

PARLIAMENT OF VICTORIA

**Domestic Animals Amendment (Puppy Farms and
Pet Shops) Bill 2016**

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

A Bill for an Act to amend the **Domestic Animals Act 1994** to regulate the number of fertile female dogs to be kept by breeding domestic animal businesses, to further regulate the breeding of dogs and cats and the sale of dogs and cats in pet shops, to provide for registration of foster carers and for single use permits to sell certain animals, to further provide for the administration and enforcement of that Act and legal proceedings and to provide for other minor and related matters and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The purpose of this Act is to amend the **Domestic Animals Act 1994**—

5

- (a) to regulate the number of fertile female dogs kept by breeding domestic animal businesses; and

Part 1—Preliminary

- 5
- (b) to further regulate the breeding of dogs and cats and the sale of dogs and cats in pet shops; and
- (c) to provide for the registration of foster carers and single use permits to sell certain animals; and
- (d) to further provide for the administration and enforcement of that Act and legal proceedings; and
- 10 (e) to provide for other minor and related matters.

2 Commencement

- 15 (1) This Part and sections 33 and 35 come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Sections 22 and 90(2) come into operation on 10 April 2020.
- (3) Subject to subsection (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- 20 (4) If a provision referred to in subsection (3) does not come into operation before 10 April 2017, it comes into operation on that day.

3 Principal Act

25 In this Act, the **Domestic Animals Act 1994** is called the Principal Act.

Part 2—Amendment of the Domestic Animals Act 1994

4 Purpose of the Domestic Animals Act 1994

After section 1(d) of the Principal Act **insert**—

- 5 "(da) the regulation of matters relating to the breeding and sale of dogs and cats; and
- (db) the registration of foster carers for certain purposes; and".

5 Definitions

- 10 (1) For the definition of *animal shelter* in section 3(1) of the Principal Act **substitute**—

 "*animal shelter* means any premises maintained for the purpose of providing temporary care or finding new homes for stray, abandoned or unwanted dogs or cats, but does not include premises on which foster care is being provided;"

15

- (2) For the definition of *domestic animal business* in section 3(1) of the Principal Act **substitute**—

20 "*domestic animal business* means—

- (a) an animal shelter, Council pound or pet shop; or
- (b) an enterprise—
- (i) which carries out the breeding of dogs (other than GRV greyhounds) to sell; and
- 25 (ii) which has any fertile female dogs (other than GRV greyhounds); or
- (c) an enterprise—
- 30 (i) which carries out the breeding of cats to sell; and

- (ii) which has 3 or more fertile female cats; or
- (d) an enterprise which trains or boards dogs (other than GRV greyhounds) or cats—
- 5 (i) for the purpose of profit; or
- (ii) for a fee or for the exchange of services; or
- (e) an enterprise which rears or keeps dogs (other than GRV greyhounds) or cats—
- 10 (i) for the purpose of profit or sale; or
- (ii) for a fee or for exchange of services;".
- (3) **Insert** the following definitions in section 3(1) of the Principal Act—
- 15 "***Council authorised officer*** means a person appointed as an authorised officer under section 72;
- "***Council contracted authorised officer*** means a
- 20 person appointed as an authorised officer under section 72A;
- "***Departmental authorised officer*** means a person appointed as an authorised officer under section 71;
- 25 "***foster care*** means the care of a stray, abandoned or unwanted dog or cat (whether or not as part of a community foster care network) that is temporary or for the purpose of finding a new home for the dog or cat and that takes
- 30 place on premises on which the care is being provided to no more than—
- (a) 5 dogs or animal adult equivalent dogs; or

(b) 5 cats or animal adult equivalent cats;
or

(c) a combination of 5 dogs and cats or
animal adult equivalent dogs and cats;

5 *foster carer registration* means a registration
under section 68B, including a registration
that is renewed under section 68D;

10 *rateable property* has the same meaning as
in section 3 of the **Local Government
Act 1989**;

registered foster carer means a person who holds
a foster carer registration;

15 *relevant fertile female dog* means a female dog,
12 months of age or more, that has not been
rendered permanently infertile;

restricted authorised officer means a person
appointed as an authorised officer under
section 71A;".

20 (4) **Insert** the following definition in section 3(1) of
the Principal Act—

"*animal sale permit* means an animal sale permit
issued under section 58R(1);".

(5) **Insert** the following definitions in section 3(1) of
the Principal Act—

25 "*approved dog obedience training organisation*
means an organisation that holds a dog
obedience training organisation approval;

30 *dog obedience training organisation approval*
means an approval under section 5B(1),
including an approval that is renewed under
section 5C;".

- 5 (6) In the definition of *Department* in section 3(1) of the Principal Act, for "Environment and Primary Industries" **substitute** "Economic Development, Jobs, Transport and Resources".
- 5 (7) After section 3(4) of the Principal Act **insert**—
- "(5) In this Act—
- 10 (a) a fertile female dog or cat and the litter of that dog or cat are taken as one animal adult equivalent if the offspring in the litter are with the dog or cat and are under 8 weeks old; and
- 15 (b) the offspring in a dog's or cat's litter are taken as one animal adult equivalent if the offspring are not with the dog or cat and are under 16 weeks old."
- 6 Applicable organisations and recognised organisations**
- 20 (1) In section 5A(1)(a) of the Principal Act, after "applicable organisation" **insert** "in accordance with subsection (2)".
- (2) In section 5A(1AA) of the Principal Act, for "later of" **substitute** "earlier of".
- 25 (3) In section 5A(1A)(a) of the Principal Act, after "recognised organisation" **insert** "in accordance with subsection (2)".
- (4) After section 5A(2) of the Principal Act **insert**—
- 30 "(3) An application to be declared an applicable organisation must be accompanied by the prescribed application fee."

7 New sections 5B, 5C, 5D, 5E and 5F inserted

After section 5A of the Principal Act **insert—**

"5B Approval of dog obedience training organisations

- 5 (1) For the purposes of this Act the Minister may approve an organisation to provide dog obedience training.
- (2) The Minister may give an approval under subsection (1) if—
- 10 (a) the organisation has applied to the Minister in accordance with subsection (4); and
- (b) the Minister is satisfied that—
- 15 (i) the organisation is established for the purpose of providing wide representation to the dog obedience training community; and
- 20 (ii) adequate dog obedience training in the prescribed matters is or will be provided by or on behalf of the organisation; and
- (iii) the individuals who train or will train the dogs are adequately trained in the prescribed matters.
- 25 (3) In making a decision to approve an organisation the Minister may consider any information included in or accompanying the application for approval under this section.
- 30 (4) An application for approval under this section—
- (a) must include a report containing the prescribed details about the organisation and its activities; and
-

- (b) must include any other information required by the Minister; and
- (c) must be accompanied by the prescribed application fee.
- 5 (5) An approval under subsection (1) must specify the following—
- (a) the period for which the approval is to remain in force, which must not exceed 3 years;
- 10 (b) the matters that must be set out in the report required by the condition in section 5D(b);
- (c) any condition to which the Minister considers the approval should be subject.
- 15 (6) An approval under subsection (1) remains in force until the earlier of—
- (a) the period determined by the Minister; or
- 20 (b) the revocation of the approval.
- 5C Renewal of approval**
- (1) The holder of a dog obedience training organisation approval may apply to the Minister for renewal of the approval.
- 25 (2) An application under subsection (1)—
- (a) must include a report containing the prescribed details about the organisation and its activities; and
- (b) must include any other information required by the Minister; and
- 30 (c) must be accompanied by the prescribed application fee.
-

- 5 (3) An application under subsection (1) must be made at least 60 days (or any lesser period approved by the Minister) before the expiry of the approval period specified in the approval.
- (4) The Minister may renew the approval if the Minister continues to be satisfied of the matters set out in section 5B(2)(b).
- 10 (5) In making a decision to renew an approval of an organisation under this section the Minister may consider any information included in or accompanying the application for renewal of approval under this section.
- 15 (6) The Minister must not renew the approval if the organisation has failed to submit any report as required by the condition in section 5D.
- (7) A renewed approval under this section must specify the following—
- 20 (a) the period for which the renewed approval is to remain in force, which must not exceed 3 years;
- (b) any conditions that apply to the renewed approval;
- 25 (c) the matters that must be set out in the report required by the condition in section 5D(b).

5D Condition of approval that report submitted each year of approval

30 It is a condition of a dog obedience training organisation approval that the organisation must submit a report to the Minister by 30 July in each year that sets out—

- (a) the prescribed matters; and

- (b) any other matters specified by the Minister in the approval or renewed approval.

5E Revocation of approval

5 The Minister may revoke a dog obedience training organisation approval if—

- (a) the organisation has failed to submit a report required by the condition in section 5D; or
- 10 (b) the Minister is not satisfied of any of the matters set out in section 5B(2)(b).

5F Notice of and submissions on proposal to revoke or not renew dog obedience training organisation approval

15 (1) If the Minister proposes to revoke a dog obedience training organisation approval, or proposes not to renew a dog obedience training organisation approval, before doing so the Minister must give notice in writing to the organisation stating—

- (a) the reasons for the proposal; and
 - (b) that the organisation may make submissions to the Minister on the proposal within the period specified in the notice.
- 25

(2) The holder of the dog obedience training organisation 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).

30

(3) The Minister must consider any submission made under subsection (2), before deciding to revoke the approval or not to renew the approval.

35

- 5
- (4) The Minister must give written notice of the Minister's decision under this section to the relevant dog obedience training organisation.
- (5) A decision by the Minister to revoke a dog obedience training organisation approval under section 5E takes effect on the later of the following—
- 10
- (a) on the day the notice under subsection (4) is given to the relevant dog obedience training organisation;
- (b) on the date specified in that notice (if any)."

8 Substitution and amendment of section 6

- 15
- (1) For section 6 of the Principal Act **substitute**—

"6 Minister's power to delegate

20

The Minister may, in writing, delegate to any employee employed under the **Public Administration Act 2004** in the administration of this Act, the powers and duties of the Minister—

- 25
- (a) under section 5A, 5B, 5C, 5E or 5F; or
- (b) to approve organisations under section 7; or
- (c) to appoint authorised officers under section 71; or
- 30
- (d) to register a premises under section 58C, including imposing terms, conditions, limitations or restrictions on that registration, but not including any powers under section 58H in relation to the registration of a premises."
-

(2) In section 6 of the Principal Act—

(a) for paragraph (c) **substitute**—

5 "(c) to appoint Departmental authorised
 officers under section 71 or restricted
 authorised officers under section 71A;
 or";

(b) in paragraph (d), for "premises." **substitute**
"premises; or";

(c) after paragraph (d) **insert**—

10 "(e) under Division 3B of Part 4."

