d) the breed, date of birth, sex and colour of each dog or cat,	21
	(e) whether each dog or cat has been desexed,	22
	(f) the number of litters each female dog or cat has had and when they were delivered.	23
61X	Registrations renewed or transferred—councils must provide additional information	24
	A council must, within 7 days after making a decision to grant an application to renew or transfer a registration granted under Division 2, provide the date on which the registration was renewed or transferred to the Departmental Chief Executive.	25

61Y Applications refused and registrations suspended or revoked—councils must provide additional information	1 2
A council must, within 7 days after making a decision to refuse an application or suspend or revoke a registration granted under Division 2, provide the following additional information to the Departmental Chief Executive—	3 4 5
(a) if an application was refused—the date on which the application was refused,	6 7
(b) if an application was suspended—the date on which the registration was suspended and the duration of the suspension,	8 9
(c) if a registration was revoked—the date on which the registration was revoked,	10 11
(d) the reasons for the council’s decision.	12
Division 4 Source numbers	13
61Z Companion animal businesses must be issued source numbers	14
(1) The Departmental Chief Executive must—	15
(a) on receiving information under section 61W—issue a source number to the proprietor concerned and notify the relevant council of the number issued, or	16 17 18
(b) on receiving information under section 61X—renew the source number issued to the proprietor concerned and notify the relevant council of the number renewed.	19 20 21
(2) The source number remains in force for the term of the relevant registration.	22
(3) If a council suspends or revokes the relevant registration, the proprietor’s source number is also suspended or revoked.	23 24
61ZA Animal rescues, microbreeders and other sellers to apply for source numbers	25
(1) A relevant person may apply to the Departmental Chief Executive for—	26
(a) the issue of a source number, or	27
(b) if a source number has been issued but is due to expire—the renewal of the source number.	28 29
(2) The applicant must provide the following information to the Departmental Chief Executive—	30 31
(a) the residential address, telephone number and email address of the applicant,	32 33
(b) the local government area within which the residential address is located,	34 35
(c) the details of an order under section 23, or a corresponding order under a law of another State or Territory, to which the applicant is, or has been, subject, if any,	36 37 38
(d) the details of a finding of guilt made against the applicant for an offence under any of the following—	39 40
(i) this Act or the regulations,	41
(ii) the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act,	42 43
(iii) a law of another State or a Territory that corresponds with a law referred to in subparagraph (i) or (ii),	44 45

(e)	the details of a finding of guilt made against the applicant for an offence under the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531, if any,	1 2
(f)	the details of the applicant's qualifications or experience in caring for companion animals, if any,	3 4
(g)	the number of dogs or cats kept, or to be kept, at the residential address,	5
(h)	the unique identification number allocated to the microchip implanted in each dog or cat,	6 7
(i)	the breed, date of birth, sex and colour of each dog or cat,	8
(j)	whether each dog or cat has been desexed,	9
(k)	the number of litters each female dog or cat has had and when they were delivered,	10 11
(l)	additional information relating to the application as required by the Departmental Chief Executive.	12 13
(3)	An applicant that is a recreational breeder must additionally provide the following information to the Departmental Chief Executive—	14 15
(a)	the name of the applicable organisation of which the recreational breeder is a member,	16 17
(b)	the recreational breeder's membership number as a member of the applicable organisation.	18 19
(4)	The application must be—	20
(a)	made in a form specified by the Departmental Chief Executive, and	21
(b)	accompanied by a fee fixed by the Departmental Chief Executive, and	22
(c)	in compliance with requirements that may be prescribed by the regulations.	23 24
(5)	A source number remains in force for 1 year beginning on the day the number was issued.	25 26
(6)	In this section—	27
	<i>relevant person</i> means the following—	28
(a)	an animal rescue,	29
(b)	a microbreeder,	30
(c)	another person who sells, or proposes to sell, a dog or cat by advertising the dog or cat for sale, whether or not the sale is for profit or a fee.	31 32
61ZB	Animal rescues, microbreeders and other sellers—Departmental Chief Executive to grant or refuse applications for source numbers	33 34
(1)	The Departmental Chief Executive must, within 21 days after receiving an application under this division—	35 36
(a)	grant the application and issue a source number to the applicant, or	37
(b)	refuse the application on the grounds specified in subsection (2).	38
(2)	The Departmental Chief Executive must refuse the application if the Departmental Chief Executive is satisfied the applicant—	39 40
(a)	has been found guilty of an offence under the following—	41
(i)	this Act or the regulations,	42
(ii)	the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act,	43 44
(iii)	the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531,	45

