

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Caroline Le Couteur)

Animal Welfare Legislation Amendment Bill 2012

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(As presented)

(Ms Caroline Le Couteur)

Animal Welfare Legislation Amendment Bill 2012

A Bill for

An Act to amend legislation about animal welfare

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Animal Welfare Legislation Amendment Act 2012*.

4 **2 Commencement**

5 (1) This Act (other than parts 3 to 5) commences on the day after its
6 notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

9 (2) Parts 3 to 5 commence 1 year after this Act's notification day.

10 **3 Legislation amended**

11 This Act amends the following legislation:

- 12 • *Animal Welfare Act 1992*
- 13 • *Domestic Animals Act 2000*
- 14 • *Domestic Animals Regulation 2001*
- 15 • *Magistrates Court (Domestic Animals Infringement Notices)*
16 *Regulation 2005.*

Part 2 Animal Welfare Act 1992

4 New division 2.1 heading

before section 7, insert

Division 2.1 Animal welfare offences

5 Cruelty Section 7, penalty

substitute

Maximum penalty: 200 penalty units, imprisonment for 1 year or both.

6 Aggravated cruelty Section 7A (1) and (2), penalty

substitute

Maximum penalty: 400 penalty units, imprisonment for 2 years or both.

7 New section 20A

in part 2, insert

20A Conduct not in accordance with code of practice may be considered

In deciding whether conduct engaged in by a person makes up an offence under this part, evidence that the conduct was not in accordance with an approved code of practice or mandatory code of practice that relates to the conduct may be considered.

Note Failure to comply with a mandatory code of practice is an offence (see s 24A and s 24B).

8 New division 2.2

before part 3, insert

Division 2.2 Reporting animal welfare offences

20B Veterinary surgeons to report suspected animal welfare offences

(1) A veterinary surgeon commits an offence if the veterinary surgeon—

(a) believes on reasonable grounds that an offence under division 2.1 (Animal welfare offences) has been committed in relation to an animal in the veterinary surgeon's care; and

(b) fails to, as soon as practicable after forming the belief, report to the authority—

(i) details about the animal and the offence the veterinary surgeon believes has been committed; and

(ii) the name and address of the animal's owner (if known); and

(iii) the reasons for the veterinary surgeon's belief.

Maximum penalty: 5 penalty units.

(2) Strict liability applies to subsection (1) (b).

(3) Subsection (1) does not apply if the veterinary surgeon believes on reasonable grounds that someone else has made a report to the authority about the animal in relation to the offence based on the same reasons.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

(4) A veterinary surgeon who makes a report mentioned in subsection (1) honestly and without recklessness does not incur civil or criminal liability only because of the making of the report.

Note Giving false or misleading information to the authority is an offence (see Criminal Code, s 338).

9 New part 2A

insert

Part 2A Other offences

20C Definitions—pt 2A

In this part:

approved animal welfare organisation—see the *Domestic Animals Act 2000*, section 73.

licensed breeder—see the *Domestic Animals Act 2000*, dictionary.

licensed premises, of a licensed breeder—see the *Domestic Animals Act 2000*, section 73E (1) (a).

market includes—

- (a) a fair; and
- (b) an event similar to a market or fair; and
- (c) a booth or stall at a market or fair or event similar to a market or fair.

premises includes boat.

Note ***Premises*** is also defined in the dictionary. The definition in this section extends the dictionary definition.

1 ***sell by retail*** includes—

- 2 (a) barter or exchange; and
3 (b) supply for profit; and
4 (c) offer for sale, receive for sale or expose for sale; and
5 (d) consign or deliver for sale; and
6 (e) have in possession for sale.

7 ***shop*** means any premises used wholly or mainly for sale by retail of
8 goods or animals, or at which goods or animals are sold by retail on
9 more than 1 occasion, but does not include the following:

- 10 (a) premises occupied by an approved animal welfare
11 organisation;
12 (b) premises at which a veterinary surgeon—
13 (i) provides health services within the meaning of the *Health*
14 *Professionals Act 2004*; and
15 (ii) sells surrendered or abandoned animals;
16 (c) the licensed premises of a licensed breeder.