**9 Dogs and cats that are exempt from permanent
identification**

After section 10D(2) of the Principal Act **insert**—

15 "(2A) For the purpose of subsection (2), the written
 veterinary advice must—

(a) be given by a veterinary practitioner
after the veterinary practitioner has
personally examined the dog or cat; and

20 (b) include the reasons why the health
 of the dog or cat is liable to be
 significantly prejudiced if the dog
 or cat is implanted with a prescribed
 permanent identification device."

**10 Dogs and cats must be permanently identified
before sale or being given away**

25 (1) In section 12A(1) of the Principal Act—

(a) **omit** "(1)";

30 (b) for "The proprietor of a domestic animal
 business" **substitute** "A person who is the
 proprietor of a domestic animal business or
 who provides foster care".

(2) Section 12A(2) of the Principal Act is **repealed**.

11 New sections inserted after section 12A

After section 12A of the Principal Act **insert**—

"12B Offences as to advertising dogs or cats for sale

- 5 (1) A person must not advertise a dog or cat for sale by a registered domestic animal business or cause a dog or cat to be advertised for sale by a registered domestic animal business unless—
- 10 (a) the advertisement includes the registered domestic animal business number and the name of the Council that issued the number; or
- (b) one of the following applies—
- 15 (i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted
- 20 in the dog or cat;
- (ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A).
- Penalty: 5 penalty units.
- 25 (2) A person must not advertise a dog or cat for sale by a registered foster carer or cause a dog or cat to be advertised for sale by a registered foster carer unless—
- 30 (a) the advertisement includes the foster carer registration number issued by the Council and the name of the Council that granted the foster carer registration; or

- 5
- (b) one of the following applies—
- (i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;
 - (ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A).
- 10
- Penalty: 5 penalty units.
- (3) In a case to which neither subsection (1) nor (2) applies, a person must not advertise a dog or cat for sale or cause a dog or cat to be advertised for sale unless one of the following applies—
- 15
- (a) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;
 - (b) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A).
- 20

25

Penalty: 5 penalty units.

12C Offences as to publication of advertisements of dogs or cats for sale

- 30
- (1) A person must not publish an advertisement for the sale of a dog or cat by, or cause the publication of an advertisement for the sale of a dog or cat by, a registered domestic animal business unless—

- 5 (a) the advertisement includes the registered domestic animal business number and the name of the Council that issued the number; or
- 10 (b) one of the following applies—
- 15 (i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;
- 20 (ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A).
- 25 **Penalty:** In the case of a natural person, 5 penalty units;
- 30 In the case of a body corporate, 20 penalty units.
- 35 (2) A person must not publish an advertisement for the sale of a dog or cat by, or cause the publication of an advertisement for the sale of a dog or cat by, a registered foster carer unless—
- (a) the advertisement includes the foster carer registration number issued by the Council and the name of the Council that granted the foster carer registration; or
- (b) one of the following applies—
- (i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;

(ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A).

Penalty: In the case of a natural person,
5 5 penalty units;

In the case of a body corporate,
20 penalty units.

(3) In a case to which neither subsection (1) nor (2) applies, a person must not publish
10 an advertisement for the sale of a dog or cat, or cause the publication of an advertisement for the sale of a dog or cat, unless one of the following applies—

(a) the advertisement includes the unique
15 number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;

(b) the dog or cat is the subject of written
20 veterinary advice under section 10D(2) and (2A).

Penalty: In the case of a natural person,
5 penalty units;

In the case of a body corporate,
25 20 penalty units."

12 Notification of sale of dog or cat by foster carer

(1) In the heading to section 13 of the Principal Act, after "**domestic animal business**" insert "**or foster carer**".

- 5
- (2) In section 13 of the Principal Act **omit**
", within 7 days after the sale or giving away
of the animal,".
- (3) At the end of section 13 of the Principal Act
insert—
- "(2) If a registered foster carer sells, or gives
away, a dog or cat which is not registered,
the foster carer must notify the Council with
which the animal should be registered of—
- 10
- (a) the sale, or the giving away of the
animal; and
- (b) a description of the animal; and
- (c) the name and address of the new owner
of the animal; and
- 15
- (d) the unique number of the microchip
contained in the prescribed permanent
identification device implanted in the
animal.
- Penalty: 3 penalty units.
- 20
- (3) A notification under this section must be
made within 7 days after the sale or giving
away of the animal."

13 Reduced fees for foster care dogs and cats

- 25
- (1) In section 15(4)(d) of the Principal Act, for
"code of practice." **substitute** "code of practice;".
- (2) After section 15(4)(d) of the Principal Act
insert—
- 30
- "(e) the fee payable for a dog (other than a
dangerous dog) that is kept in foster care
by a registered foster carer—

- 5
- (i) for the first 12 month period that the dog is so kept, must not be more than twice the amount required to be paid by the Council to the Treasurer under section 69(1)(aa); and
- 10
- (ii) on and after the first 12 month period, is the fee determined in accordance with the other provisions of this section, or any lesser fee fixed by the Council;
- (f) the fee payable for a cat that is kept in foster care by a registered foster carer—
- 15
- (i) for the first 12 month period that the cat is so kept, must not be more than twice the amount required to be paid by the Council to the Treasurer under section 69(1)(a); and
- 20
- (ii) on and after the first 12 month period, is the fee determined in accordance with the other provisions of this section, or any lesser fee fixed by the Council."

14 Dog attacks, consequential amendment

25

In section 29(12) of the Principal Act, for "an authorised officer of the Council" **substitute** "a Council authorised officer".

15 Menacing dog declaration, consequential amendment

30

In section 41A(4) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer".

16 Power to destroy animal at large, consequential amendment

5 In section 43 of the Principal Act, for
"an authorised officer" **substitute** "a Council
authorised officer for that municipal district".

17 Inspection of register, consequential amendment

10 In section 44AC(1)(b) of the Principal Act, for
"an authorised officer appointed under section 71
or 72" **substitute** "a Departmental authorised
officer or a Council authorised officer".

18 Details of dangerous, menacing, restricted breed dogs, consequential amendment

15 In section 44AE(d) of the Principal Act, for
"an authorised officer" **substitute** "a Council
authorised officer".

19 Details of destroyed dogs, consequential amendment

In section 44AEA(a) of the Principal Act, for
"an authorised officer" **substitute** "a Council
authorised officer".

20 Details to be provided, consequential amendment

In section 44AF(k) of the Principal Act, for
"an authorised officer" **substitute** "a Council
authorised officer".

21 Heading to Part 4 substituted

25 For the heading to Part 4 of the Principal Act
substitute—

**"Part 4—Regulation of domestic
animal businesses and related
matters".**

22 New section 44B inserted

After section 44A of the Principal Act **insert**—

"44B Ten fertile female dog limit for breeding domestic animal business

5 A proprietor of a breeding domestic animal business must not conduct the business on a premises where more than 10 relevant fertile female dogs are kept.

10 Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units."

23 New section 45A inserted

After section 45 of the Principal Act **insert**—

15 **"45A Transitional offence, acquiring additional fertile female dogs**

(1) A proprietor of a breeding domestic animal business who conducts the business on a premises where more than 10 relevant fertile female dogs are kept, must not acquire another relevant fertile female dog.

20 Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
25 600 penalty units.

(2) This section is **repealed** on 10 April 2020."

24 Application for registration

(1) In section 46(2) of the Principal Act, after "approved by the Council" **insert** "and contain the information required by the Council and any other prescribed information".

(2) After section 46(2) of the Principal Act **insert**—

"(3) An applicant must give the Council any further information relating to the application that the Council requires."

5 **25 Registration of premises, consequential amendment**

In section 47(1A) of the Principal Act, for "an authorised officer appointed by that Council" **substitute** "a Council authorised officer of that Council".

10 **26 Application for renewal of registration**

(1) In section 48(2) of the Principal Act **omit** "in the form approved by the Council".

(2) After section 48(2) of the Principal Act **insert**—

15 "(3) An application for renewal of registration must be made in the form approved by the Council and contain the information required by the Council and any other prescribed information.

20 (4) An applicant for renewal of registration must give the Council any further information relating to the application that the Council requires."

27 Section 52 substituted

For section 52 of the Principal Act **substitute**—

25 **"52 Transfer of registration**

(1) The proprietor of a domestic animal business may apply to the Council to transfer registration of the premises on which the business is conducted to a new premises.

30

- 5
- 10
- 15
- 20
- (2) An application under subsection (1) must be—
- (a) in writing in a form approved by the Council and contain the information required by the Council and any other prescribed information; and
 - (b) given to the Council at least 30 days before the transfer is made; and
 - (c) accompanied by the fee fixed by the Council.
- (3) A person making an application under subsection (1) must give the Council any further information relating to the transfer of registration that the Council requires.
- (4) If the Council has received an application under subsection (1), it may register the new premises as the premises on which the domestic animal business may be conducted and may impose terms, conditions, limitations and restrictions on that registration."

28 Powers of Council as to registration or renewal or transfer of registration

- 25
- 30
- (1) In section 54(2) of the Principal Act—
- (a) for "subsection (3)" **substitute** "subsections (3), (3A) and (3B) and sections 54A, 54B, 54C and 54D";
 - (b) for paragraph (b) **substitute**—
 - "(b) the proprietor or person applying for registration has been found guilty of—
 - (i) an offence against this Act or regulations made under this Act; or

- 5 (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
- 10 (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i) or (ii); or
- 15 (c) a relevant person in relation to the domestic animal business that is or is proposed to be conducted on the premises is a relevant person in relation to another domestic animal business (wherever situated) that is a pet shop, pound, animal shelter or breeding domestic animal business."
- 20 (2) At the foot of section 54(2) of the Principal Act **insert—**
- "**Note**
- See also section 54E for interim duty of the Council, in certain circumstances, to refuse to renew registration of premises at which more than 10 relevant fertile female dogs are being kept."
- 25 (3) After section 54(3) of the Principal Act **insert—**
- 30 "(3A) The Council must refuse to register, renew the registration of, or transfer the registration of, a premises on which a domestic animal business is or is proposed to be conducted that is an animal shelter, a pet shop or a pound if a relevant person in relation to the domestic animal business is a relevant person in relation to a breeding domestic animal business (wherever situated).