(iv)	a law of another State or Territory that corresponds with a law referred to in subparagraphs (i)–(iii), or	1 2
(b)	has been the subject of an order made or recognised under the following—	3 4
(i)	section 23,	5
(ii)	the <i>Prevention of Cruelty to Animals Act 1979</i> , section 30B(1), 31(1) or 31AA(1).	6 7
(3)	The Departmental Chief Executive may refuse the application on the following grounds—	8 9
(a)	for a microbreeder—if the Departmental Chief Executive is satisfied the applicant does not have sufficient qualifications in caring for companion animals,	10 11 12
(b)	if the Departmental Chief Executive is satisfied the applicant has given false or misleading information in making the application,	13 14
(c)	another reason prescribed by the regulations.	15
(4)	The Departmental Chief Executive must, within 7 days after making the decision to grant or refuse the application, give written notice of the decision to the applicant.	16 17 18
(5)	The applicant may apply to the Civil and Administrative Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of the Departmental Chief Executive’s decision.	19 20 21
61ZC	Animal rescues, microbreeders and other sellers—Departmental Chief Executive to suspend or revoke source numbers issued	22 23
(1)	The Departmental Chief Executive must suspend or revoke a source number issued under this division on the following grounds—	24 25
(a)	if the Departmental Chief Executive is satisfied the person issued the source number has been found guilty of an offence under the following—	26 27 28
(i)	this Act or the regulations,	29
(ii)	the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under that Act,	30 31
(iii)	the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531,	32
(iv)	a law of another State or Territory that corresponds with a law referred to in subparagraphs (i)–(iii),	33 34
(b)	if the Departmental Chief Executive is satisfied the person issued the source number has been the subject of an order made or recognised under the following—	35 36 37
(i)	section 23,	38
(ii)	the <i>Prevention of Cruelty to Animals Act 1979</i> , section 30B(1), 31(1) or 31AA(1),	39 40
(c)	if the Departmental Chief Executive is satisfied the person issued the source number has given false or misleading information in making the application,	41 42 43
(d)	another reason that may be prescribed by the regulations.	44
(2)	The Departmental Chief Executive may suspend or revoke a source number issued under this division on the following grounds—	45 46

(a)	if the Departmental Chief Executive is satisfied the person issued the source number has given false or misleading information in making the application,	1 2 3
(b)	another reason prescribed by the regulations.	4
(3)	The person issued the source number may apply to the Civil and Administrative Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of the Departmental Chief Executive's decision.	5 6 7
Division 5 Business information register		8
61ZD	Business information register	9
(1)	The Departmental Chief Executive must maintain a business information register that contains the following—	10 11
(a)	information provided under Division 3 and section 61ZA(2),	12
(b)	source numbers issued under Division 4,	13
(c)	other information prescribed by the regulations.	14
(2)	The register must be—	15
(a)	in the form determined by the Departmental Chief Executive, and	16
(b)	made available on a publicly accessible website administered by the Department of Planning, Housing and Infrastructure.	17 18
(2)	The Departmental Chief Executive may restrict the categories of information that may be accessed by a person entitled to inspect the register under sections 61ZE and 61ZF.	19 20 21
(3)	The regulations may provide for matters relating to the register.	22
61ZE	Business information register—inspection by permitted officers	23
	The following persons may inspect the business information register—	24
(a)	the Minister, or a person authorised by the Minister,	25
(b)	the Departmental Chief Executive, or a person authorised by the Departmental Chief Executive,	26 27
(c)	for the purpose of administering the <i>Prevention of Cruelty to Animals Act 1979</i> —the Secretary of Regional NSW, or a person authorised by the Secretary,	28 29 30
(d)	for the purpose of enforcing the <i>Prevention of Cruelty to Animals Act 1979</i> —an officer, within the meaning of that Act, section 4(1), definition of <i>officer</i> , paragraph (b) or (c),	31 32 33
(e)	an enforcement officer,	34
(f)	for the purpose of investigating an offence under this Act or the <i>Prevention of Cruelty to Animals Act 1979</i> or a regulation made under either Act, or the <i>Crimes Act 1900</i> , section 79, 80, 530 or 531—a police officer,	35 36 37 38
(g)	another person prescribed by the regulations.	39
61ZF	Inspection of business information register	40
	Any person may inspect or obtain the following information contained in the register—	41 42
(a)	the relevant source number,	43

