



New South Wales

Animals (Regulation of Sale) Bill 2008

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 cats, dogs and other mammals (but not livestock) as follows:

- (a) by prohibiting the keeping of cats and dogs at shops or markets for the purposes of their sale,
- (b) by prohibiting the sale of cats and dogs at or from shops or markets,
- (c) by prohibiting the display of mammals other than cats or dogs in shop windows or in parts of shops visible to passers-by,
- (d) by regulating the advertising of the sale of cats and dogs,
- (e) by requiring any person who offers a cat or dog for sale to inform prospective purchasers of the basic care requirements of the animal,
- (f) by restricting who can carry on the business of selling cats or dogs, or breeding cats or dogs for sale.

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 claim 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 an 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 affect any provision of the *National Parks and Wildlife Act 1974*, the *Prevention of Cruelty to Animals Act 1979* or any other Act or statutory rule that regulates or prohibits the keeping or sale of a mammal.

Part 2 Regulation of sale of cats and dogs

Division 1 Regulation of sale of cats and dogs at shops and markets

Clause 6 regulates the keeping of cats and dogs at shops or markets for the purpose of selling them.

Clause 7 regulates the sale or offering for sale of cats and dogs at or from shops or markets.

Clause 8 regulates the negotiation of the sale of cats and dogs at shops or markets.

Division 2 Provision of basic care information about cats and dogs

Clause 9 requires persons who display cats or dogs for sale, or cause or permit other persons to display cats or dogs for sale, to provide prospective purchasers with written prescribed basic care information, that is, with a written statement about the basic care requirements of the animals prescribed under proposed section 21.

Clause 10 requires an authorised seller who sells a cat or dog, or a person who sells a cat or dog on behalf of an authorised seller, to provide the purchaser with written prescribed basic care information about the animal.

Division 3 Regulation of advertising of cats and dogs

Clause 11 regulates the advertising of the sale of cats and dogs at shops or markets and elsewhere.

Division 4 Regulation of business of selling or breeding cats and dogs

Clause 12 prohibits the carrying on of the business of selling cats and dogs or breeding cats and dogs for sale. Neither of the prohibitions apply to a recognised breeder, and the prohibition on carrying on the business of selling animals does not apply to an approved animal shelter, a council pound, the practice of a veterinary practitioner or an approved animal welfare organisation.

Part 3 Regulation of sale of mammals other than cats and dogs

Clause 13 prohibits the display of mammals other than cats or dogs in shop windows or any other part of a shop that can easily be seen by a person outside the shop.

Part 4 Regulation of recognised breeders

Clause 14 provides for the regulations to prescribe standards that are required to be complied with by recognised breeders.

Clause 15 makes it an offence for a recognised breeder to fail to comply with the prescribed standards.

Clause 16 provides that an inspector under the *Prevention of Cruelty to Animals Act 1979* may exercise certain 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 that apply to the breeder.

Part 5 Proceedings for offences

Clause 17 provides that offences under the proposed Act are to be dealt with summarily before a Local Court or by the Supreme Court in its summary jurisdiction.

Clause 18 deals with offences by corporations.

Clause 19 provides for the issue of penalty notices for offences under the proposed Act.

Part 6 Miscellaneous

Clause 20 provides for the making of regulations under the proposed Act.

Clause 21 provides for the regulations to prescribe basic care information in relation to cats and dogs. The information will be required to cover such matters as the usual life-span of the animal, the minimum requirements for the humane shelter, accommodation, exercising and socialising of the animal and the costs associated with feeding, registering and keeping the animal and obtaining veterinary care for the animal.

Clause 22 provides that, in certain circumstances, there will be a presumption that a person carries on a business of selling cats, dogs or other mammals.

Clause 23 provides that the proposed Act binds the Crown.

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

Clause 25 provides for the review of the proposed Act.

Schedule 1 Amendment of Acts and regulations

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

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 claim 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.