- 5 (3B) The Council must refuse to register, renew
the registration of or transfer the registration
of a premises on which a domestic animal
business is or is proposed to be conducted
that is a breeding domestic animal business,
if a relevant person in relation to that
domestic animal business is a relevant
person in relation to an animal shelter, pet
shop or pound (wherever situated)."
- 10 (4) In section 54(4) of the Principal Act—
- (a) for "For the purposes of this section"
substitute "In this section";
- (b) for the definition of *relevant person*
substitute—
- 15 "*relevant person*, in relation to a domestic
animal business means any of the
following—
- (a) the proprietor of the business;
- (b) the person who conducts the
20 business;
- (c) the person applying for
registration, renewal of
registration or transfer of
registration of premises on
25 which the business is being
or is to be conducted;";
- (c) for paragraph (c) in the definition of
specified offence **substitute**—
"(c) section 12AF;".

29 New sections inserted after section 54

After section 54 of the Principal Act **insert—**

"54A Registration where another domestic animal business on rateable property

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- (1) If an application is made to register, renew the registration of or transfer registration of premises for a breeding domestic animal business, the Council must refuse to register the premises in respect of which the application is made if—
 - (a) another breeding domestic animal business is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located; or
 - (b) an animal shelter is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located; or
 - (c) a pet shop is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located.
 - (2) If an application is made to register, renew the registration of or transfer the registration of premises for an animal shelter, the Council must refuse to register the premises in respect of which the application is made if a breeding domestic animal business or a pet shop is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located.
 - (3) If an application is made to register, renew the registration of or transfer the registration of premises for a pet shop, the Council must refuse to register the premises in respect of
-

5 which the application is made if a breeding domestic animal business or an animal shelter is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located.

54B Registration of breeding domestic animal business premises—10 relevant fertile female dog limit

10 The Council must refuse to register the premises on which a breeding domestic animal business is proposed to be conducted, if the Council is satisfied that more than 10 relevant fertile female dogs are proposed to be kept at the premises.

15 54C Transfer of registration of breeding domestic animal business premises—10 relevant fertile female dog limit

20 The Council must refuse to transfer the registration of premises on which a breeding domestic animal business is being conducted to another premises, if the Council is satisfied that more than 10 relevant fertile female dogs are proposed to be kept at the other premises.

25 54D Renewal of registration of breeding domestic animal business premises—10 relevant fertile female dog limit

30 On and from 10 April 2020, the Council must refuse to renew the registration of a premises on which a breeding domestic animal business is being conducted, if the Council is satisfied that more than 10 relevant fertile female dogs are being kept or are proposed to be kept at the premises.

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54E Pre-2020 renewal of registration of breeding domestic animal business premises—fertile female dogs

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- (1) The Council must refuse to renew the registration of a premises on which a breeding domestic animal business is being conducted if the Council is satisfied that more than 10 relevant fertile female dogs are being kept at the premises and a relevant fertile female dog is being kept at the premises that was not for all of the period of 12 months immediately preceding the Council's decision kept at the premises.
- 10
- (2) The power of a Council to act under section 54(1) is subject to this section.
- 15
- (3) This section is repealed on 10 April 2020."

30 Council to give notice

20

In section 55 of the Principal Act, after "section 54" **insert** ", 54A, 54B, 54C, 54D or 54E".

31 Council to hear proprietor or applicant

In section 56 of the Principal Act, after "section 54" **insert** ", 54A, 54B, 54C, 54D or 54E".

25 **32 New Division 3B inserted in Part 4**

After Division 3A of Part 4 of the Principal Act **insert**—

"Division 3B—Animal sale permits

58L Definitions

30

In this Division—

animal means any animal referred to in paragraph (c) of the definition of *pet shop*;

relevant Council means the Council of the municipal district in which the sale of animals is to take place under an animal sale permit.

5 **58M Application to Council for assessment of matters relating to an animal sale permit**

- 10 (1) A person who wishes to apply to the Minister for an animal sale permit to sell animals must first apply to the relevant Council for an assessment and report by a Council authorised officer in relation to the proposed sale.
- 15 (2) An application under subsection (1) must—
- (a) be made in the form approved by the Minister; and
 - (b) be accompanied by the application fee fixed by the relevant Council.

20 **58N Assessment and report by Council authorised officer**

- 25 (1) A Council authorised officer must conduct an assessment and prepare a report for the purposes of an application under section 58M.
- 30 (2) The report prepared by the Council authorised officer must be in the form approved by the Minister which must set out all the matters to be considered under section 58O(1).
- (3) In order to conduct an assessment under subsection (1), the Council authorised officer may carry out an inspection of the place of the proposed sale.

58O Matters to be considered

- (1) In conducting an assessment under section 58N, the Council authorised officer must consider the following matters—
- 5 (a) the suitability of the place of the proposed animal sale;
- 10 (b) the requirements that should be in place for animal accommodation at the place of the proposed animal sale and whether the animal accommodation at the place will meet those requirements or any other law relating to such accommodation;
- 15 (c) the requirements of guarantee for the sale of animals and whether the sale guarantee for any animal being offered by the applicant meets those requirements;
- 20 (d) the requirements relating to animal care policies and procedures that should be in place before, during and after the proposed sale of animals and whether the animal care policies and procedures that the applicant has or intends to have
- 25 in place meet those requirements and any other law relating to those policies and procedures.
- (2) The requirements relating to animal care policies and procedures referred to in
- 30 subsection (1)(d) include—
- (a) veterinary support; and
- (b) emergency management and evacuation plans.

58P Report by Council authorised officer

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- (1) The Council authorised officer must prepare a written report that includes a recommendation as to whether or not an animal sale permit should be issued.
- (2) The report—
- 10
- (a) must include the matters considered under section 58O(1); and
- (b) if the Council authorised officer recommends that the permit should be issued, must identify any other relevant matters relating to the conduct of the proposed sale and to the care and welfare of animals to be sold at that sale.
- 15
- (3) The Council authorised officer must prepare a report under subsection (1) within 21 days after the application for the animal sale permit is received by the relevant Council.
- 20
- (4) The Council authorised officer must without delay after preparing the report—
- (a) give the original of the report and a copy of the application for the animal sale permit to the Minister; and
- 25
- (b) give a copy of the report to the applicant for the animal sale permit.

58Q Application for animal sale permit

- 30
- (1) A person may apply to the Minister for an animal sale permit to sell animals from a place that is not one of the following—

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- (a) a premises registered under Part 4 for the purpose of conducting a domestic animal business from which such a class of animal may be sold;
- (b) a person's residence.
- 10
- (2) An application must not be made under subsection (1) for an animal sale permit unless the relevant report under section 58P includes a recommendation by a Council authorised officer that the permit should be issued.
- (3) An application for an animal sale permit must—
- 15
- (a) be in the form approved by the Minister; and
- (b) be accompanied by the prescribed application fee; and
- (c) include a copy of the relevant report under section 58P; and
- 20
- (d) include a copy of an agreement entered into between a veterinary practitioner and the applicant confirming that the veterinary practitioner will—
- 25
- (i) before the sale commences, inspect the proposed place of sale and the conditions under which the sale is to be held; and
- (ii) remain in attendance at the place for the duration of the sale; and
- 30
- (e) include the full name and contact details of the applicant; and

- 5 (f) include the full name and contact details of any person in charge of animals to be sold on the day of the sale; and
- (g) include any other prescribed information.
- 58R Issue of animal sale permit**
- 10 (1) The Minister may issue a permit authorising the applicant to sell animals at a place specified in the permit for the period specified in the permit which must not be more than one day.
- (2) The Minister may refuse to issue an animal sale permit if—
- 15 (a) the Minister is not satisfied that the applicant meets the prescribed criteria; or
- (b) the applicant has been found guilty of—
- 20 (i) an offence against this Act or regulations made under this Act; or
- 25 (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
- 30 (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i) or (ii); or
- 35 (c) the Minister believes on reasonable grounds that to issue the permit would be inconsistent with the purposes of this Act.
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- (3) An animal sale permit must specify the following—
- (a) each species of animal, and the number of each species of animal, that may be sold under the permit;
 - (b) the full name and contact details of any person who will be selling animals under the permit;
 - (c) the day on which the sale is to take place;
 - (d) the place at which the sale is to take place;
 - (e) any conditions imposed on the permit.

58S Conditions on animal sale permit

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- (1) The Minister may impose any conditions on an animal sale permit that the Minister considers necessary including in relation to the following matters—
- (a) the animal accommodation at the place of the proposed sale;
 - (b) the guarantee of sale to be offered by the applicant when selling animals under the permit;
 - (c) the animal care policies and procedures which the applicant has, or intends to have, in place before, during and after the proposed sale, including veterinary support and emergency management and evacuation plans.
- (2) It is a condition of an animal sale permit that the permit holder must give access or ensure that access to the place of sale is given to a Council authorised officer or restricted authorised officer for the purposes of

inspecting the place at any reasonable time before or during the sale.

- 5 (3) It is a condition of an animal sale permit that a person who is given a direction under section 58U(1) must—
- (a) immediately cease any activities authorised under the permit; and
- (b) take any action that is included in the notice under section 58U(2)(e).
- 10 (4) An animal sale permit is subject to any conditions prescribed by this Act, the regulations made under this Act or imposed by the Minister under subsection (1).

15 **58T Minister must notify Council of issue of permit before the sale**

The Minister must, before the day of the sale under an animal sale permit, give a copy of the permit, including any conditions imposed on the permit, to—

- 20 (a) the relevant Council; and
- (b) the Council authorised officer who recommended that the permit be issued.

58U Authorised officer may close down sale

- 25 (1) A Council authorised officer or a restricted authorised officer may, in accordance with subsection (2), direct the person apparently in charge of the sale under an animal sale permit to close down the sale at any time if
- 30 the authorised officer reasonably believes that the welfare of any animal to be sold at the sale is at risk.

- 5 (2) For the purposes of subsection (1), the authorised officer must give a direction to a person under subsection (1) verbally and give to that person at the same time a notice that contains the following—
- 10 (a) the reasons for the closure of the sale;
- (b) the time the notice was issued;
- (c) a statement that no further activities authorised under the animal sale permit may continue;
- 15 (d) the time by which any activities authorised under the animal sale permit must cease;
- (e) any action that must be taken by the person given the direction to address the animal welfare issues identified in the notice.
- 20 (3) An authorised officer who has given a direction under subsection (1) must without delay notify the Minister and the relevant Council of the closure of the sale.

58V Holder of permit must submit report

- 25 (1) The holder of an animal sale permit must submit a report that complies with subsection (2) to the Minister no later than 28 days after the day of the sale specified in the permit.
- 30 **Penalty:** In the case of a natural person,
30 penalty units;
- In the case of a body corporate,
150 penalty units.