	(b) in relation to a companion animal business, microbreeder, animal rescue or recreational breeder—	1 2
	(i) the name and email address of the proprietor of the business or breeder, and	3 4
	(ii) the registration number of the registered premises of the business or breeder, and	5 6
	(iii) the local government area within which the registered premises or breeder is located, and	7 8
	(iv) for a recreational breeder—additionally—	9
	(A) the name of the applicable organisation of which the recreational breeder is a member, and	10 11
	(B) the recreational breeder’s membership number as a member of the applicable organisation.	12 13
Division 6	Offences	14
61ZG	Persons must not conduct companion animal businesses on unregistered premises	15 16
	A person must not conduct a companion animal business on premises that are not registered for that purpose with the relevant council.	17 18
	Maximum penalty—	19
	(a) for an individual—1,000 penalty units or imprisonment for 2 years, or both, or	20 21
	(b) otherwise—5,000 penalty units.	22
61ZH	Proprietors must comply with terms and conditions of registration	23
	A proprietor of a companion animal business must comply with the terms and conditions imposed on a registration.	24 25
	Maximum penalty—	26
	(a) for an individual—400 penalty units or imprisonment for 1 year, or both, or	27 28
	(b) otherwise—2,000 penalty units.	29
61ZI	Proprietors and breeders must comply with business codes of practice	30
	A microbreeder, a proprietor of a companion animal business or a recreational breeder must comply with the applicable provisions of a business code of practice, except to the extent of an inconsistency with the provisions of this part or Part 7A, Division 3.	31 32 33 34
	Maximum penalty—	35
	(a) for an individual—400 penalty units or imprisonment for 1 year, or both, or	36 37
	(b) otherwise—2,000 penalty units.	38
61ZJ	Proprietors and breeders must not have more than 10 fertile female dogs or cats	39 40
	A proprietor of a companion animal breeding business or a recreational breeder must not have, at any time, more than 10 fertile female dogs or 10 fertile female cats, including a fertile female dog or cat the subject of a breeding arrangement.	41 42 43 44
	Maximum penalty—	45

	(a) for an individual—1,000 penalty units or imprisonment for 2 years, or both, or	1 2
	(b) otherwise—5,000 penalty units.	3
61ZK	Proprietors and breeders must ensure dogs and cats undergo routine veterinary checks	4 5
	A proprietor of a companion animal breeding business or a recreational breeder must ensure each dog or cat of the business undergoes a general health assessment performed by a veterinary practitioner—	6 7 8
	(a) at least once a year, and	9
	(b) in relation to a female dog or cat—within 8 weeks of a litter of the dog or cat being delivered.	10 11
	Maximum penalty—	12
	(a) for an individual—400 penalty units or imprisonment for 1 year, or both, or	13 14
	(b) otherwise—2,000 penalty units.	15
61ZL	Proprietors and breeders must obtain veterinary certification before breeding	16
(1)	Within a reasonable period before breeding from a dog or cat of the business or breeder, a proprietor of a companion animal breeding business or recreational breeder must obtain from a veterinary practitioner—	17 18 19
	(a) an assessment of the dog or cat, and	20
	(b) a certification that the dog or cat is suitable for breeding.	21
	Maximum penalty—	22
	(a) for an individual—400 penalty units or imprisonment for 1 year, or both, or	23 24
	(b) otherwise—2,000 penalty units.	25
(2)	Before breeding from a dog or cat on the first occasion, for the purposes of certifying that the dog or cat is suitable for breeding under subsection (1), the practitioner’s assessment must include an assessment that the dog or cat is—	26 27 28
	(a) at least 12 months of age, and	29
	(b) sufficiently physically mature for the purposes of breeding.	30
61ZM	Proprietors and breeders must not breed dogs or cats in certain circumstances	31 32
(1)	A microbreeder, a proprietor of a companion animal breeding business or a recreational breeder must not breed from a female dog or cat in the following circumstances—	33 34 35
	(a) if the dog or cat has already been bred by the proprietor 5 times,	36
	(b) if a heritable defect is identified in a previous litter of the dog or cat,	37
	(c) with a dog or cat that is related by blood to the dog or cat.	38
	Maximum penalty—	39
	(a) for an individual—400 penalty units or imprisonment for 1 year, or both, or	40 41
	(b) otherwise—2,000 penalty units.	42
(2)	The regulations may define <i>heritable defect</i> for subsection (1)(b).	43