1 **20D Displaying animal in shop window**

2 A person commits an offence if the person displays an animal in a
3 shop window.

4 Maximum penalty: 50 penalty units.

5 **20E Selling or displaying animal at market**

6 (1) A person commits an offence if the person sells an animal at a
7 market.

8 Maximum penalty: 50 penalty units.

9 (2) A person commits an offence if the person displays an animal for
10 sale at a market.

11 Maximum penalty: 50 penalty units.

12 (3) Subsection (2) does not apply to a person if the person displays an
13 animal at a market for an approved animal welfare organisation.

14 *Note* The defendant has an evidential burden in relation to the matters
15 mentioned in s (3) (see Criminal Code, s 58).

16 (4) In this section:

17 *animal* does not include a domestic fowl.

18 *sell* means transfer ownership by any means, whether with or
19 without consideration, and includes agree to sell.

20 **Examples—transfer of ownership**

21 1 by gift

22 2 by exchange

23 *Note* An example is part of the Act, is not exhaustive and may extend, but
24 does not limit, the meaning of the provision in which it appears (see
25 Legislation Act, s 126 and s 132).

1 **20F Basic care information about animals**

2 (1) The Minister may determine information about basic care for an
3 animal (*basic care information*).

4 (2) Before determining basic care information for an animal, the
5 Minister must consult with an expert in the care of an animal of that
6 kind.

7 (3) A determination is a disallowable instrument.

8 *Note* A disallowable instrument must be notified, and presented to the
9 Legislative Assembly, under the Legislation Act.

10 **20G Failing to display notice about or give basic care**
11 **information**

12 (1) A person commits an offence if the person—

13 (a) offers or exposes an animal for sale at a shop; and

14 (b) does not display a visible notice at a point of sale at the shop
15 that includes a statement to the effect that basic care
16 information for the animal is available on request.

17 Maximum penalty: 20 penalty units.

18 *Note* It is an offence to sell a dog or cat from a shop unless it is sold on behalf
19 of an approved animal welfare organisation (see *Domestic Animals*
20 *Act 2000*, s 80B).

21 (2) A person commits an offence if —

22 (a) the person offers or exposes an animal for sale at a shop; and

23 (b) someone else asks the person for basic care information for the
24 animal; and

25 (c) the person does not give the other person the basic care
26 information.

27 Maximum penalty: 20 penalty units.

- 1 (3) A person commits an offence if the person—
2 (a) sells an animal at a shop; and
3 (b) does not give the person to whom the animal is sold basic care
4 information for the animal.
5 Maximum penalty: 20 penalty units.
- 6 (4) A licensed breeder commits an offence if the breeder—
7 (a) sells an animal; and
8 (b) does not give the person to whom the animal is sold basic care
9 information for the animal.
10 Maximum penalty: 20 penalty units.
- 11 (5) An offence against this section is a strict liability offence.
- 12 (6) In this section:
13 *animal* means—
14 (a) a live member of a vertebrate species, including—
15 (i) an amphibian; and
16 (ii) a bird; and
17 (iii) a fish; and
18 (iv) a mammal (other than a human being); and
19 (v) a reptile; or
20 (b) a live cephalopod; or
21 (c) a live crustacean.
- 22 *basic care information*, for an animal—see section 20F.
23 *point of sale*, at a shop, means a place where animals are sold within
24 the shop.

1 *sell*—see section 20E (4).

2 *visible notice*, at a point of sale, means a notice that is displayed
3 prominently so that it can be seen and read easily by a person at or
4 near the point of sale.

5 **10 Dictionary, new definitions**

6 *insert*

7 *approved animal welfare organisation*, for part 2A (Other
8 offences)—see section 20C.

9 *licensed breeder*, for part 2A (Other offences)—see section 20C.

10 **11 Dictionary, definition of *licensed premises***

11 *substitute*

12 *licensed premises*—

13 (a) for this Act generally—see section 27 (Decision about licence
14 application); and

15 (b) of a licensed breeder, for part 2A (Other offences)—see
16 section 20C.

17 **12 Dictionary, new definition of *market***

18 *insert*

19 *market*, for part 2A (Other offences)—see section 20C.

20 **13 Dictionary, definition of *premises*, new paragraph (aa)**

21 *insert*

22 (aa) for part 2A (Other offences)—see section 20C; and

1 **14 Dictionary, new definitions**

2 *insert*

3 *sell by retail*, for part 2A (Other offences)—see section 20C.