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- (2) The report must contain the following information—
 - (a) each species of animal and the number of each species of animal offered for sale;
 - (b) the number of animals of each species of animal sold;
 - (c) any non-compliance, of which the holder of the permit was aware at the time of preparing the report, with—
 - (i) any guarantee of sale offered by the holder of the permit; or
 - (ii) the animal care policies and procedures that the holder of the permit had in place during the sale;
 - (d) any offence, with which the holder of the permit has been charged, against a law referred to in section 58R(2)(b) relating to the conduct of the sale of animals under the animal sale permit;
 - (e) any adverse welfare outcomes for the animals offered for sale under the animal sale permit of which the holder of the permit was aware at the time of preparing the report.
 - (3) The Minister must cause a copy of a report under this section to be given to the relevant Council as soon as practicable after receiving the report.

58W Offences relating to non-compliance with animal sale permit

5 (1) The holder of an animal sale permit must comply with any condition imposed on the permit.

Penalty: In the case of a natural person,
30 penalty units;
In the case of a body corporate,
150 penalty units.

10 (2) The holder of an animal sale permit must ensure that the person in charge of the animal sale authorised under the permit complies with any condition imposed on the permit.

15 Penalty: In the case of a natural person,
30 penalty units;
In the case of a body corporate,
150 penalty units."

33 Repeal of sections 60, 61 and 62

20 Sections 60, 61 and 62 of the Principal Act are repealed.

34 New sections inserted in Division 5 of Part 4

After the heading to Division 5 of Part 4 of the Principal Act **insert**—

25 "**63AAA Definition**

In this Division—

approved source means any of the following—

30 (a) an animal shelter that is conducted on premises that are registered under section 47;

(b) a pound that is conducted on premises that are registered under section 47;

(c) a registered foster carer.

5

63AAB Offences as to sale or disposal of animals by pet shops

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(1) A person must not, in the conduct of the business of a pet shop, sell a dog or cat unless the dog or cat is from an approved source.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

15

(2) A person must not, in the conduct of the business of a pet shop, cause or allow a dog or cat that is not from an approved source to be sold.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

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(3) The proprietor of a pet shop must not act as an agent in the sale of a dog or cat that is not from an approved source.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

(b) of or under 6 months of age.

Penalty: In the case of a natural person,
164 penalty units;

In the case of a body corporate,
600 penalty units.

5

(2) A person must not cause or allow a dog or cat to be sold, disposed of or provided to the proprietor of a pet shop or an agent of the proprietor if the dog or cat is—

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(a) in foster care with a registered foster carer; and

(b) of or under 6 months of age.

Penalty: In the case of a natural person,
164 penalty units;

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In the case of a body corporate,
600 penalty units.

(3) The proprietor of a pet shop must not act as an agent in the sale of a dog or cat that is—

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(a) in foster care with a registered foster carer; and

(b) of or under 6 months of age.

Penalty: In the case of a natural person,
164 penalty units;

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In the case of a body corporate,
600 penalty units.

(4) A person must not, in the conduct of a business that is a pet shop, accept or receive a dog or cat for sale or disposal that is—

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(a) in foster care with a registered foster carer; and

(b) of or under 6 months of age.

Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

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63AAE Offence to sell etc. a dog or cat to an animal shelter or pound

(1) A person must not sell or exchange a dog or cat for payment or reward to the proprietor or an agent of the proprietor of an animal shelter or a pound.

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Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units.

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(2) A person must not cause or allow a dog or cat to be sold or exchanged for payment or reward to the proprietor or an agent of the proprietor of an animal shelter or a pound.

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Penalty: In the case of a natural person,
164 penalty units;
In the case of a body corporate,
600 penalty units."

35 Domestic animal management plans

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For section 68A(1) of the Principal Act
substitute—

"(1) Subject to subsection (1A), each Council must, in consultation with the Secretary, prepare a domestic animal management plan on 3 November 2017 and at the end of each period of 4 years after that day.

30

(1A) A Council may apply to the Secretary for an extension of time within which to prepare a domestic animal management plan.

5 (1B) The Secretary may grant an extension of time under subsection (1A) if the Secretary believes that special circumstances exist that warrant the granting of an extension."

36 New Parts inserted after Part 5A

After Part 5A of the Principal Act **insert**—

10 **"Part 5B—Foster carer registration**

68B Grant of foster carer registration

15 On application under section 68C, a Council may register a person to provide foster care on a premises in the municipal district of the Council, if the person provides or intends to provide foster care on that premises.

68C Application for foster carer registration

20 A person who provides or intends to provide foster care on a premises in the municipal district of a Council may apply to that Council for a foster carer registration.

68D Renewal of foster carer registration

- 25 (1) On the expiry of a foster carer registration, the Council may renew the registration.
- (2) Before a foster carer registration expires, the holder may apply to the Council for renewal of the registration.
- 30 (3) An application under subsection (2) must be made to the Council at least 60 days before the expiry of the registration.

68E Matters to be considered in granting or renewing foster carer registration

The Council must have regard to the following matters in deciding whether or not to grant or renew a foster carer registration—

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- (a) the applicant has failed to comply with any requirement of this Act or regulations made under this Act;
- (b) the applicant has been found guilty of—
 - (i) an offence against this Act or regulations made under this Act; or
 - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
 - (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i) or (ii);
- (c) the applicant is or has been subject to a notice to comply under this Act or a control order under the **Prevention of Cruelty to Animals Act 1986**;
- (d) the premises on which the applicant is providing or proposes to provide the foster care is on the same rateable property as a registered premises or proposed registered premises of a domestic animal business;

- (e) the applicant is a proprietor of a domestic animal business (whether in the municipal district of the Council or another municipal district).

5

68F Duration of foster carer registration

A foster carer registration remains in force until 10 April of the year following the granting or renewal of registration.

10

68G Form of application for registration or renewal of registration

An application under section 68C or 68D(2) must—

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- (a) be in the form required by the Council; and

- (b) include any information required by the Council and any prescribed information; and

- (c) be accompanied by the fee fixed by the Council.

20

68H Foster carer registration fees

- (1) A Council may, by resolution, fix fees to be paid for a foster carer registration.

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- (2) If a foster carer registration only applies for part of a year, the Council may permit a pro rata fee to be paid for that registration which represents the proportion of the year for which the registration applies.

68I Conditions on foster carer registration

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- (1) A foster carer registration is subject to—
 - (a) any prescribed conditions; and

- (b) any conditions imposed on the registration by the Council that the Council considers necessary.
- 5 (2) A registered foster carer must comply with the conditions to which the foster care registration is subject.
- Penalty: 5 penalty units.
- 68J Suspension or cancellation of registration**
- 10 (1) The Council may suspend or cancel a foster carer registration if—
- (a) the holder of the registration is a person to whom a paragraph of section 68E applies; or
- 15 (b) the holder has failed to comply with a condition of the registration.
- (2) The Council must notify the registered foster carer of a suspension or cancellation under subsection (1).
- 20 (3) A suspension or cancellation under subsection (1) comes into effect on the day specified in the notice under subsection (2), which must not be before the day on which the notice is given to the registered foster carer.
- 25 (4) If a Council suspends a registration—
- (a) the suspension remains in force for the period specified in the notice under subsection (2); and
- 30 (b) a foster carer whose registration is suspended is taken not to be registered for the period that the suspension remains in force.
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68K Notice of and submissions on proposal to suspend, cancel or not renew foster carer registration

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- (1) If the Council proposes to suspend, cancel or not renew a foster carer registration, before doing so the Council must give notice in writing to the holder of the registration stating—
- 10
- (a) the reasons for the proposal; and
- (b) that, under subsection (2), the holder of the registration may make submissions to the Council on the proposal within the period specified in the notice.
- 15
- (2) The holder of the registration may make written submissions to the Council in relation to the proposal to suspend, cancel or not renew the registration within the period specified in the notice under subsection (1).
- 20
- (3) The Council must consider any submission made under subsection (2), before deciding to suspend, cancel or not renew the registration.

Part 5C—Recording and disclosure of information

25

Division 1—Definitions

68L Definitions

In this Part—

information register means the register kept under section 68M;

inspect, in relation to the information register, includes the obtaining of information kept on the register either orally or in writing.

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Division 2—Information register

68M Secretary to keep information register

10

- (1) The Secretary must establish and maintain a register of information relating to domestic animal businesses and the keeping of domestic animals.
- (2) The register kept under subsection (1) must contain the information given to the Secretary by each Council under this Division.

15

68N Information as to registration, renewal or transfer of registration of premises to be given to the Secretary

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- (1) For the purpose of keeping and maintaining the information register, a Council must give the information set out in subsection (2) to the Secretary within 7 days after making a decision to—
 - (a) register premises as premises on which a domestic animal business is proposed to be conducted; or
 - (b) renew the registration of premises as premises on which a domestic animal business is being conducted; or
 - (c) transfer the registration of premises to premises on which a domestic animal business is to be conducted.