(3)	The Departmental Chief Executive must, within 2 years after the commencement of the <i>Companion Animals Amendment (Puppy Farms) Act 2024</i> , make and publish in the Gazette a code of practice dealing with the breeding of animals with heritable defects.	1 2 3 4
(4)	In this section— <i>related by blood</i> means a parent, son, daughter, sibling, grandparent or grandchild of the dog or cat.	5 6 7
61ZN	Proprietors and breeders must ensure ratio of staff to companion animals kept on registered premises	8 9
(1)	A proprietor of a companion animal breeding business must ensure that, at all times, there is at least 1 staff member at the proprietor’s registered premises for every 10 animals kept at the premises. Maximum penalty—	10 11 12 13
(a)	for an individual—400 penalty units or imprisonment for 1 year, or both, or	14 15
(b)	otherwise—2,000 penalty units.	16
(2)	A microbreeder or recreational breeder must ensure that, at all times, there is at least 1 person at the premises at which the microbreeder’s or recreational breeder’s for every 10 animals kept at the premises. Maximum penalty—	17 18 19 20
(a)	for an individual—400 penalty units or imprisonment for 1 year, or both, or	21 22
(b)	otherwise—2,000 penalty units.	23
(3)	For this section, each offspring in the litter of a dog or cat, irrespective of the age of the offspring, is taken to be equivalent to 1 animal.	24 25
(3)	In this section— <i>staff member</i> includes the proprietor of a companion animal business and a person engaged by the proprietor to attend to an animal kept at the registered premises of the business.	26 27 28 29
61ZO	Proprietors and breeders must keep records of breeding arrangements	30
(1)	A proprietor of a companion animal breeding business or a recreational breeder that has entered into a breeding arrangement must keep a record of the following details in relation to each dog or cat that is the subject of the arrangement—	31 32 33 34
(a)	the date the proprietor or breeder entered into the arrangement,	35
(b)	the name and residential address of the person who has possession of the dog or cat,	36 37
(c)	the address at which the dog or cat is ordinarily kept,	38
(d)	the date the arrangement is terminated and the reason for termination,	39
(e)	other details prescribed by the regulations.	40
(2)	The proprietor or breeder must keep a copy of the record in the way prescribed by the regulations.	41 42
(3)	The proprietor or breeder must not, in keeping a record under this section, make a statement the proprietor or breeder knows is false or misleading. Maximum penalty—	43 44 45

	(a) for an individual—50 penalty units or imprisonment for 6 months, or both, or	1 2
	(b) otherwise—250 penalty units.	3
61ZP	Proprietors and breeders must prepare health management plans	4
(1)	A proprietor of a companion animal breeding business or a recreational breeder must, in consultation with a veterinary practitioner, prepare a plan for the ongoing care of the health and wellbeing of dogs and cats of the business or breeder (a <i>health management plan</i>) that—	5 6 7 8
	(a) is certified by a veterinary practitioner each year, and	9
	(b) includes protocols for the following—	10
	(i) the health and welfare of dogs and cats, including in relation to birthing, diet, disease prevention, environmental enrichment, exercise, grooming, hygiene, parasite prevention, socialisation and vaccinations,	11 12 13 14
	(ii) the process for determining the suitability of dogs and cats for breeding,	15 16
	(iii) the quarantine and movement of dogs and cats,	17
	(iv) emergency response plans, including evacuation procedures,	18
	(v) the retirement and rehoming of dogs and cats.	19
(2)	The proprietor or breeder must comply with the health management plan, except to the extent of an inconsistency with the provisions of this part or Part 7A, Division 3.	20 21 22
	Maximum penalty—	23
	(a) for an individual—400 penalty units or imprisonment for 1 year, or both, or	24 25
	(b) otherwise—2,000 penalty units.	26
61ZQ	Proprietors and breeders must ensure ongoing safety of dogs and cats	27
(1)	A proprietor of a companion animal breeding business or a recreational breeder must ensure the ongoing safety of each dog or cat of the business.	28 29
(2)	For the purposes of subsection (1), a reference to the ongoing safety of a dog or cat includes a reference to the protection against the commission of an act of cruelty, or an act of aggravated cruelty, upon the dog or cat.	30 31 32
(3)	In this section, a reference to the commission of an act of cruelty, or an act of aggravated cruelty, upon a dog or cat has the same meaning as a reference to an act of cruelty, or an act of aggravated cruelty, committed upon an animal in the <i>Prevention of Cruelty to Animals Act 1979</i> , section 4(2) and (3).	33 34 35 36
	Maximum penalty—	37
	(a) for an individual—400 penalty units or imprisonment for 1 year, or both, or	38 39
	(b) otherwise—2,000 penalty units.	40
61ZR	Proprietors and breeders—requirements to cease breeding and retire and rehome dogs and cats	41 42
(1)	A proprietor of a companion animal breeding business or a recreational breeder must cease breeding and retire a dog or cat of the business or breeder if the dog or cat—	43 44 45
	(a) for a female dog or cat—has delivered 5 litters, or	46