4 *shop*, for part 2A (Other offences)—see section 20C.

Part 3 Domestic Animals Act 2000**15 Dictionary
Section 3, note 1***substitute*

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*infringement notice penalty*, for an infringement notice offence under the *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005*—see the *Magistrates Court Act 1930*, section 117.' means that the term '*infringement notice penalty*' is defined in s 117 and the definition applies to this Act.

**16 Offences against Act—application of Criminal Code etc
Section 4A, note 1***insert*

- s 73B (Offence—breeding dog or cat for sale without licence)
- s 73K (Breeders licences—licensed breeder to notify change of name, address or licensed premises etc)
- s 73S (Offence—return of amended, suspended or cancelled breeders licence)

17 Section 4A, note 1*omit*

- s 74A (Sale of older dogs and cats to be notified if not de-sexed)

substitute

- s 74A (Offence—selling dog 6 months old or older if not de-sexed)
- s 74B (Offence—selling dog less than 6 months old without redeemable de-sexing voucher)
- s 74C (Offence—selling cat 3 months old or older if not de-sexed)
- s 74D (Offence—selling cat less than 3 months old without redeemable de-sexing voucher)
- s 74F (Sale of dogs and cats to be notified if not de-sexed)

- 1 • s 80A (Offence—keeping dog or cat at shop for sale)
- 2 • s 80B (Offence—selling dog or cat from shop)
- 3 • s 80C (Offence—selling dog or cat if not authorised seller or
- 4 approved person)
- 5 • s 80D (Offence—advertising sale of dog or cat)

6 **18 Section 4A, note 1**

7 *insert*

- 8 • s 94 (Offence—selling animal to person under 18)

9 **19 Requirement to be licensed** 10 **New section 18 (2) (g)**

11 *insert*

12 (g) a dog kept by a person under a breeders licence.

13 **20 Section 58**

14 *substitute*

15 **58 Seizure—contravention of multiple dog licence**

16 An authorised person may seize a dog that is being kept with 3 or
17 more other dogs in contravention of section 18 (Requirement to be
18 licensed) if satisfied on reasonable grounds that the dog's welfare is
19 being adversely affected by the conditions in which it is being kept.

20 **21 New division 3.1 heading**

21 *before section 73, insert*

22 **Division 3.1 Preliminary**

22 Section 73

substitute

73 Definitions—pt 3

In this part:

advertising approval—see section 80E.

approved animal welfare organisation means any of the following:

- (a) the Royal Society for the Prevention of Cruelty to Animals (ACT) Inc;
- (b) an administrative unit that operates a facility for the holding of lost, stray, abandoned or surrendered animals;
- (c) a not-for-profit organisation that has among its objects the promotion of the welfare of, or the prevention of cruelty to, animals;
- (d) an entity approved under section 73A.

authorised seller means any of the following:

- (a) an approved animal welfare organisation;
- (b) a veterinary surgeon who sells surrendered or abandoned animals;
- (c) a person who sells surrendered or abandoned animals on a not-for-profit basis;
- (d) the registrar;
- (e) a licensed breeder.

defined offence means—

- (a) an offence against this Act or the *Animal Welfare Act 1992*; or
- (b) an offence in relation to animal welfare under another territory law or a Commonwealth or State law.

1 ***de-sex***, in relation to a dog or cat, includes perform a vasectomy or
2 tubal ligation on the dog or cat.

3 ***executive officer***, of a corporation, means a person (however
4 described) who is concerned with, or takes part in, the corporation's
5 management, whether or not the person is a director of the
6 corporation.

7 ***identifying microchip***—see the *Domestic Animals Regulation 2001*,
8 section 10.

9 ***licensed premises***, of a licensed breeder—see section 73E (1) (a).

10 ***permit*** means a permit issued under this part.

11 ***renewal***, of a breeders licence, means the issue of the licence that is
12 to begin on the day after the licence being renewed ends.

13 ***sell*** means transfer ownership by any means, whether with or
14 without consideration, and includes agree to sell.

15 **Examples—transfer of ownership**

16 1 by gift

17 2 by exchange

18 *Note* An example is part of the Act, is not exhaustive and may extend, but
19 does not limit, the meaning of the provision in which it appears (see
20 Legislation Act, s 126 and s 132).