- (2) The following information is set out for the purpose of subsection (1)—
- (a) the name of the domestic animal business;
 - 5 (b) the name of the proprietor of the domestic animal business and, if the proprietor of the domestic animal business is a body corporate, the names of the office holders of the body corporate;
 - 10 (c) the following details for the domestic animal business—
 - (i) the address; and
 - (ii) the telephone number; and
 - 15 (iii) the email address;
 - (d) the registration number of the premises;
 - (e) the type of domestic animal business;
 - (f) the name of the owner of the land and the address of the land on which the premises is situated;
 - 20 (g) the date on which the premises was registered, or the registration was renewed or transferred;
 - 25 (h) for a breeding domestic animal business, the number of registered dogs and cats kept at the premises and for each registered dog and cat—
 - (i) the microchip number or permanent identification device implanted in the dog or cat; and
 - 30 (ii) any name and the breed, sex, age and colour of the dog or cat; and

- 5
- (iii) for a female dog or cat, the number of litters the animal has had; and
- (iv) if the dog or cat has been desexed;
- (i) the date of the most recent inspection of the premises by a Council authorised officer;
- 10 (j) any details, within the knowledge of the Council, of any conviction or finding of guilt of the proprietor of the domestic animal business for—
- (i) an offence against this Act or regulations made under this Act; or
- 15 (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; and
- (k) the name of the Council.
- 20 **68O Information as to refusal of registration, suspension or revocation etc, of registration of premises to be given to Secretary**
- 25 (1) For the purpose of keeping and maintaining the information register, a Council must give the information set out in subsection (2) to the Secretary within 7 days after making a decision to—
- 30 (a) refuse to register a premises as premises on which a domestic animal business may be conducted; or
- (b) refuse to renew the registration of premises as premises on which a domestic animal business may be conducted; or
- 35
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- 5
- (c) refuse to transfer registration of premises on which a domestic animal business is being conducted to another premises; or
- (d) suspend or revoke the registration of a premises as premises on which a domestic animal business may be or is being conducted.
- 10 (2) For the purpose of subsection (1) the following information is set out—
- (a) the name of the domestic animal business or proposed domestic animal business;
- 15 (b) the name of the applicant for registration or proprietor of the domestic animal business or proposed domestic animal business and if the applicant or proprietor is a body corporate, the names of the office holders of the body corporate;
- 20 (c) the following details for the domestic animal business or proposed domestic animal business—
- (i) the address;
- 25 (ii) the telephone number;
- (iii) the email address;
- (d) for a registered premises, the registration number of the premises;
- 30 (e) for registered premises, the date on which the premises was first registered;
- (f) the type of domestic animal business or proposed domestic animal business;
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- (g) for the land on which the premises is situated—
 - (i) the name of the owner of the land; and
 - (ii) the address of the land; and
 - (iii) a description of the land and premises, including whether the premises is an original or transferred premises;
 - (h) the reason for deciding to refuse to register or renew or transfer registration or suspend or revoke registration, including the relevant provision of this Act under which the decision was made;
 - (i) any details, within the knowledge of the Council, of any conviction or finding of guilt of the applicant or proprietor of the domestic animal business for—
 - (i) an offence against this Act or regulations made under this Act; or
 - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act.

68P Council must give change in information to the Secretary

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For the purpose of keeping and maintaining the information register, if a Council becomes aware of a change in any information given to the Secretary under section 68N or 68O, the Council must give the changed information to the Secretary

within 7 days of becoming aware of the change.

68Q Persons who may inspect the information register

5 In accordance with the regulations (if any), the following persons may inspect information in the information register—

- 10 (a) the Secretary or a person employed in the Department acting in the course of the person's duties under this Act;
- (b) a Council authorised officer, restricted authorised officer or Departmental authorised officer acting in the course of the officer's duties under this Act.

15 **68R Inspections by police officers, public sector bodies**

(1) On application to the Secretary, a police officer or a member, officer or employee of a public sector body (within the meaning of the **Public Administration Act 2004**) who is investigating—

- 20 (a) an offence against this Act or regulations made under this Act; or
- 25 (b) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
- (c) an offence against Division 9AA of Part I of the **Crimes Act 1958**—

30 may inspect the information register for the purpose of that investigation.

(2) The Secretary may grant an application under subsection (1), if the Secretary is satisfied on the information given in the

application that the inspection is necessary for the purpose of the investigation.

68S Offences as to the information register

5 A person must not inspect or attempt to inspect all or any part of the information register unless the person does so in accordance with this Part.

Penalty: 10 penalty units."

37 Payments to the Treasurer

10 In section 69(1)(b) of the Principal Act, for "\$10.00" substitute "\$20.00".

38 Heading to Part 7 substituted

For the heading to Part 7 of the Principal Act substitute—

15 **"Part 7—General enforcement"**.

39 New Division heading inserted in Part 7

After the heading to Part 7 of the Principal Act insert—

20 **"Division 1—Appointment of authorised officers"**.

40 Departmental authorised officers, consequential amendment

Insert the following heading to section 71 of the Principal Act—

25 **"Appointment of Departmental authorised officers"**.

41 Restricted authorised officers, consequential amendment

For the heading to section 71A of the Principal Act **substitute**—

5 **"Appointment of restricted authorised officers"**.

42 Council authorised officers, consequential amendment

For the heading to section 72 of the Principal Act **substitute**—

10 **"Appointment of Council authorised officers"**.

43 Council contracted authorised officers, consequential amendment

For the heading to section 72A of the Principal Act **substitute**—

15 **"Appointment of Council contracted authorised officers"**.

44 New Division heading inserted in Part 7

After section 73A of the Principal Act **insert**—

20 **"Division 2—General enforcement powers of authorised officers"**.

45 Powers of authorised officers

(1) **Insert** the following heading to section 74 of the Principal Act—

25 **"Entry, search and other powers of authorised officers for some purposes"**.

(2) In section 74(1) of the Principal Act—

30 (a) for "An authorised officer appointed by the Minister under section 71" **substitute** "A Departmental authorised officer";

- (b) in paragraph (ca), for "section 63AE; or" **substitute** "section 63AE—";
- (c) **omit** paragraph (d).
- (3) In section 74(1A) of the Principal Act—
- 5 (a) for "An authorised officer appointed by the Minister under section 71A" **substitute** "A restricted authorised officer";
- (b) **omit** paragraph (c).
- (4) In section 74(1B) of the Principal Act—
- 10 (a) for "An authorised officer appointed by a Council under section 72" **substitute** "A Council authorised officer";
- (b) in paragraph (ca), for "this Act; or" **substitute** "this Act—";
- 15 (c) **omit** paragraph (d).
- (5) In section 74(1C) of the Principal Act—
- (a) for "an authorised officer appointed by a Council under section 72" **substitute** "a Council authorised officer";
- 20 (b) in paragraph (ca), for "this Act;" **substitute** "this Act.";
- (c) **omit** paragraph (d).
- (6) In section 74(2) of the Principal Act—
- 25 (a) in paragraph (a), for "any building not occupied as a place of residence or any land or vehicle" **substitute** "any premises or part of premises not occupied as a place of residence or any vehicle";
- 30 (b) in paragraph (b), for "any building, land or vehicle" **substitute** "any premises or any vehicle";
-

(c) in paragraph (g), for "an authorised officer appointed by a Council under section 72" **substitute** "a Council authorised officer".

(7) After section 74(3) of the Principal Act **insert**—

5 "(4) The powers of an authorised officer under the other provisions of this Act are in addition to the powers of an authorised officer under this section."

46 Powers of Council contracted authorised officers

10 (1) For the heading to section 74A of the Principal Act **substitute**—

"Council contracted authorised officers may request name and address, ask questions".

(2) In section 74A of the Principal Act —

15 (a) for "An authorised officer appointed under section 72A" **substitute** "A Council contracted authorised officer";

(b) for "20" **substitute** "12B(1), 12B(3), 20".

47 New Division inserted after section 74A

20 After section 74A of the Principal Act **insert**—

"Division 3—Enforcement powers—domestic animal businesses and the keeping of GRV greyhounds"

74AB Definition

25 In this Division—

relevant provision means any of the following—

(a) section 12A, 12B(1) or (3), or 13(1);

30 (b) a provision of Part 4 or 4AA;

- (c) a regulation that relates to a provision referred to in paragraph (a) or (b).

74AC Entry and search powers to monitor compliance of domestic animal businesses and keeping of GRV greyhounds

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- (1) For the purpose of monitoring compliance with a relevant provision, a restricted authorised officer or Council authorised officer may enter and search any premises or vehicle in which the authorised officer reasonably suspects that a domestic animal business is being conducted or that a GRV greyhound is being kept.
- (2) An authorised officer may enter and search any premises or vehicle under subsection (1)—
 - (a) by any reasonable means; and
 - (b) with any reasonable assistance that the authorised officer requires.
- (3) An authorised officer who enters and searches any premises or vehicle under subsection (1) may do all or any of the following—
 - (a) inspect any animal, enclosure or thing in the premises or vehicle;
 - (b) in the case of any document in the premises or vehicle, do all or any of the following—
 - (i) require the document to be produced for examination;
 - (ii) examine, make copies of or take extracts from the document, or arrange for the making of copies or the taking of extracts;

- (iii) remove the document for so long as is reasonably necessary to make copies of or take extracts from the document;
- 5 (c) bring any equipment into the premises or vehicle, if the authorised officer reasonably believes that the equipment is necessary for the examination or

10 processing of any thing (including any document) in the premises or vehicle in order to determine whether the thing may be seized under paragraph (d);
- 15 (d) seize any document or other thing, other than an animal, in the premises or vehicle, if the authorised officer reasonably believes that the thing is connected with a contravention of a relevant provision;
- 20 (e) secure any animal or thing in the premises or vehicle against interference, if the authorised officer reasonably believes that the animal or thing is connected with a contravention of a relevant provision;
- 25 (f) make any still or moving image or audio-visual recording of any document, animal or other thing in the premises or vehicle, if the authorised officer reasonably believes that it is

30 connected with a contravention of a relevant provision;
- 35 (g) take and keep a sample of any thing in the premises or vehicle, if the authorised officer reasonably believes that the thing is connected with a contravention of a relevant provision;

- 5 (h) ask questions of a person present in the premises or vehicle if the authorised officer reasonably believes that the person may be connected with a contravention of a relevant provision.
- (4) A power under this section must not be exercised in any part of a premises that is residential.
- 10 (5) If an authorised officer exercises a power of entry to any premises or vehicle under this section without the owner or occupier being present the authorised officer must, on leaving the premises or vehicle, leave a notice setting out—
- 15 (a) the time of entry; and
- (b) the purpose of entry; and
- (c) a description of things done while in the premises or vehicle; and
- (d) the time of departure; and
- 20 (e) the procedure for contacting the authorised officer for further details of the entry.

74AD Application for search warrant under section 74AE

- 25 (1) A restricted authorised officer or Council authorised officer may apply to a magistrate for the issue of a search warrant in relation to any premises or vehicle if the authorised officer reasonably believes that there is in
- 30 the premises or vehicle any thing, or kind of thing, that is relevant to determining if an offence against a relevant provision has been committed.

- 5
- (2) An application under subsection (1) must not be made without the written approval of the Secretary.
- (3) In this section and section 74AE a reference to *premises* includes the whole or any part of a premises that is residential.