(b)	for a male dog or cat—the dog or cat is 6 years of age.	1
(2)	The proprietor or breeder must, as soon as practicable, ensure the retired dog or cat is—	2
		3
(a)	desexed, unless a veterinary practitioner considers it inappropriate to do so for health reasons, and	4
		5
(b)	microchipped, and	6
(c)	kept by the business or breeder as a companion or rehomed to a suitable home.	7
		8
	Maximum penalty—	9
(a)	for an individual—400 penalty units or imprisonment for 1 year, or both, or	10
		11
(b)	otherwise—2,000 penalty units.	12
61ZS	Pet shops—persons must not sell certain companion animals	13
	A person must not sell, or cause the sale of, a companion animal that is not from a rehoming organisation to the proprietor of a pet shop.	14
		15
	Maximum penalty—	16
(a)	for an individual—400 penalty units or imprisonment for 1 year, or both, or	17
		18
(b)	otherwise—2,000 penalty units.	19
61ZT	Pet shops—proprietors must not receive or sell certain companion animals	20
(1)	A proprietor of a pet shop must not, in conducting the business of a pet shop, accept or receive a companion animal for sale that is not from a rehoming organisation.	21
		22
		23
(2)	A proprietor of a pet shop must not, in conducting the business of a pet shop, sell, or cause the sale of, a companion animal that is not from a rehoming organisation.	24
		25
		26
	Maximum penalty—	27
(a)	for an individual—400 penalty units or imprisonment for 1 year, or both, or	28
		29
(b)	otherwise—2,000 penalty units.	30
61ZU	Pet shops—proprietors must not receive or sell dogs and cats of certain age	31
(1)	A proprietor of a pet shop must not, in conducting the business of a pet shop, accept or receive a companion animal for sale that is—	32
		33
(a)	a dog that is less than 6 months of age, or	34
(b)	a cat that is less than 8 weeks of age.	35
		36
	Maximum penalty—	36
(a)	for an individual—400 penalty units or imprisonment for 1 year, or both, or	37
		38
(b)	otherwise—2,000 penalty units.	39
(2)	A proprietor of a pet shop must not, in conducting the business of a pet shop, sell, or cause or allow the sale of—	40
		41
(a)	a dog that is less than 6 months of age, or	42
(b)	a cat that is less than 8 weeks of age.	43
		44
	Maximum penalty—	44

(a)	for an individual—400 penalty units or imprisonment for 1 year, or both, or	1 2
(b)	otherwise—2,000 penalty units.	3
61ZV	Pet shops—proprietors must keep certain records	4
(1)	A proprietor of a pet shop must keep a record of the following details in relation to each dog or cat offered for sale or sold by the pet shop—	5 6
(a)	the name and residential address of the person from whom the dog or cat was obtained,	7 8
(b)	the date the dog or cat was sold,	9
(c)	other details that may be prescribed by the regulations.	10
	Maximum penalty—	11
(a)	for an individual—50 penalty units or imprisonment for 6 months, or both, or	12 13
(b)	otherwise—250 penalty units.	14
(2)	The proprietor must keep a copy of the record in the way prescribed by the regulations.	15 16
	Maximum penalty—	17
(a)	for an individual—50 penalty units or imprisonment for 6 months, or both, or	18 19
(b)	otherwise—250 penalty units.	20
(3)	The proprietor must not, in keeping a record under this section, make a statement that the proprietor knows is false or misleading.	21 22
	Maximum penalty—	23
(a)	for an individual—50 penalty units or imprisonment for 6 months, or both, or	24 25
(b)	otherwise—250 penalty units.	26
61ZW	Persons must not advertise dogs and cats for sale without source numbers	27
(1)	A person must not advertise a dog or cat for sale, or cause a dog or cat to be advertised for sale, whether or not the sale is for profit or a fee, unless the advertisement includes the source number of the person selling the dog or cat.	28 29 30
(2)	A person must not publish, or cause the publication of, an advertisement of a dog or cat for sale, whether or not the sale is for profit or a fee, unless the advertisement includes the source number of the person selling the dog or cat.	31 32 33
	Maximum penalty—	34
(a)	for an individual—50 penalty units or imprisonment for 6 months, or both, or	35 36
(b)	otherwise—250 penalty units.	37
Division 7	Recreational breeders	38
61ZX	Application of provisions to microbreeders or recreational breeders	39
(1)	The following provisions do not apply to a microbreeder or recreational breeder—	40 41
(a)	this part, other than the following—	42
(i)	this section,	43