21 ***sell by retail*** includes—

22 (a) barter or exchange; and

23 (b) supply for profit; and

24 (c) offer for sale, receive for sale or expose for sale; and

25 (d) consign or deliver for sale; and

26 (e) have in possession for sale.

27 ***selling approval***—see section 80E.

1 *shop* means any premises used wholly or mainly for sale by retail of
2 goods or animals, or at which goods or animals are sold by retail on
3 more than 1 occasion, but does not include the following:

4 (a) premises occupied by an approved animal welfare
5 organisation;

6 (b) premises at which a veterinary surgeon—

7 (i) provides health services within the meaning of the *Health*
8 *Professionals Act 2004*; and

9 (ii) sells surrendered or abandoned animals;

10 (c) the licensed premises of a licensed breeder.

11 **73A Approval of animal welfare organisations**

12 (1) An entity may apply to the registrar for approval as an animal
13 welfare organisation.

14 (2) The registrar may approve an application under subsection (1) if
15 satisfied on reasonable grounds that the entity has relevant
16 experience and competency in caring for and handling dogs or cats
17 that have been mistreated or abandoned.

18 (3) An approval is a notifiable instrument.

19 *Note* A notifiable instrument must be notified under the Legislation Act.

20 **23 New division 3.2**

21 *before section 74, insert*

22 **Division 3.2 Breeders licences**

23 **Subdivision 3.2.1 Breeders licences—general**

24 **73B Offence—breeding dog or cat for sale without licence**

25 (1) A person commits an offence if the person—

- 1 (a) breeds a dog or cat for sale; and
2 (b) does not have a breeders licence to breed the dog or cat.
3 Maximum penalty: 100 penalty units, imprisonment for 1 year or
4 both.

5 (2) This section does not apply to a person if—

- 6 (a) the person rescues a pregnant dog or pregnant cat from
7 mistreatment or abandonment; and
8 (b) the dog or cat bred for sale was born as a result of that
9 pregnancy.

10 *Note* The defendant has an evidential burden in relation to the matters
11 mentioned in s (2) (see Criminal Code, s 58).

12 **73C Ethical breeding standards**

- 13 (1) The Minister may determine standards (the *ethical breeding*
14 *standards*) to be met by licensed breeders.
15 (2) A determination is a disallowable instrument.

16 *Note* A disallowable instrument must be notified, and presented to the
17 Legislative Assembly, under the Legislation Act.

18 **73D Breeders licences—application**

- 19 (1) A person may apply to the registrar for a licence to breed, at stated
20 premises, a dog or cat for sale.

21 *Note 1* If a form is approved under s 147 for an application, the form must be
22 used.

23 *Note 2* A fee may be determined under s 144 for this provision.

- 24 (2) The application must contain the person's written consent for an
25 authorised person to inspect the stated premises (unless the
26 application is for renewal of a licence and the licensed premises are
27 the stated premises).

- 1 **73E Breeders licences—decision on application**
- 2 (1) On application by a person for a breeders licence, the registrar
- 3 must—
- 4 (a) issue the licence for the premises stated in the application
- 5 (the *licensed premises*); or
- 6 (b) refuse to issue the licence.
- 7 (2) If the application is for renewal of a breeders licence and the
- 8 registrar proposes to refuse to renew the licence, the registrar must
- 9 give the licensed breeder a written notice that—
- 10 (a) states the reasons for the proposed refusal; and
- 11 (b) tells the breeder that the breeder may, not later than 14 days
- 12 after the day the breeder is given the notice, give a written
- 13 response to the registrar about the proposed refusal.
- 14 *Note* See also s 73J (Breeders licences—renewal).
- 15 (3) In deciding whether to renew the licence, the registrar must consider
- 16 any response given to the registrar in accordance with the notice.
- 17 (4) The registrar must not issue the licence unless satisfied of each of
- 18 the following in relation to dogs or cats to be bred under the licence:
- 19 (a) that the applicant will not breed more dogs or cats than is
- 20 appropriate having regard to—
- 21 (i) the welfare of the parent dogs and cats; and
- 22 (ii) the applicant's capacity to find homes for all the dogs and
- 23 cats bred;
- 24 (b) that the applicant will only breed from dogs or cats that are
- 25 healthy and genetically sound;
- 26 (c) that the applicant does not intend to breed malformed or
- 27 aggressive dogs or cats;