New South Wales

Animals (Regulation of Sale) Bill 2008

Contents

| | Page |
|-------------------|--|
| Part 1 | Preliminary |
| 1 | Name of Act 2 |
| 2 | Commencement 2 |
| 3 | Object of Act 2 |
| 4 | Definitions 2 |
| 5 | Act does not affect other prohibitions 4 |
| Part 2 | Regulation of sale of cats and dogs |
| Division 1 | Regulation of sale of cats and dogs at shops and markets |
| 6 | Prohibition on keeping cats and dogs at shops or markets for purpose of selling them 5 |
| 7 | Prohibition on sale of cats and dogs at or from shops or markets 5 |

| | Page |
|---|------|
| 8 Regulation of negotiation of sale of cats and dogs at shops or markets | 6 |
| Division 2 Provision of basic care information about cats and dogs | |
| 9 Basic care information to be provided when a cat or dog is displayed for sale | 7 |
| 10 Basic care information to be provided when a cat or dog is sold by or on behalf of authorised seller | 7 |
| Division 3 Regulation of advertising of cats and dogs | |
| 11 Regulation of advertising of the sale of cats and dogs | 7 |
| Division 4 Regulation of business of selling or breeding cats and dogs | |
| 12 Prohibition on carrying on business of selling or breeding cats and dogs for sale | 8 |
| Part 3 Regulation of sale of mammals other than cats and dogs | |
| 13 Prohibition on display of mammals in shop windows | 9 |
| Part 4 Regulation of recognised breeders | |
| 14 Regulations may prescribe certain standards | 10 |
| 15 Recognised breeders must comply with prescribed standards | 10 |
| 16 Powers of inspectors under Prevention of Cruelty to Animals Act 1979 | 10 |
| Part 5 Proceedings for offences | |
| 17 Nature of proceedings for offences | 11 |
| 18 Offences by corporations | 11 |
| 19 Penalty notices | 11 |
| Part 6 Miscellaneous | |
| 20 Regulations | 13 |
| 21 Regulations may prescribe basic care information | 13 |
| 22 Presumption that a person carries on a business | 14 |
| 23 Act to bind Crown | 14 |
| 24 Amendment of Acts and regulations | 14 |
| 25 Review of Act | 14 |
| Schedule 1 Amendment of Acts and regulations | 15 |



New South Wales

Animals (Regulation of Sale) Bill 2008

No. , 2008

A Bill for

An Act to regulate the sale of certain animals; and for other purposes.

Clause 1 Animals (Regulation of Sale) Bill 2008

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 2008*. 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

advertise includes advertise by oral, visual, written or other means (for example by means of cinema, video, radio, the Internet or television or by means of promotional material such as club journals, brochures or flyers). 13
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approved animal shelter means each of the following: 17

- (a) any facility operated by an approved animal welfare organisation, 18
- (b) any other facility for the holding of lost, stray, abandoned or surrendered mammals that is operated by a non-profit organisation and that is approved by the Minister. 19
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approved animal welfare organisation means each of the following: 22

- (a) the Royal Society for the Prevention of Cruelty to Animals, New South Wales, 23
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- (b) the Animal Welfare League NSW, 25
- (c) the Cat Protection Society of NSW Inc, 26
- (d) any other non-profit organisation that has among its objects the promotion of the welfare of, or the prevention of cruelty to, mammals (or any class of mammals), a charitable object or a benevolent object, 27
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- (e) any other non-profit organisation that is approved by the Minister. 31
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authorised seller means each of the following: 33

- (a) the operator of an approved animal shelter, 34
- (b) the operator of a council pound, 35

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- (c) the operator of the practice of a veterinary practitioner, but only in respect of the sale of surrendered or abandoned animals, 1
2
- (d) an approved animal welfare organisation, 3
- (e) a recognised breeder (but only in respect of those animals for which the person is a recognised breeder). 4
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- cat** means a live animal (of either sex, or desexed) of the species *Felis catus*, whether or not domesticated. 6
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- council pound** means: 8
- (a) a public or private pound established by a local council under the *Impounding Act 1993*, or 9
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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*. 11
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- dog** means a live animal (of either sex, or desexed) of the species *Canis familiaris*, whether or not domesticated. 14
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- exercise** a function includes perform a duty. 16
- function** includes a power, authority or duty. 17
- livestock** means any live cattle, horses, sheep, goats, swine, deer, buffalo or alpacas. 18
19
- mammal** means any live mammal (other than a human being). 20
- market** includes: 21
- (a) any fair, and 22
- (b) any similar event to a market or fair, and 23
- (c) any booth or stall at any market, fair or similar event. 24
- prescribed basic care information**, in relation to a cat, dog or other mammal, means the information about the basic care requirements of the animal prescribed by the regulations under section 21. 25
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27
- recognised breeder**: 28
- (a) for dogs—means a member of the Royal NSW Canine Council Ltd or any other body recognised by the Minister by order published in the Gazette, or 29
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31
- (b) for cats—means a member of the NSW Cat Fanciers Association Inc or Waratah State Cat Alliance Inc or any other body recognised by the Minister by order published in the Gazette. 32
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sell means to transfer ownership by any means (whether or not for consideration or sufficient consideration) and includes: 1
2