(ii)	sections 61ZI–61ZR and 61ZW,	1
(b)	Part 7A, Division 3.	2
(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 4 5
(3)	The regulations may prescribe additional criteria for the Minister’s approval of an organisation as an applicable organisation.	6 7
61ZY	Applicable organisation approvals	8
(1)	An organisation may apply to the Minister for approval as an applicable organisation (an <i>applicable organisation approval</i>).	9 10
(2)	An application for an applicable organisation approval must—	11
(a)	include details of the education and training provided by the organisation to the organisation’s members regarding compliance with this Act, the <i>Prevention of Cruelty to Animals Act 1979</i> and other laws relating to dogs and cats, including a copy of the training materials, and	12 13 14 15
(b)	include details of how the organisation ensures members have no prior convictions under this Act or the <i>Prevention of Cruelty to Animals Act 1979</i> , and	16 17 18
(c)	include the organisation’s code of ethics and details of how the code is enforced, and	19 20
(d)	include details of the organisation’s capacity to enforce the code of ethics, including—	21 22
(i)	details of processes and procedures in place for undertaking inspections for breeder members, and	23 24
(ii)	details of the person within the organisation who will undertake the inspections, and	25 26
(e)	include the outcome of disciplinary action taken by the organisation for breaches of the code of ethics during the preceding year, and	27 28
(f)	be accompanied by the following—	29
(i)	a copy of the organisation’s disciplinary policy,	30
(ii)	a copy of the organisation’s disciplinary hearing procedure,	31
(iii)	a copy of the organisation’s complaints policy and complaints handling procedure,	32 33
(iv)	information about the organisation’s procedures and protocols of reporting and handling incidents of animal cruelty, and	34 35
(g)	include other information required by the Minister, and	36
(h)	include other details prescribed by the regulations, and	37
(i)	be accompanied by the prescribed application fee.	38
(3)	The Minister may decide the application by—	39
(a)	granting the organisation an applicable organisation approval, or	40
(a)	refusing to grant the organisation an approval.	41
(4)	In deciding the application, the Minister may consider information included in or accompanying the application.	42 43
(6)	If the Minister grants the applicable organisation approval, the Minister must publish notice of the approval in the gazette.	44 45

(5)	An applicable organisation approval must specify the following—	1
(a)	the period for which the approval is to remain in force, which must not exceed 3 years,	2
(b)	the matters that must be set out in the report required by the condition in section 61ZZA(1),	3
(c)	conditions to which the Minister considers the approval should be subject.	4
(7)	An applicable organisation approval remains in force until the earlier of—	5
(a)	the period determined under subsection (5)(a), or	6
(b)	the revocation of the approval.	7
61ZZ	Renewal of applicable organisation approval	8
(1)	The holder of an applicable organisation approval may apply to the Minister for renewal of the approval.	9
(2)	An application for renewal must—	10
(a)	include a report containing the prescribed details about the organisation and the organisation’s activities, and	11
(b)	include other information required by the Minister, and	12
(c)	be accompanied by the prescribed application fee.	13
(3)	An application for renewal must be made at least 60 days, or a shorter period approved by the Minister, before the expiry of the approval period specified in the approval.	14
(4)	The Minister may renew the approval if the Minister continues to be satisfied of the matters set out in section 61ZY(1).	15
(5)	In making a decision to renew an approval of an organisation under this section the Minister may consider information included in or accompanying the application for renewal of approval under this section.	16
(6)	The Minister must not renew the approval if the organisation has failed to submit any report as required by the condition in section 61ZZA(1).	17
(7)	A renewed approval under this section must specify the following—	18
(a)	the period for which the renewed approval is to remain in force, which must not exceed 3 years,	19
(b)	any conditions that apply to the renewed approval,	20
(c)	the matters that must be set out in the report required by the condition in section 61ZZA(1).	21
61ZZA	Condition of approval—report submitted each year of approval	22
(1)	It is a condition of an applicable organisation approval that the organisation must submit a report to the Minister by 31 July in each year that sets out the following in relation to the preceding year—	23
(a)	the number of members that conducted breeding,	24
(b)	the number of dogs or cats, or litters of kittens or puppies, registered with the organisation,	25
(c)	a copy of the organisation’s code of ethics.	26
(d)	the number and details of investigations into breaches of the organisation’s code of ethics,	27