- 1 (d) that the dogs or cats will be cared for appropriately, including
2 being provided with a nutritious diet, adequate opportunities
3 for exercise and socialisation for physical and mental
4 wellbeing, and vaccinations and worming medication;
- 5 (e) that the dogs or cats will be kept in appropriate
6 accommodation;
- 7 (f) that the applicant will not allow puppies or kittens to leave the
8 applicant's premises before they are 8 weeks old;
- 9 (g) that the arrangements for the provision of veterinary treatment
10 to the dogs or cats will be adequate to maintain them in good
11 health.
- 12 (5) In deciding whether to issue the licence, the registrar—
- 13 (a) must also consider each of the following:
- 14 (i) the applicant's experience and competency in breeding,
15 caring for and handling dogs or cats;
- 16 (ii) the adequacy of the premises stated in the application,
17 equipment and other facilities for breeding, caring for and
18 handling dogs or cats;
- 19 (iii) the applicant's response (or lack of response) to any
20 request for further information under section 135
21 (Applications—additional information);
- 22 (iv) whether the applicant has been disqualified from keeping
23 animals under section 138A;
- 24 (v) whether an order has been made in relation to the
25 applicant under the *Animal Welfare Act 1992*,
26 section 101 (3) (Animal offences—court orders
27 (general)) or section 104A (Court orders—offences
28 involving violence);
- 29 (vi) whether the applicant has been convicted or found guilty
30 of a defined offence;

Section 23

- 1 (vii) whether the applicant will comply with the ethical
2 breeding standards; and
- 3 (b) may also consider any other relevant matter.
- 4 (6) The registrar must refuse to issue the licence if the registrar believes
5 on reasonable grounds that refusal is reasonable or necessary in the
6 interests of animal welfare.
- 7 (7) In this section:
- 8 *applicant* includes, if the applicant is a corporation, each executive
9 officer of the corporation.
- 10 *appropriate accommodation*, for a dog or cat, means
11 accommodation that—
- 12 (a) is suitable for the dog or cat, based on its age, anatomy and
13 behaviour; and
- 14 (b) allows the dog or cat space to exercise regularly; and
- 15 (c) is clean and hygienic; and
- 16 (d) includes adequate bedding; and
- 17 (e) for accommodation that is indoors—
- 18 (i) allows the dog or cat to maintain a comfortable
19 temperature; and
- 20 (ii) has appropriate lighting and ventilation; and
- 21 (f) for outdoor accommodation for a dog—has adequate
22 protection from rain, wind, direct sunlight and extremes of
23 temperature; and
- 24 (g) for outdoor accommodation for a cat—is at least 9m² and
25 1.8m high for 1 to 3 cats, with an additional 2m² for each
26 additional cat; and
- 27 (h) complies with the ethical breeding standards.

1 *ethical breeding standards*—see section 73C.

2 *issue* includes issue by way of renewal.

3 **73F Breeders licences—conditions**

4 (1) A breeders licence is subject to any condition—

5 (a) prescribed by regulation; or

6 (b) put on the licence by the registrar that the registrar believes on
7 reasonable grounds is reasonable or necessary in the interests
8 of animal welfare.

9 **Examples—conditions that may be put on a breeders licence**

10 1 a condition about the welfare of the dogs or cats to be bred by the licensed
11 breeder

12 2 that an approved code of practice must be complied with

13 *Note 1* The registrar may amend a breeders licence (including by putting a
14 condition on the licence, or amending or removing a condition of the
15 licence) at any time (see s 73L).

16 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
17 does not limit, the meaning of the provision in which it appears (see
18 Legislation Act, s 126 and s 132).

19 (2) A breeders licence issued to a person is also subject to the following
20 conditions:

21 (a) if the licence is issued to the person for the first time—that the
22 person must allow an authorised person to enter the licensed
23 premises to inspect the premises within 6 months after the day
24 the licence is issued;

25 (b) if the licensed premises stated in the licence change—that the
26 person must allow an authorised person to enter the new
27 licensed premises to inspect the premises within 6 months after
28 the day the premises change.