- (a) to transfer ownership by gift or exchange, and 3
- (b) agree to sell. 4

Note. This will include the sale of an animal for an amount that represents only cost recovery for the seller, for example, recovery of the cost of caring for, desexing and microchipping the animal. 5
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shop means any premises, vehicle or boat used wholly or predominantly for the retail sale of goods or animals, or in or at which goods or animals are sold or exposed or offered for sale by retail on more than one occasion, but does not include any of the following: 8
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- (a) an approved animal shelter, 12
- (b) a council pound, 13
- (c) the practice of a veterinary practitioner, in respect of the display, sale or advertising of surrendered or abandoned animals kept at the practice, 14
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- (d) the residential premises of a recognised breeder for the mammal displayed, sold or advertised, 17
18
- (e) a shop at a market. 19

working dog means a dog used, or intended to be used, primarily for the purpose of droving, tending, working or protecting livestock, and includes a dog being trained as a working dog. 20
21
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- (2) Notes included in this Act do not form part of this Act. 23

5 Act does not affect other prohibitions 24

This Act does not affect any provision of the *National Parks and Wildlife Act 1974*, the *Prevention of Cruelty to Animals Act 1979* or any other Act or statutory rule that regulates or prohibits the keeping or sale of a mammal. 25
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Note. This Act regulates the keeping and sale of mammals. The *National Parks and Wildlife Act 1974* prohibits the selling of certain fauna. This Act does not affect that prohibition. 29
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| Part 2 | Regulation of sale of cats and dogs | 1 |
| Division 1 | Regulation of sale of cats and dogs at shops and markets | 2 |
| | | 3 |
| 6 | Prohibition on keeping cats and dogs at shops or markets for purpose of selling them | 4 |
| | | 5 |
| (1) | A person must not keep a cat or dog at a shop or market, or cause or permit another person to keep a cat or dog at a shop or market, either permanently or temporarily, for the purpose of selling the cat or dog. | 6 |
| | Maximum penalty: 200 penalty units for a corporation and 40 penalty units for an individual. | 7 |
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| | | 10 |
| (2) | A person does not commit an offence under this section if: | 11 |
| (a) | the cat or dog is kept at the shop or market on behalf of an approved animal welfare organisation or the operator of an approved animal shelter, and | 12 |
| | | 13 |
| | | 14 |
| (b) | the cat or dog is not left unattended at the shop or market, and | 15 |
| (c) | the cat or dog is not kept at the shop or market overnight. | 16 |
| (3) | This section does not apply to the keeping of a working dog at a market for the purpose of selling it by a person whose principal occupation is primary production and who is not in the business of selling dogs. | 17 |
| | | 18 |
| | | 19 |
| 7 | Prohibition on sale of cats and dogs at or from shops or markets | 20 |
| (1) | A person must not offer for sale or sell a cat or dog at or from a shop or market. | 21 |
| | Maximum penalty: 250 penalty units for a corporation and 50 penalty units for an individual. | 22 |
| | | 23 |
| | | 24 |
| (2) | A person must not cause or permit another person to offer for sale or sell a cat or dog at or from a shop or market. | 25 |
| | Maximum penalty: 250 penalty units for a corporation and 50 penalty units for an individual. | 26 |
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| (3) | A person does not commit an offence under this section in relation to the offering of a cat or dog for sale at or from a shop or market if: | 29 |
| (a) | the cat or dog is offered for sale on behalf of an approved animal welfare organisation or the operator of an approved animal shelter, and | 30 |
| | | 31 |
| | | 32 |
| | | 33 |
| (b) | the cat or dog is not left unattended at the shop or market, and | 34 |
| (c) | the cat or dog is not kept at the shop or market overnight. | 35 |
| | Note. The exception in subsection (3) does not authorise the sale of the cat or dog at the shop or market. | 36 |
| | | 37 |