(e)	the number and details of occasions of non-compliance with the organisation's code of ethics, including details regarding disciplinary action taken,	1 2 3
(f)	the number and details of site inspections of members conducted by the organisation,	4 5
(g)	a copy of the organisation's complaints register,	6
(h)	a copy of the organisations' training program and training calendar for the year ahead.	7 8
(2)	The report must be made available on a publicly accessible website administered by the Office of Local Government as soon as practicable after the report is submitted to the Minister.	9 10 11
61ZZB	Revocation of approval	12
	The Minister may revoke an applicable organisation approval if the organisation has failed to submit a report required by the condition in section 61ZZA(1).	13 14 15
61ZZC	Notice of and submissions on proposal to revoke or not renew approval	16
(1)	If the Minister proposes to revoke an applicable organisation approval, or proposes not to renew an approval, before revoking or not renewing the approval the Minister must give written notice to the organisation stating—	17 18 19
(a)	the reasons for the proposal, and	20
(b)	that the organisation may make submissions to the Minister on the proposal within the period specified in the notice.	21 22
(2)	The holder of the approval may make written submissions to the Minister in relation to the proposal to revoke or not renew the approval within the period specified in the notice under subsection (1).	23 24 25
(3)	The Minister must consider a submission made under subsection (2) before deciding to revoke the approval or not to renew the approval.	26 27
(4)	The Minister must give written notice of the Minister's decision under this section to the relevant organisation.	28 29
(5)	A decision of the Minister to revoke an approval under section 61ZZB takes effect on the later of the following—	30 31
(a)	the date the notice under subsection (4) is given to the organisation,	32
(b)	the date, if any, specified in the notice.	33
Division 8	Review	34
61ZZD	Review	35
(1)	The Minister must review this part to determine whether—	36
(a)	the policy objectives remain valid, and	37
(b)	the provisions remain appropriate for securing the policy objectives.	38
(2)	The review must be undertaken as soon as possible after the period of 5 years from the commencement of this part.	39 40
(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.	41 42

[5] Section 62 Seized animals must be delivered to owner, council pound or approved premises	1
	2
Omit “and 58G, however this Part does not apply to animals seized under those sections.” from section 62(1), note.	3
	4
Insert instead “58G, 69M and 69N. However, this part does not apply to animals seized under those sections.”	5
	6
[6] Part 7A, Divisions 3 and 4	7
Insert after Part 7A, Division 2—	8
Division 3 Powers relating to companion animal businesses	9
69I Definitions	10
In this division—	11
<i>companion animal business</i> has the same meaning as in Part 6A.	12
<i>compliance notice</i> means a notice issued under section 69O.	13
<i>Departmental officer</i> means an employee of, or other person engaged by, the Office of Local Government who is authorised by the Departmental Chief Executive to exercise the functions of an enforcement officer under this division.	14
	15
	16
	17
<i>enforcement officer</i> means the following—	18
(a) an authorised officer,	19
(b) a Departmental officer,	20
(c) an inspector appointed by any of the following—	21
(i) the Royal Society for the Prevention of Cruelty to Animals, New South Wales,	22
	23
(ii) the Animal Welfare League NSW,	24
(iii) the NSW Police Force,	25
(d) an officer who is the holder of an authority that is issued under section 69J(1) and is in force.	26
	27
<i>proprietor</i> has the same meaning as in Part 6A.	28
<i>registered premises</i> has the same meanings as in Part 6A.	29
69J Enforcement officers	30
(1) The Minister, or the Secretary or a Deputy Secretary of the Department, may—	31
	32
(a) issue an officer with an authority as an enforcement officer for the purposes of this division, and	33
	34
(b) revoke an authority.	35
(2) An enforcement officer may exercise the functions and powers of an authorised officer under Division 1 for the following purposes—	36
	37
(a) this division,	38
(b) determining if there has been compliance with or a contravention of—	39
(i) Part 6A, or	40
(ii) a regulation made under Part 6A.	41

69K	Enforcement officers must be issued identification cards	1
(1)	A person that has employed, engaged or appointed an enforcement officer must issue the officer with an identification card.	2 3
(2)	When exercising a function under this division, an enforcement officer must, if requested by a person affected by the exercise of the function, produce the officer's identification card for inspection by the person.	4 5 6
69L	Power to enter property	7
(1)	An enforcement officer may enter a property for the purpose of exercising a function under this division.	8 9
(2)	Before entering a property under this section, an enforcement officer must give the occupier of the property reasonable notice of the intention to enter the property unless—	10 11 12
(a)	entry is made with the consent of the occupier of the property, or	13
(b)	entry is, in the officer's opinion, required urgently because of the existence or reasonable likelihood of a serious risk to the health or safety of a companion animal, or	14 15 16
(c)	the giving of the notice would, in the officer's opinion, defeat the purpose for which entering the property is intended.	17 18
(3)	The powers of entry conferred by this section are not exercisable in relation to a part of premises used only for residential purposes except—	19 20
(a)	with the permission of the occupier of the premises, or	21
(b)	under the authority conferred by a search warrant under section 69D.	22
(4)	Despite subsection (3) and section 69A(3), an enforcement officer may enter a part of premises used only for residential purposes if, in the officer's opinion, the entry is required urgently because of the existence or reasonable likelihood of—	23 24 25 26
(a)	a serious risk to the health or safety of a companion animal, or	27
(b)	the loss, concealment or destruction of evidence of the commission of an offence against this Act or the regulations.	28 29
69M	Powers of enforcement officers to seize animals—general	30
(1)	Part 7 does not apply to the seizure of animals under this section.	31
(2)	An authorised officer may, on any property lawfully entered under this division, seize any companion animal—	32 33
(a)	kept in contravention of a provision of Part 6A or a regulation made under Part 6A, or	34 35
(b)	where, in the enforcement officer's opinion, there is a serious risk to the health or safety of the companion animal.	36 37
	Example— All companion animals may be seized if the proprietor of a companion animal breeding business—	38 39
(a)	has more than 10 fertile female dogs or 10 fertile female cats in breach of section 61ZJ, or	40 41
(b)	has not ensured a companion animal has undergone routine veterinary checks in breach of section 61ZK.	42 43