1 **73G Breeders licences—form**

2 A breeders licence must—

- 3 (a) be in writing; and
- 4 (b) state the full name and address of the person to whom the
- 5 licence is issued; and
- 6 (c) state the licensed premises; and
- 7 (d) state the period for which the licence is issued; and
- 8 (e) provide a unique identifying number for the licence; and
- 9 (f) state any condition put on the licence by the registrar.

10 **73H Breeders licences—term**

11 A breeders licence is issued for the period of not longer than 3 years

12 stated in the licence, and remains in force subject to this Act.

13 **73I Licensed breeders—request for information and**

14 **documents**

15 The registrar may, in writing, require a licensed breeder to give the

16 registrar information in writing or documents that the registrar

17 reasonably needs to exercise the registrar's functions under this Act

18 in relation to the breeder's licence.

19 **Example—information or documents**

20 information about when a dog was examined by a veterinary surgeon

21 *Note 1* The Legislation Act, s 170 and s 171 deal with the application of the

22 privilege against selfincrimination and client legal privilege.

23 *Note 2* A reference to an Act includes a reference to the statutory instruments

24 made or in force under the Act, including any regulation (see

25 Legislation Act, s 104).

26 *Note 3* An example is part of the Act, is not exhaustive and may extend, but

27 does not limit, the meaning of the provision in which it appears (see

28 Legislation Act, s 126 and s 132).

1 **73J Breeders licences—renewal**

- 2 (1) This section applies if—
- 3 (a) a licensed breeder makes an application under section 73D
- 4 (Breeders licences—application); and
- 5 (b) the application is for renewal of the breeder’s licence; and
- 6 (c) the application is made not later than 14 days before the day
- 7 the licence term ends.
- 8 (2) The licence remains in force, subject to this Act, until the
- 9 application is decided under section 73E (Breeders licences—
- 10 decision on application).
- 11 (3) If the registrar issues the licence applied for, the renewal of the
- 12 licence begins on the day after the day the licence being renewed
- 13 ends.
- 14 (4) A suspended licence may be renewed, but the renewed licence is
- 15 suspended until the suspension ends.

16 **73K Breeders licences—licensed breeder to notify change of**

17 **name, address or licensed premises etc**

- 18 (1) If a licensed breeder changes the breeder’s name, address or
- 19 licensed premises, the breeder must, as soon as practicable but not
- 20 later than 14 days after the day the change happens, tell the registrar,
- 21 in writing, about the change.
- 22 Maximum penalty: 10 penalty units.
- 23 (2) An offence against this section is a strict liability offence.
- 24 (3) The licensed breeder must return the licence to the registrar for
- 25 amendment as soon as practicable, but not later than 14 days, after
- 26 telling the registrar about the change.

- 1 **73L Breeders licences—amendment in interests of animal**
2 **welfare**
- 3 (1) The registrar may amend a breeders licence at any time in
4 accordance with this section if the registrar believes on reasonable
5 grounds that the amendment is reasonable or necessary in the
6 interests of animal welfare.
- 7 (2) The registrar may amend a licence on the registrar's own initiative
8 or on application by the licensed breeder.
- 9 *Note 1* If a form is approved under s 147 for an application, the form must be
10 used.
- 11 *Note 2* A fee may be determined under s 144 for this provision.
- 12 (3) The registrar may amend a breeders licence on the registrar's own
13 initiative if the registrar has—
- 14 (a) given the licensed breeder written notice of the proposed
15 amendment; and
- 16 (b) considered any comments made by the licensed breeder in
17 accordance with the notice.
- 18 (4) The notice mentioned in subsection (3) (a) must—
- 19 (a) include the registrar's grounds for making the proposed
20 amendment; and
- 21 (b) invite the licensed breeder to give the registrar any comments
22 about the amendment before the end of a stated period of at
23 least 14 days after the notice is given to the breeder.
- 24 (5) Subsection (3) does not apply to action under section 73P (Breeders
25 licences—taking regulatory action).
- 26 *Note* Section 119 provides that the registrar must give written notice of the
27 decision to each person affected by the decision.