- (4) This section does not apply: 1
- (a) to the offering for sale of a working dog at a market by a person whose principal occupation is primary production and who is not in the business of selling dogs, but only if: 2
 - (i) the offer makes it clear that the dog is being sold as a working dog, and 3
 - (ii) the proposed seller's Australian Business Number is prominently displayed at the place the offer is made, or 4 - (b) to the sale of a working dog at a market by a person whose principal occupation is primary production and who is not in the business of selling dogs. 5

8 Regulation of negotiation of sale of cats and dogs at shops or markets 12

- (1) A person must not, at a shop or market, act or offer to act, as an intermediary to negotiate, obtain or otherwise assist with the sale to another person (*the customer*) of a cat or dog unless: 13
- (a) the sale will be by or on behalf of an authorised seller, and 14
 - (b) the person provides the customer with a written statement of the prescribed basic care information for the cat or dog, before or as soon as practicable after the person offers or begins to act as intermediary on the sale. 15
- Maximum penalty: 250 penalty units for a corporation and 50 penalty units for an individual. 16
- (2) A person must not demand or accept payment of a fee or reward for or in connection with acting as an intermediary at a shop or market to negotiate, obtain or otherwise assist with the sale of a cat or dog. 17
- Maximum penalty: 250 penalty units for a corporation and 50 penalty units for an individual. 18
- (3) This section does not apply to a person's acting or offering to act at a market as an intermediary in respect of the sale of a working dog by a person whose principal occupation is primary production and who is not in the business of selling dogs, but only if: 19
- (a) it is made clear that the dog is being sold as a working dog, and 20
 - (b) the proposed seller's Australian Business Number is prominently displayed at the market or provided to the customer. 21

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| Division 2 | Provision of basic care information about cats and dogs | 1 2 |
| 9 | Basic care information to be provided when a cat or dog is displayed for sale | 3 4 |
| (1) | A person must not display a cat or dog for sale, or cause or permit a person to display a cat or dog for sale, unless: | 5 6 |
| (a) | there is displayed with the animal a sign that includes a statement to the effect that the prescribed basic care information for the animal is available on request, and | 7 8 9 |
| (b) | a written statement of the prescribed basic care information for the animal is made available at the point of display for perusal by any person on request while the animal is displayed for sale. | 10 11 12 |
| | Maximum penalty: 150 penalty units for a corporation and 30 penalty units for an individual. | 13 14 |
| (2) | For the purposes of this section, it does not matter where or by what method the cat or dog was displayed for sale. | 15 16 |
| 10 | Basic care information to be provided when a cat or dog is sold by or on behalf of authorised seller | 17 18 |
| (1) | An authorised seller must not sell a cat or dog, and a person must not sell a cat or dog on behalf of an authorised seller, unless the purchaser of the animal is provided, at or about the time of sale, with a written statement of the prescribed basic care information for the animal. | 19 20 21 22 |
| | Maximum penalty: 150 penalty units for a corporation and 30 penalty units for an individual. | 23 24 |
| (2) | For the purposes of this section, it does not matter where or by what method the cat or dog was sold. | 25 26 |
| Division 3 | Regulation of advertising of cats and dogs | 27 |
| 11 | Regulation of advertising of the sale of cats and dogs | 28 |
| (1) | A person who advertises the sale of a cat or dog at a shop or market must not do so by displaying a live cat or dog. | 29 30 |
| | Maximum penalty: 200 penalty units for a corporation and 40 penalty units for an individual. | 31 32 |
| (2) | A person must not advertise the sale of a cat or dog (whether at a shop or market or elsewhere) unless: | 33 34 |
| (a) | the cat or dog is to be sold by or on behalf of an authorised seller, and | 35 36 |

- (b) the advertisement includes a statement to the effect that the prescribed basic care information for the animal is available on request from the authorised seller by whom or on whose behalf the animal is being sold, and 1
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 - (c) in the case of an advertisement by or on behalf of a recognised breeder—the advertisement includes a statement of the name of the body that the breeder is a member of and the membership number that the breeder has been allocated by that body. 5
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- Maximum penalty: 150 penalty units for a corporation and 30 penalty units for an individual. 9
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- (3) A recognised breeder does not commit an offence under this section merely because an advertisement includes a statement, in general terms, about the recognised breeder’s business. 11
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 - (4) This section applies even if the person who advertises the sale of a cat or dog does not receive any fee or reward for doing so. 14
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 - (5) This section does not apply to the advertising of the sale of a working dog by a person whose principal occupation is primary production and who is not in the business of selling dogs, but only if: 16
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 - (a) the advertisement makes it clear that the dog is being sold as a working dog, and 19
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 - (b) the proposed seller’s Australian Business Number is included in the advertisement. 21
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Division 4 Regulation of business of selling or breeding cats and dogs 23
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12 Prohibition on carrying on business of selling or breeding cats and dogs for sale 25
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- (1) A person must not carry on a business of: 27
 - (a) selling cats or dogs, or 28
 - (b) breeding cats or dogs for sale. 29