74AE Search warrant

- 10
- (1) If a magistrate is satisfied by the evidence, on oath or by affidavit, that there is in the premises or vehicle specified in an application under section 74AD any thing, or kind of thing, that is relevant to determining if an offence against a relevant provision has been committed, the magistrate may issue the search warrant applied for in accordance with the **Magistrates' Court Act 1989**.
- 15
- (2) A search warrant issued under subsection (1) may authorise a person authorised in the warrant to execute the warrant to do all or any of the following—
- 20
- (a) enter the premises or vehicle specified in the warrant;
- 25
- (b) search for any thing, or kind of thing, named or described in the warrant;
- (c) seize any document or other thing, other than an animal, that is or is of a kind named or described in the warrant which the authorised officer reasonably believes to be connected with a contravention of a relevant provision;
- 30
- (d) do all or any of the following in relation to any thing that is or is of a kind named or described in the warrant and which the authorised officer reasonably believes to be
- 35

connected with a contravention of a relevant provision—

- 5
- (i) secure the thing against interference;
 - (ii) examine, inspect and take and keep samples of or from the thing;
- 10
- (e) as to any document, or document of a kind, named or described in the warrant, do all or any of the following—
- (i) require the document to be produced for inspection and examination;
 - (ii) examine the document;
 - 15 (iii) if the authorised officer reasonably believes the document is connected with a contravention of a relevant provision, make copies of or take extracts from the document, or arrange for the making of copies of or the taking of extracts from the document and remove the document for so long as is reasonably necessary to make
20 copies of or take extracts from the document;
- 25
- (f) make any still or moving image or audio-visual recording of any thing that is or is of a kind named or described in the warrant, if the authorised officer believes on reasonable grounds that it is connected with a contravention of a relevant provision;
- 30
- (g) take and keep a sample of any thing that is or is of a kind named or described in the warrant, if the
35
-

authorised officer reasonably believes
that the thing is connected with a
contravention of a relevant provision.

- 5 (3) A search warrant issued under
subsection (1)—
- (a) may authorise an authorised officer to
execute the warrant; and
- 10 (b) may authorise any other person named
or otherwise identified in the warrant to
assist the authorised officer to execute
the warrant.

**74AF Seizure and samples of things not
mentioned in the warrant**

- 15 (1) A search warrant under this Division
authorises the person executing the warrant,
in addition to seizing any thing or kind of
thing named or described in the warrant, to
seize any document or other thing (that is
not an animal) if the person reasonably
20 believes—
- (a) that the thing is of a kind that could
have been included in the search
warrant and that is connected with a
contravention of a relevant provision;
25 and
- (b) that it is necessary to seize the thing
in order to prevent its concealment,
loss or destruction or its use in the
contravention of the relevant provision.
- 30 (2) A search warrant under this Division
authorises the person executing the warrant,
in addition to seizing any thing or kind of
thing named or described in the warrant, to
take a sample of or from any thing, if the
35 person reasonably believes, that—

- 5
- (a) the thing is of a kind that could have been included in the search warrant; and
 - (b) the sample is of or from a thing that is connected with a contravention of a relevant provision.

74AG Requirements for search warrants

A search warrant under this Division must state—

- 10
- (a) the purpose for which the warrant is required and the nature of any alleged contravention; and
 - (b) any conditions to which the warrant is subject; and
 - 15 (c) whether entry is authorised to be made at any time of the day or night or during stated hours of the day or night; and
 - (d) a day, not later than 28 days after the issue of the warrant, on which the warrant ceases to have effect.
- 20

74AH Application of Magistrates' Court Act 1989

- 25
- (1) Despite section 78 of the **Magistrates' Court Act 1989**, a search warrant under this Division must not authorise an authorised officer to arrest a person.
 - (2) Except as provided by this Division, the rules to be observed with respect to search warrants under the **Magistrates' Court Act 1989** extend and apply to warrants under this Division.
- 30

74AI Announcement before entry

- 5
- (1) On executing a search warrant under this Division the authorised officer executing the warrant—
- (a) must announce that the authorised officer is authorised by the warrant to enter the premises or vehicle; and
- 10 (b) if the authorised officer has been unable to obtain unforced entry, must give any person at the premises or vehicle an opportunity to allow entry to the premises.
- (2) An authorised officer need not comply with subsection (1) if the authorised officer believes on reasonable grounds that immediate entry to the premises or vehicle is required to ensure—
- 15 (a) the safety of any person; or
- (b) that the effective execution of the search warrant is not frustrated.
- 20

74AJ Details of warrant to be given to occupier

- (1) If the occupier is present at the premises when a search warrant under this Division is being executed, the authorised officer must—
- 25 (a) show the authorised officer's identification to the occupier; and
- (b) give a copy of the warrant to the occupier.
- 30 (2) If the occupier is not present at the premises when a search warrant under this Division is being executed, the authorised officer must, if there is a person present at the premises—

- 5
- (a) show the authorised officer's identification to the person; and
- (b) give the person a copy of the warrant.
- (3) If a person is present at a vehicle when a search warrant under this Division is being executed, the authorised officer must—
- 10
- (a) show the authorised officer's identification to the person; and
- (b) give a copy of the warrant to the person.
- (4) If a person is not present at a vehicle when a search warrant under this Division is being executed, the authorised officer must—
- 15
- (a) leave information as to a means of contacting the authorised officer on the vehicle; and
- (b) leave a copy of the warrant on the vehicle."

48 New Division heading inserted before section 74B

20 Before section 74B of the Principal Act **insert**—

"Division 4—Miscellaneous enforcement powers".

49 Taking samples from dogs, consequential amendments

- 25
- (1) In section 74B(1) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer or Council contracted authorised officer".
- 30
- (2) In section 74B(2) of the Principal Act, for "An authorised officer" **substitute** "A Council authorised officer or Council contracted authorised officer".
-

(3) In section 74B(4) of the Principal Act **omit** the definition of *authorised officer*.

50 Procedures for taking samples from dogs, consequential amendment

5 In section 74C(1) of the Principal Act, for "an authorised officer" **substitute** "a Council authorised officer or Council contracted authorised officer".

51 Procedures for seizure of documents

10 In section 75(1) of the Principal Act, for "section 74(2)(e)" **substitute** "this Part".

52 New section inserted after section 75

After section 75 of the Principal Act **insert**—

"75AA Copies of certain seized things to be given

- 15 (1) If an authorised officer seizes under section 74 or 74AC or under a warrant under section 74AE—
- (a) a document; or
 - (b) a thing that can be readily copied; or
 - 20 (c) a storage device that contains information that can be readily copied—
- the authorised officer must, as soon as practicable after completing the search,
- 25 give—
- (d) a copy of the document, information or thing; and
 - (e) a receipt for the document, information or thing—
- 30 to the owner or custodian of the document, information or thing.

- 5 (2) Subsection (1) does not apply if the authorised officer is unable to discover the identity of the owner or custodian of the document, information or thing.
- 10 (3) In the case of a paper document, the authorised officer must certify on any copy of the document given to a person under this section that the copy is an accurate copy of the document.
- 15 (4) In any proceeding under this Act a copy of a document, thing or information given to an owner or custodian in accordance with this section is evidence and in the absence of evidence to the contrary is proof that the copy is a copy of that document, thing or information."

53 Seizure of records, consequential amendment

20 In section 75A(1) of the Principal Act, for "an authorised officer appointed under section 71" **substitute** "a Departmental authorised officer".

54 New Division heading inserted after section 76A

After section 76A of the Principal Act **insert**—

"Division 5—Enforcement powers—breeding restricted breed dogs".

25 **55 Documents to be made available for inspection, consequential amendments**

- 30 (1) In section 76B(1) of the Principal Act, for "an authorised officer who is appointed by a Council under section 72" **substitute** "a Council authorised officer".
- (2) In section 76B(2) of the Principal Act, for "An authorised officer who is appointed by a Council under section 72" **substitute** "A Council authorised officer".
-

56 Approval for search warrant, consequential amendment

5 In section 76C of the Principal Act, for
"an authorised officer who is appointed by a
Council under section 72" **substitute** "a Council
authorised officer".

57 Search warrant for section 41EB offence, consequential amendments

- 10 (1) In section 76D(1) of the Principal Act, for
"An authorised officer who is appointed by
a Council under section 72 and" **substitute**
"A Council authorised officer".
- 15 (2) In section 76D(2) of the Principal Act, for
"an authorised officer, who is appointed under
section 72 by the Council for the municipal
district in which the offence is alleged to have
been committed, and who is named in the warrant,
together with any other person or persons named
or otherwise identified in the warrant" **substitute**
20 "a Council authorised officer authorised in the
warrant to execute the warrant,".
- (3) After section 76D(2) of the Principal Act **insert**—
"(2A) A search warrant issued under
subsection (2)—
25 (a) may authorise a Council authorised
officer of the Council to execute the
warrant; and
(b) may authorise any other person named
or otherwise identified in the warrant to
30 assist the Council authorised officer to
execute the warrant.".
- (4) In section 76D(3) of the Principal Act—
(a) for "An authorised officer who is appointed
by a Council under section 72" **substitute**
35 "A Council authorised officer of a Council";
-

(b) after "of the Council" **insert** "that appointed the authorised officer".

58 Division 1 of Part 7A repealed

5 Division 1 of Part 7A of the Principal Act is **repealed**.

59 Seizure of dangerous dogs, consequential amendments

10 (1) In section 78(1) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

(2) In section 78(2) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

15 **60 Seizure of restricted breed dogs, consequential amendments**

(1) In section 79(1) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

20 (2) In section 79(2) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

(3) In section 79(3) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

25 **61 Seizure of dogs believed to be restricted breed dogs, consequential amendment**

In section 80 of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

62 Seizure of dog urged or trained to attack etc., consequential amendments

- 5
- (1) In section 81(1) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".
- (2) In section 81(2) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

10 **63 Seizure of unregistered dog or cat, consequential amendment**

In section 82 of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".

15 **64 Seizure from unregistered breeding domestic animal business**

- (1) For section 82A(1) of the Principal Act **substitute—**
- "(1) In this section—
- 20 *authorised officer* means a Council authorised officer, a Council contracted authorised officer or a restricted authorised officer."
- (2) In section 82A(2) of the Principal Act—
- 25 (a) in paragraph (b), for "revoked under section 54 or 57A" **substitute** "revoked under Division 3 of Part 4";
- (b) in paragraph (ba), for "refused under section 54(3)" **substitute** "refused under Division 3 of Part 4".
- 30 (3) In section 82A(3) of the Principal Act, for "An authorised officer of a Council" **substitute** "A Council authorised officer".
-

(4) In section 82A(4) of the Principal Act—

- 5
- (a) in paragraph (a), for "an authorised officer appointed under section 71A or 72A" **substitute** "a Council contracted authorised officer or a restricted authorised officer";
- (b) in paragraph (b), for "an authorised officer appointed under section 72" **substitute** "a Council authorised officer".