- 1 (6) The amendment of a licence takes effect on—
- 2 (a) the day the notice of the decision to amend is given to the
- 3 licensed breeder; or
- 4 (b) if the notice states a later date of effect—that date.
- 5 (7) A licence amended under this section must be returned to the
- 6 registrar as soon as practicable, but not later than 7 days, after the
- 7 day the notice of the decision to amend is given to the licensed
- 8 breeder.
- 9 (8) In this section:
- 10 *amend*, a licence, includes putting a condition on the licence, or
- 11 amending or removing a condition of the licence.
- 12 *condition* does not include a condition prescribed by regulation.

13 **73M Breeders licences—surrender**

- 14 (1) A licensed breeder may surrender the licence by giving the registrar
- 15 written notice of the surrender and the licence.
- 16 (2) The surrender takes effect on—
- 17 (a) the day the notice is given to the registrar under subsection (1);
- 18 or
- 19 (b) if the notice states a later date of effect—that date.

20 **Subdivision 3.2.2 Breeders licences—regulatory action**

21 **73N Breeders licences—grounds for regulatory action**

22 Each of the following is a *ground for regulatory action* against a

23 licensed breeder:

- 24 (a) the breeder gave information to the registrar in relation to the
- 25 application for the issue or renewal of the breeder's licence that
- 26 was false or misleading in a material particular;

- 1 (b) the breeder contravened a condition of the breeder's licence;
- 2 (c) the breeder did not return the breeder's licence as required
- 3 under section 73L (7) (Breeders licences—amendment in
- 4 interests of animal welfare);
- 5 (d) the breeder has been convicted or found guilty of a defined
- 6 offence—
- 7 (i) within the 3 years immediately before the date of the
- 8 application for the breeder's licence; or
- 9 (ii) while a licensed breeder; or
- 10 (iii) during any suspension of the breeder's licence;
- 11 (e) the registrar believes on reasonable grounds that the registrar
- 12 would refuse an application by the breeder for a breeders
- 13 licence on the grounds mentioned in section 73E (4), (5) or (6)
- 14 (Breeders licences—decision on application).

15 **73O Breeders licences—regulatory action**

16 Each of the following is *regulatory action* when taken against a

17 licensed breeder:

- 18 (a) putting a condition on, or amending a condition put on, the
- 19 breeder's licence;
- 20 (b) suspending the breeder's licence for a stated period or until a
- 21 stated thing happens;
- 22 (c) cancelling the breeder's licence;
- 23 (d) cancelling the breeder's licence and disqualifying the breeder
- 24 from applying for a breeders licence for a stated period or until
- 25 a stated thing happens.

- 1 **73P Breeders licences—taking regulatory action**
- 2 (1) If the registrar proposes to take regulatory action in relation to a
- 3 licensed breeder, the registrar must give the breeder a written notice
- 4 (a *regulatory notice*) that—
- 5 (a) states the details of the proposed regulatory action; and
- 6 (b) states the grounds for the proposed regulatory action; and
- 7 (c) tells the breeder that the breeder may, not later than 14 days
- 8 after the day the breeder is given the notice, give a written
- 9 response to the registrar about the proposed regulatory action.
- 10 (2) In deciding whether to take the proposed regulatory action, the
- 11 registrar must consider any response given to the registrar in
- 12 accordance with the regulatory notice.
- 13 (3) If the registrar believes on reasonable grounds that a ground for
- 14 taking the proposed regulatory action has been established in
- 15 relation to the licensed breeder, the registrar may—
- 16 (a) take the regulatory action stated in the regulatory notice; or
- 17 (b) if the proposed regulatory action is the cancellation of the
- 18 breeder's licence and disqualification mentioned in
- 19 section 73O (d)—
- 20 (i) cancel the licence; or
- 21 (ii) suspend the licence as mentioned in section 73O (b); or
- 22 (iii) put a condition on, or amend a condition put on, the
- 23 licence; or
- 24 (c) if the proposed regulatory action is the cancellation of the
- 25 breeder's licence—
- 26 (i) suspend the licence as mentioned in section 73O (b); or
- 27 (ii) put a condition on, or amend a condition put on, the
- 28 licence; or