69N	Registrations suspended, revoked or expired—power to enter property and seize animals	1 2
(1)	This section applies to a proprietor of a companion animal business conducted on registered premises if the registration of the premises—	3 4
(a)	is suspended or revoked, or	5
(b)	has expired.	6
(2)	On the recommendation of the relevant council or the Departmental Chief Executive, an enforcement officer may—	7 8
(a)	enter the registered premises, and	9
(b)	seize a companion animal kept on the property immediately before the suspension, revocation or expiry of the registration.	10 11
69O	Power of enforcement officers to issue compliance notices	12
(1)	If, in an enforcement officer’s opinion, a person is contravening or has contravened a provision of Part 6A or a regulation made under Part 6A, the officer may issue a notice requiring the proprietor to ensure compliance within 14 days after the day the notice is issued.	13 14 15 16
(2)	A person must comply with a notice issued under this section. Maximum penalty—	17 18
(a)	for an individual—50 penalty units or imprisonment for 6 months, or both, or	19 20
(b)	otherwise—250 penalty units.	21
(3)	A notice under this section must be in the form approved by the Departmental Chief Executive.	22 23
(4)	A person cannot be convicted of both an offence against this section and another offence under this Act or the regulations in respect of the same act or omission.	24 25 26
69P	Powers of enforcement officers to do things on entered property	27
	An enforcement officer may, on property lawfully entered under this division, exercise the powers specified in the following—	28 29
(a)	section 69B,	30
(b)	the <i>Prevention of Cruelty to Animals Act 1979</i> , sections 24I and 24J.	31
69Q	Authority to prosecute	32
	The <i>Prevention of Cruelty to Animals Act 1979</i> , section 34AA applies to proceedings for an offence against Part 6A or this division in relation to a companion animal business.	33 34 35
Division 4	Powers of courts to make orders relating to companion animal businesses	36 37
69R	Court may order payment of care and maintenance costs by accused person	38
	The <i>Prevention of Cruelty to Animals Act 1979</i> , section 30A applies to proceedings under Part 6A or this part, Division 3, as if a reference in the <i>Prevention of Cruelty to Animals Act 1979</i> , section 30A to an animal cruelty offence is a reference to an offence against Part 6A or this part, Division 3.	39 40 41 42

69S	Court may make interim disqualification order during proceedings	1
	The <i>Prevention of Cruelty to Animals Act 1979</i> , section 30B applies to proceedings under Part 6A or this part, Division 3, as if a reference in the <i>Prevention of Cruelty to Animals Act 1979</i> , section 30B to an animal cruelty offence is a reference to an offence against Part 6A or this part, Division 3.	2 3 4 5
69T	Court may make further orders following conviction	6
	The <i>Prevention of Cruelty to Animals Act 1979</i> , section 31 applies to proceedings under Part 6A or this part, Division 3, as if a reference in the <i>Prevention of Cruelty to Animals Act 1979</i> , section 31 to an animal cruelty offence is a reference to an offence against Part 6A or this part, Division 3.	7 8 9 10
[7]	Section 93 Proceedings for offences	11
	Insert at the end of the section—	12
	(4) Despite the <i>Criminal Procedure Act 1986</i> or another Act, proceedings for an offence against the following provisions may be commenced not later than 3 years after the date evidence of the alleged offence first came to the attention of an authorised officer or an enforcement officer within the meaning of Part 7A, Division 3—	13 14 15 16 17
	(a) Part 6A,	18
	(b) a regulation made under Part 6A,	19
	(c) Part 7A, Division 3.	20