65 New section 82B inserted

10 After section 82A of the Principal Act **insert**—
"82B Seizure of dog or cat for certain offences

- (1) In this section—
- 15 *authorised officer* means a Council authorised officer or a restricted authorised officer.
- (2) An authorised officer may—
- (a) seize a dog that is on premises where GRV greyhounds are being kept if the authorised officer reasonably believes that there has been, is or is about to be, a contravention of Part 4AA; or
- 20
- (b) seize a dog or cat that is on premises where a domestic animal business is being conducted if the authorised officer reasonably believes that there has been, is or is about to be, a contravention of section 44B, 45A, 25 63A, 63AAB, 63AAC, 63AAD or 63AAE or of a notice to comply under section 76A.
- 30
- (3) An authorised officer must not enter premises for the purpose of seizing a dog or cat under subsection (2) unless the entry is

under section 74AC or by warrant under section 74AE or section 84E."

66 Seizure of non-compliant dog or cat, consequential amendment

5 In section 83 of the Principal Act, for "An authorised officer of a Council" substitute "A Council authorised officer".

67 Section 84B substituted

For section 84B of the Principal Act substitute—

10 **"84B Seizure of dog or cat outside premises**

A Council authorised officer or a Council contracted authorised officer may seize a dog or cat that is outside its owner's premises if—

- 15 (a) the Magistrates' Court has made an order under section 84W with respect to the owner of the dog or cat and the order has not been complied with; and
- 20 (b) the authorised officer reasonably suspects that the owner of the dog or cat has committed an offence under section 23(4), 24(1), 24(2) or 25(1); and
- 25 (c) the premises is in the municipal district of the Council that has contracted or appointed the authorised officer."

68 Seizure of abandoned dog or cat, consequential amendment

For section 84C(1) of the Principal Act substitute—

30 "(1) A Council authorised officer may enter any premises in the municipal district of the Council appointing the authorised officer at the request of the owner of the premises if the authorised officer reasonably suspects

that there is an abandoned dog or cat in or on the premises.

- (1A) Premises that may be entered under subsection (1) include a person's residence."

5 **69 Seizure of dog for breeding offence, consequential amendments**

(1) In section 84CA(1) of the Principal Act, for "an authorised officer who is appointed by a Council under section 72" **substitute** "a Council authorised officer".

10

(2) In section 84CA(2) of the Principal Act—

(a) for "An authorised officer appointed by a Council under section 72" **substitute** "A Council authorised officer";

15

(b) for "of that Council" **substitute** "of the Council that appointed the authorised officer".

70 Delivery of seized dog or cat, consequential amendments

(1) In section 84D(1) of the Principal Act, for "an authorised officer of the Council" **substitute** "a Council authorised officer".

20

(2) In section 84D(2) of the Principal Act, for "an authorised officer of the Council" **substitute** "a Council authorised officer".

25

71 Section 84E substituted

For section 84E of the Principal Act **substitute**—

"84E Search warrants for dogs or cats

(1) An authorised officer who may seize a dog or cat under this Part (other than section 84CA) may apply to a magistrate for the issue of a search warrant for a premises, if the authorised officer believes

30

on reasonable grounds that there is present on the premises any dog or cat that the authorised officer may so seize.

- 5
- (2) If a magistrate is satisfied, by the evidence on oath or by affidavit, that there is on the premises specified in the application under subsection (1) any dog or cat which the authorised officer may seize, the magistrate may issue the search warrant applied for in accordance with the **Magistrates' Court Act 1989**.
- 10
- (3) A search warrant issued under subsection (2) may authorise the authorised officer named in the warrant to execute the warrant to do any of the following with any necessary equipment—
- 15
- (a) enter the premises specified in the warrant;
 - 20 (b) search for any dog or cat named or described in the warrant;
 - (c) examine any dog or cat, named or described in the warrant for the purposes of identifying the owner of the dog or cat;
 - 25 (d) if necessary, seize any dog or cat named or described in the warrant.
- (4) A search warrant issued under subsection (2)—
- 30
- (a) may authorise the authorised officer who applied for the warrant or another authorised officer of the same class as the authorised officer who applied for the warrant to execute the warrant; and

(b) may authorise any other person named or otherwise identified in the warrant to assist the authorised officer to execute the warrant.

5 (5) In this section a reference to *premises* includes the whole or any part of the premises that is residential."

72 Search warrant for breeding offence, consequential amendments

10 (1) In section 84EA(1) of the Principal Act, for "an authorised officer who is appointed by a Council under section 72" **substitute** "a Council authorised officer".

(2) In section 84EA(2) of the Principal Act—

15 (a) for "An authorised officer who is appointed by a Council under section 72" **substitute** "A Council authorised officer";

(b) in paragraph (b), after "of the Council" **insert** "that appointed the authorised officer".

20 (3) In section 84EA(3) of the Principal Act, for "an authorised officer who is appointed under section 72 by the Council for the municipal district in which the offence under section 41EB is alleged to have been committed and who is named in the warrant, together with any other person or persons named or otherwise identified in the warrant (including a police officer) to assist the authorised officer, and" **substitute** "a Council authorised officer authorised in the warrant to execute the warrant".

25

30

(4) After section 84EA(3) of the Principal Act
insert—

"(3A) A search warrant issued under
subsection (3)—

5

(a) may authorise a Council authorised
officer to execute the warrant; and

10

(b) may authorise any other person named
or otherwise identified in the warrant to
assist the authorised officer to execute
the warrant."

(5) In section 84EA(4) of the Principal Act, for
"An authorised officer who is appointed by a
Council under section 72" **substitute** "A Council
authorised officer of a Council".

15

73 Custody of dogs or cats seized under section 82B

At the end of section 84J of the Principal Act,
insert—

20

"(2) If a Council authorised officer or a restricted
authorised officer has seized a dog or cat
under section 82B, the Council or person
or body holding the dog or cat may retain
custody of the dog or cat until the dog or cat
is recovered under Division 5 or disposed of
under Division 6 (as the case may be)."

25

74 Recovery of dog or cat

(1) In section 84M(1) of the Principal Act, after "82,"
insert "82B,".

(2) In section 84M(2) of the Principal Act, after
"84Q(2)" **insert** "or (2A)".

30

75 Prosecution of suspected persons

(1) In section 84Q(1) of the Principal Act—

(a) for "an authorised officer" **substitute**
"a Council authorised officer";

(b) after "seized under this Part" **insert**
"other than section 82A or 82B".

(2) After section 84Q(2) of the Principal Act **insert**—

5 "(2A) If a Council, person or body has custody
of a dog or cat that has been seized under
section 82B and the Council, person or body
proposes to prosecute the owner of the dog
or cat for an offence under section 44B, 45A,
10 63A, 63AAB, 63AAC, 63AAD, 63AAE
or 63AE, in relation to the dog or cat, the
Council, person or body—

15 (a) must commence prosecution as soon
as possible after the seizure and after
sufficient information is available to
enable the commencement of
prosecution; and

20 (b) must retain custody of the dog or cat
and any offspring of the dog or cat until
the outcome of the prosecution is
known.

25 (2B) If the outcome of the prosecution referred
to in subsection (2A) is that the owner of the
dog or cat is found guilty of the offence, the
dog or cat and any offspring of the dog or cat
are forfeited to the Council or to the person
or body who has custody of the dog or cat
and offspring (if any).".

**76 Owner to provide address, consequential
amendment**

30 In section 84R of the Principal Act, for
"an authorised officer" **substitute** "a Council
authorised officer".

**77 Destruction of dog if owner not identified,
consequential amendment**

5 In section 84S of the Principal Act, for
"an authorised officer" **substitute** "a Council
authorised officer".

**78 Destruction of dog if a danger to the public,
consequential amendments**

10 In section 84TA(1) of the Principal Act—
(a) in paragraph (a), for "the authorised officer"
substitute "the Council authorised officer";
(b) in paragraph (c), for "an authorised officer"
substitute "a Council authorised officer".

**79 Immediate destruction of dog, consequential
amendment**

15 In section 84TB(1) of the Principal Act, for
"An authorised officer" **substitute** "A Council
authorised officer".

**80 Destruction of declared dangerous dog,
consequential amendment**

20 In section 84TC(1)(b) of the Principal Act, for
"an authorised officer" **substitute** "a Council
authorised officer".

81 Disposal of forfeited dog or cat

25 (1) For the heading to section 84TD of the Principal
Act **substitute**—
"Disposal of forfeited dog or cat".
(2) In section 84TD of the Principal Act,
for "under section 82A(4)" **substitute**
"under section 82A(4) or 84Q(2B)".

82 Section 84VA substituted

For section 84VA of the Principal Act
substitute—

"84VA Recovery of costs for forfeited dogs or cats

- 5 (1) The Council, person or body to which a
dog or cat has been forfeited under
section 82A(4) or 84Q(2B) may recover
any reasonable cost incurred by the Council,
10 person or body for the care, transport,
maintenance and disposal of the dog or
cat for the whole or any part of the time
from when the dog or cat is seized under
Division 2 until the time when the dog or
cat is disposed of under section 84TD.
- 15 (2) The Council, person or body may recover
costs under subsection (1)—
- (a) from the owner or person in charge of
the dog or cat when the dog or cat was
seized; and
- 20 (b) in a court of competent jurisdiction as a
debt due to the Council, person or
body.
- (3) In recovering costs under this section any
amount that has been recovered under an
25 order of the Magistrates' Court under
section 84WC must be taken into account."

83 Orders prohibiting ownership of dogs or cats

In section 84WA(1) of the Principal Act, for
"section 45, 63A" **substitute** "section 44B, 45,
30 45A, 63A, 63AAB, 63AAC, 63AAD, 63AAE".

84 New section inserted after section 84WA

After section 84WA of the Principal Act **insert**—

"84WAB Offence not to comply with order under section 84WA

5

(1) A person who is subject to an order under section 84WA must comply with the order.

Penalty 240 penalty units or imprisonment for 2 years.

10

(2) Nothing in this section affects the powers of the court, or of the Supreme Court, in relation to contempt of court."

85 Section 84WB repealed

Section 84WB of the Principal Act is **repealed**.

86 Order for bond or costs, dog or cat not returned

15

For section 84WC(1) of the Principal Act **substitute**—

20

"(1) In a proceeding before the Magistrates' Court for an offence against this Act or regulations made under this Act, the Court, on application under subsection (1C), may make an order that either of the following be paid—

25

(a) a bond or security to provide for the care and maintenance of the dog or cat that is the subject of the proceeding;

(b) any identified costs for the care, transport and maintenance of the dog or cat that is the subject of the proceeding.