Maximum penalty: 500 penalty units for a corporation and 100 penalty units for an individual. 30
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- (2) This section does not apply to: 32
 - (a) the selling of cats or dogs by an authorised seller, or 33
 - (b) the breeding of cats or dogs by a recognised breeder. 34

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| Part 3 | Regulation of sale of mammals other than cats and dogs | 1 |
| | | 2 |
| 13 | Prohibition on display of mammals in shop windows | 3 |
| (1) | A person must not display a mammal (other than a cat or dog) for sale: | 4 |
| (a) | in a shop window, or | 5 |
| (b) | in any other part of a shop that can easily be seen by a person outside the shop. | 6 |
| | Maximum penalty: 200 penalty units for a corporation and 40 penalty units for an individual. | 7 |
| | Note. Section 6 prohibits the keeping of cats and dogs at shops or markets. | 8 |
| (2) | This section does not apply to the display of livestock. | 9 |
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|---------------|---|----------------------------------|
| Part 4 | Regulation of recognised breeders | 1 |
| 14 | Regulations may prescribe certain standards | 2 |
| | The regulations may prescribe standards that must be complied with by recognised breeders, including standards relating to the confinement, transport and welfare of mammals. | 3 4 5 |
| 15 | Recognised breeders must comply with prescribed standards | 6 |
| | A recognised breeder must comply with any standards prescribed by the regulations under section 14. | 7 8 |
| | Maximum penalty: 250 penalty units for a corporation and 50 penalty units for an individual. | 9 10 |
| 16 | Powers of inspectors under Prevention of Cruelty to Animals Act 1979 | 11 |
| (1) | An inspector appointed under the <i>Prevention of Cruelty to Animals Act 1979</i> may exercise any power under Division 2 of Part 2A of that Act 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 under this Act that apply to the breeder. | 12 13 14 15 16 17 |
| (2) | For the purpose of the exercise of those powers, Division 2 of Part 2A of the <i>Prevention of Cruelty to Animals Act 1979</i> applies as if a contravention by a recognised breeder of a regulation made under section 14 were a contravention of the regulations under that Act. | 18 19 20 21 |

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| Part 5 | Proceedings for offences | 1 |
| 17 | Nature of proceedings for offences | 2 |
| (1) | Proceedings for an offence against this Act or the regulations may be dealt with: | 3 |
| | (a) summarily before a Local Court, or | 4 |
| | (b) by the Supreme Court in its summary jurisdiction. | 5 |
| (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. | 6 |
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| 18 | Offences by corporations | 10 |
| (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. | 11 |
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| (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. | 16 |
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| | | 18 |
| (3) | Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act. | 19 |
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| 19 | Penalty notices | 21 |
| (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. | 22 |
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| | | 25 |
| (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. | 26 |
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| (3) | A penalty notice may be served personally or by post. | 31 |
| (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. | 32 |
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| | | 34 |
| (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. | 35 |
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- (6) The regulations may: 1
- (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and 2
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 - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and 5
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 - (c) prescribe different amounts of penalties for different offences or classes of offences. 7
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- (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. 9
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- (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. 12
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- (9) In this section, **authorised officer** means: 15
- (a) a police officer, or 16
 - (b) an officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales who is authorised in writing by the Minister as an authorised officer for the purposes of this section, or 17
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 - (c) an officer of the Animal Welfare League NSW who is authorised in writing by the Minister as an authorised officer for the purposes of this section, or 21
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 - (d) any other person who is authorised in writing by the Minister as an authorised officer for the purposes of this section. 24
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| Part 6 | Miscellaneous | 1 |
| 20 | Regulations | 2 |
| (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. | 3 4 5 6 |
| (2) | The regulations may create offences punishable by a penalty not exceeding 50 penalty units. | 7 8 |
| 21 | Regulations may prescribe basic care information | 9 |
| (1) | The regulations may prescribe, in relation to cats or dogs, or cats or dogs of a particular breed, information about the basic care requirements of the animal. | 10 11 12 |
| (2) | The prescribed basic care information must include information as to the following matters: | 13 14 |
| (a) | the usual life-span of animals of the breed or species to which it relates, | 15 16 |
| (b) | the minimum requirements for the humane shelter and accommodation of the animal, | 17 18 |
| (c) | the minimum requirements for keeping the animal securely within the home or yard of an owner, | 19 20 |
| (d) | the minimum requirements for the humane exercising of the animal, | 21 22 |
| (e) | the minimum requirements for the humane provision of social contact with humans and with other animals, respectively and the possible behavioural problems that may arise as a consequence of not doing so, | 23 24 25 26 |
| (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 animal, | 27 28 29 |
| (g) | the costs that could ordinarily be expected to be associated with feeding, registering and keeping the animal and providing it with veterinary attention when it would be humane to provide such attention, | 30 31 32 33 |
| (h) | the maximum time that the animal can be humanely left unattended if, for example, the owner goes on holidays, | 34 35 |
| (i) | the regularity with which an animal must be checked on by a responsible adult if, for example, the owner goes on holidays, and the extent to which the animal must be provided with social contact with humans or with other animals during that time, | 36 37 38 39 |