30

(1A) The Magistrates' Court may make an order under subsection (1) if—

(a) the dog or cat has been seized under this Part; and

- (b) the dog or cat—
- (i) is in the custody of a Council, person or body pending the outcome of the proceeding; or
 - 5 (ii) has been forfeited under section 82A(4) or 84Q(2B).
- (1B) The bond, security or costs to be paid—
- 10 (a) may be for the whole or any part of the time for which the proceeding is prosecuted and for any period of time between the seizure of the dog or cat and the commencement of the proceeding; and
 - (b) must be paid by—
- 15 (i) for a dog or cat to which subsection (1A)(b)(i) applies, the owner or person in charge of the dog or cat at the time of seizure of the dog or cat; or
 - 20 (ii) for a dog or cat to which subsection (1A)(b)(ii) applies, the proprietor of the domestic animal business from which the dog or cat was seized, or, for a
 - 25 GRV greyhound, the person who kept the GRV greyhound.
- (1C) An application may be made under subsection (1) by the person prosecuting the offence on behalf of the Council, person or
- 30 body who has custody of the dog or cat or to whom the dog or cat has been forfeited."

87 Power of court to order payment of costs of disposal of dogs and cats

- 35 (1) In section 84X(1)(ba) of the Principal Act after "or (bb)" **insert** "or (2B)".
-

(2) In section 84X(1) of the Principal Act, for paragraph (e) **substitute**—

5 "(e) in the case of an offence involving a dog, that the owner and the dog attend dog obedience training provided by or on behalf of an approved dog obedience training organisation."

88 Search warrant for failure to comply with court order, consequential amendments

10 (1) In section 84XB(1) of the Principal Act—

- (a) for "An authorised officer who is appointed by a Council under section 72" **substitute** "A Council authorised officer";
- 15 (b) for "of that Council" **substitute** "of the Council that appointed the authorised officer".

20 (2) In section 84XB(2) of the Principal Act, for "an authorised officer who is appointed under section 72 by the Council for the municipal district in which the premises is located and who is named in the warrant" **substitute** "a Council authorised officer authorised in the warrant to execute the warrant".

25 (3) After section 84XB(2) of the Principal Act **insert**—

30 "(3) A search warrant issued under subsection (2) may authorise a Council authorised officer appointed by the Council for the municipal district in which the premises is situated to execute the warrant."

89 Compliance with order under section 84XA

At the end of section 84XH of the Principal Act **insert—**

5

"(2) Nothing in this section affects the powers of the Magistrates' Court, or of the Supreme Court, in relation to contempt of court."

90 Power to serve infringement notice

(1) For the Table at the foot of section 85(1) of the Principal Act **substitute—**

"

<i>Column 1</i>	<i>Column 2</i>
<i>Class of authorised officer</i>	<i>Sections of this Act</i>
Departmental authorised officer	10(1), 10(2), 10(3), 12A, 12B(1), 12B(2), 12B(3), 12C(1), 12C(2), 12C(3), 20(1), 21, 22, 23(4), 24(1), 24(2), 25(1), 26(1), 27(1), 32(1), 32(4), 37(1C), 37(2), 38(1), 38(2), 41D(b), 41D(ba), 41D(bb)), 41D(c), 41E(2), 41EA(1), 41F(1), 41F(2), 41G(1), 58V(1), 63A(1), 63AAE(1), 63AAE(2), 63D, 63F, 63G, 63H(1), 63H(2), 63I(1), 63J(1), 96
Restricted authorised officer	12A, 12B(1), 12B(2), 12B(3), 12C(1), 12C(2), 12C(3), 63A(1), 63AAB(1), 63AAB(2), 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4), 63AE(1), 63D, 63F, 63G, 63H(1), 63H(2), 63I(1), 63J(1)

Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

Part 2—Amendment of the Domestic Animals Act 1994

<i>Column 1</i>	<i>Column 2</i>
<i>Class of authorised officer</i>	<i>Sections of this Act</i>
Council authorised officer	10(1), 10(2), 10(3), 12A, 12B(1), 12B(2), 12B(3), 12C(1), 12C(2), 12C(3), 13(1), 13(2), 20(1), 21, 22, 23(4), 24(1), 24(2), 25(1), 26(1), 27(1), 29(5), 29(7), 32(1), 32(4) 37(1C), 37(2), 38(1), 38(2), 39, 41D(b), 41D(ba), 41D(bb), 41D(c), 41E(2), 41EA(1), 41F(1), 41F(2), 41G(1), 41H, 41I, 45A(1), 58V(1), 63A(1), 63AAB(1), 63AAB(2), 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4), 63AAE(1), 63AAE(2), 63AE(1), 63J(1), 96
Council contracted authorised officer	10(1), 10(2), 10(3), 12A, 12B(1), 12B(3), 13(1), 20(1), 21, 22, 23(4), 24(1), 25(1), 26(1), 27(1), 29(5), 29(7), 32(1), 32(4), 38(1), 38(2), 39, 41E(2), 41EA(1), 41G(1), 41H, 41I

(2) In the Table at the foot of section 85(1) of the Principal Act, in Column 2 opposite the reference to Council authorised officer in Column 1, for "41I," **substitute** "41I, 44B,".

5 **91 Filing of charge sheets, consequential amendment**

For section 92(b) of the Principal Act
substitute—

10 "(b) a Departmental authorised officer, a restricted authorised officer or a Council authorised officer."

92 Payment of fines, consequential amendment

In section 95(a) of the Principal Act, for
"an authorised officer of a Council" **substitute**
"a Council authorised officer of a Council".

5 **93 Offence to sell certain animals outside certain places**

After section 96(aa) of the Principal Act **insert**—

"(ab) unless the animal is sold at a place specified
in an animal sale permit and under and in
accordance with that permit; or".

10 **94 Power to make declarations as to restricted breed
dogs, consequential amendments**

(1) In section 98A(1) of the Principal Act, for
"an authorised officer" **substitute** "a Council
authorised officer".

15 (2) Section 98A(2) of the Principal Act is **repealed**.

95 Regulations

(1) After section 100(1)(ab) of the Principal Act
insert—

20 "(ac) in relation to applicable organisations and
approved dog obedience training
organisations—

25 (i) reports to be provided by applicable
organisations, including the form and
content of the reports, the intervals at
which the reports must be provided
and any information or documents
accompanying the reports; and

30 (ii) fees to be charged for assessing
an application by an organisation under
section 5A, 5B or 5C; and

(iii) reports to be provided by approved dog
obedience training organisations or dog
obedience training organisations

- seeking approval, including the form and content of the reports and any information or documents accompanying the reports; and
- 5 (ad) requirements relating to the provision of dog obedience training by or on behalf of approved dog obedience training organisations, including requirements as to the training of individuals to carry out dog obedience training for or on behalf of those
- 10 organisations; and
- (ae) animal sale permits including—
- (i) fees to be charged for applications for animal sale permits; and
- 15 (ii) prescribing criteria in relation to applicants for animal sale permits; and
- (iii) prescribing conditions that apply to animal sale permits; and
- 20 (iv) any other matter relating to the sale of animals under animal sale permits; and".
- (2) After section 100(1)(e) of the Principal Act **insert—**
- 25 "(ea) the prohibition or regulation of the sale or giving away of dogs and cats kept in foster care; or
- (eb) prescribing records to be kept by registered foster carers, including, in relation to any dog or cat kept in foster care by the carer—
- 30 (i) details of the dog or cat; and
- (ii) details of the person from whom the dog or cat has been obtained and to whom the dog or cat is sold or given; and
-

- 5 (ec) prescribing requirements for medical treatment to be carried out on any dog or cat kept in foster care before the dog or cat is sold or given away (including vaccination, worming and desexing); and
- 10 (ed) information to be given in applications for registration, renewals of registration and transfers of registration of premises where domestic animal businesses are conducted; and
- (ee) matters relating to the information register kept under section 68M including—
- 15 (i) circumstances in which the information register may be inspected; and
- (ii) the manner in which the information register may be inspected; and
- (iii) the information that any person who may inspect the information register may obtain from the register; and".
- 20 (3) After section 100(1) of the Principal Act **insert**—
- "(1A) As to fees that may be prescribed under this Act, the regulations may provide for—
- 25 (a) maximum or minimum fees; and
- (b) the reduction, waiver or refund, in whole or in part, of fees; and
- (c) scales of fees according to different cases or different classes of case; and
- 30 (d) methods of calculation of fees according to different cases or different classes of case."

**96 Council to give information to Secretary,
consequential amendment**

5 In section 100A(1)(b) of the Principal Act, for
"an authorised officer of a Council" **substitute**
"a Council authorised officer".

97 New sections inserted after section 100A

After section 100A of the Principal Act **insert**—

"100B Offence to disclose information

10 (1) A person who is or was engaged in the
administration of Part 5B or 5C must
not disclose any information obtained
under, or in relation to the administration
of Part 5B or 5C, except as permitted
under section 100C.

15 Penalty: 10 penalty units.

(2) For the purpose of the **Freedom of
Information Act 1982**, information
referred to in subsection (1) is information
of a kind to which section 38 of that Act
applies.

100C Permitted disclosures

25 A person who is or was engaged in the
administration of Part 5B or 5C may disclose
information obtained under, or in relation to,
the administration of Part 5B or 5C—

- (a) in connection with the administration of
Part 5B or 5C; or
- (b) in accordance with a requirement
imposed under an Act; or
- 30 (c) to a Council.

100D Disclosure of information by Councils

A Council may disclose information held by that Council to—

- (a) another Council; or
- 5 (b) a restricted authorised officer; or
- (c) a Departmental authorised officer—

10 for the purpose of the performance of functions under Part 4 or Part 4AA or regulations under those Parts by that person."

98 Amendment to Schedule 1—Registration fees

15 In Column 2 of Part 1 of Schedule 1 to the Principal Act, for "Dogs that have undergone obedience training which complies with the regulations." **substitute** "Dogs that have undergone dog obedience training provided by or on behalf of an approved dog obedience training organisation."

Part 3—Transitional provision

99 New section 107 inserted

After section 106 of the Principal Act **insert—**

5 **"107 Transitional provision—Domestic
Animals Amendment (Puppy Farms and
Pet Shops) Act 2016**

(1) In this section—

10 *commencement day* means the day on which
section 36 of the **Domestic Animals
Amendment (Puppy Farms and Pet
Shops) Act 2016** comes into operation.

15 (2) In relation to any premises that, on the
commencement day, is registered with a
Council as a premises on which a domestic
animal business is being conducted, for the
purpose of keeping and maintaining the
information register, the Council must give
20 the information set out in section 68N(2) to
the Secretary on or before 3 months after the
commencement day."

Part 4—Repeal of amending Act

100 Repeal of amending Act

This Act is **repealed** on 10 April 2021.

Note

5

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.