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|-----------|--|-------------------------|
| (j) | the number of off-spring that the animal 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 |
| (k) | that mistreating, dumping or otherwise abandoning the animal are offences, and the maximum penalties for those offences. | 4 5 |
| 22 | Presumption that a person carries on a business | 6 |
| (1) | In any proceedings under this Act, a person who, on more than 6 occasions in any period of 12 months, offered for sale or sold any cat, dog or other mammal is presumed to be carrying on a business of selling cats, dogs or such other mammals, respectively, but the presumption may be displaced by evidence that satisfies the court to the contrary. | 7 8 9 10 11 |
| (2) | Subsection (1) does not limit the means of proving, for the purposes of any proceedings, that a person is carrying on a business of selling cats, dogs or other mammals. | 12 13 14 |
| 23 | Act to bind Crown | 15 |
| | 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. | 16 17 18 |
| 24 | Amendment of Acts and regulations | 19 |
| | The Acts and regulations specified in Schedule 1 are amended as set out in that Schedule. | 20 21 |
| 25 | Review of Act | 22 |
| (1) | The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. | 23 24 25 |
| (2) | The review is to be undertaken as soon as possible after the period of 12 months from the date of assent to this Act. | 26 27 |
| (3) | A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 12 months. | 28 29 |

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| 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 2008 | 6 |
| [1] | Clause 12 Exemptions from identification requirements | 7 |
| | Omit clause 12 (3). | 8 |
| [2] | Clause 16 Exemptions from registration requirement | 9 |
| | Insert “(other than a dog or cat) that is a companion animal” after “animal” wherever occurring in clause 16 (e) and (f). | 10 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 cat or dog” after “animal” where firstly occurring in clause 5 (1) (k). | 14 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 2008</i> , section 19 | 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, owned or was in charge of the animal, must collect the impounded animal within 7 days after the person is notified by the impounding authority that the animal has been impounded. | 24 25 26 27 |
| | Maximum penalty: 200 penalty units for a corporation or 40 penalty units for an individual. | 28 29 |

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| (2) | A person is not guilty of an offence under this section if another person with lawful authority to do so collected the animal within the time required. | 1 2 3 |
| (3) | A conviction under this section does not affect any obligation to pay any amount fixed under section 26. | 4 5 |
| 1.6 | Prevention of Cruelty to Animals Act 1979 No 200 | 6 |
| [1] | Section 11 Animals not to be dumped or otherwise abandoned | 7 |
| | Insert “dump or otherwise” after “not”. | 8 |
| [2] | Section 31B | 9 |
| | Insert after section 31A: | 10 |
| 31B | Failure to claim companion animal from charitable organisation or to surrender animal | 11 12 |
| (1) | 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 in charge of 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. | 13 14 15 16 17 18 19 |
| | Maximum penalty: 200 penalty units for a corporation or 40 penalty units for an individual. | 20 21 |
| (2) | A person is not guilty of an offence under this section if another person with lawful authority to do so claimed or surrendered the animal within the time required. | 22 23 24 |