- 1 (d) if the proposed regulatory action is the suspension of the
2 breeder's licence as mentioned in section 73O (b)—
- 3 (i) suspend the licence for a shorter period; or
- 4 (ii) put a condition on, or amend a condition put on, the
5 licence.
- 6 *Note* Section 119 provides that the registrar must give written notice of the
7 decision to each person affected by the decision.
- 8 (4) Regulatory action under this section takes effect on—
- 9 (a) the day the notice of the decision is given to the licensed
10 breeder; or
- 11 (b) if the notice states a later date of effect—that date.
- 12 (5) In this section:
- 13 *ground for regulatory action* against a licensed breeder—see
14 section 73N (Breeders licences—grounds for regulatory action).
- 15 *regulatory action*—see section 73O (Breeders licences—regulatory
16 action).
- 17 **73Q Breeders licences—immediate suspension**
- 18 (1) This section applies if—
- 19 (a) the registrar gives, or has given, a regulatory notice under
20 section 73P to a licensed breeder; and
- 21 (b) having regard to the grounds stated in the notice, the registrar
22 believes on reasonable grounds that the breeder's licence
23 should be suspended immediately in the interests of animal
24 welfare.
- 25 (2) The registrar must give the breeder a written notice (the *immediate*
26 *suspension notice*) suspending the breeder's licence.

- 1 (3) The suspension of a breeder's licence under this section takes effect
2 when the immediate suspension notice is given to the breeder.
- 3 (4) The suspension of a breeder's licence under this section ends—
- 4 (a) if regulatory action is taken against the breeder under
5 section 73P because of the regulatory notice—when the
6 regulatory action takes effect, or 30 days after the day the
7 immediate suspension notice is given to the breeder, whichever
8 is the earlier; or
- 9 (b) if regulatory action is not taken against the breeder under
10 section 73P because of the regulatory notice—when the
11 breeder is given written notice of the registrar's decision not to
12 take regulatory action, or 30 days after the day the immediate
13 suspension notice is given to the breeder, whichever is the
14 earlier.

15 **73R Breeders licences—effect of suspension**

- 16 (1) A suspended breeders licence does not authorise the carrying on of
17 any activity under the licence during the suspension.
- 18 (2) If the registrar suspends a breeder's licence, the breeder is, during
19 the suspension—
- 20 (a) taken not to hold the licence; and
- 21 (b) disqualified from applying for a licence.

22 **73S Offence—return of amended, suspended or cancelled**
23 **breeders licence**

- 24 (1) A licensed breeder commits an offence if—
- 25 (a) the breeder's licence is amended, suspended or cancelled under
26 this subdivision; and

- 1 (b) the breeder does not return the licence to the registrar as soon
2 as practicable, but not later than 7 days after the day the
3 breeder is given notice under section 119 (Reviewable decision
4 notices).

5 Maximum penalty: 10 penalty units.

- 6 (2) An offence against this section is a strict liability offence.

7 **73T Breeders licences—action by registrar in relation to**
8 **amended or suspended licence**

- 9 (1) This section applies if—
10 (a) a breeder's licence is—
11 (i) amended under section 73L (Breeders licences—
12 amendment in interests of animal welfare); or
13 (ii) amended or suspended under this subdivision; and
14 (b) the licence is returned to the registrar.
15 (2) For an amended breeders licence, the registrar must—
16 (a) return the amended licence to the breeder; or
17 (b) give the breeder a replacement licence that includes the
18 amendment.
19 (3) If a breeder's licence is suspended under this subdivision and the
20 suspension ends before the end of the term of the licence, the
21 registrar must return the licence to the breeder.

22 **Division 3.3 De-sexing dogs and cats**

24 Dogs and cats to be de-sexed if over certain age
Section 74 (5)

substitute

(5) It is a defence to a prosecution for an offence against this section in relation to a dog or cat if the defendant proves—

(a) that it is less than 28 days since the day the dog or cat first came into the defendant's possession; or

(b) that—

(i) the defendant rescued the dog or cat from mistreatment or abandonment; and

(ii) the dog or cat was pregnant when rescued; and

(iii) it is less than 160 days since the dog or cat first came into the defendant's possession; and

(iv) the defendant is keeping the dog or cat until it, or the dogs or cats born as a result of the pregnancy, can be rehomed.

Note The defendant has a legal burden in relation to the matters mentioned in s (5) (see Criminal Code, s 59).

25 Section 74A

substitute

74A Offence—selling dog 6 months old or older if not de-sexed

(1) A person commits an offence if the person—

(a) sells a dog that has not been de-sexed to someone else (the *buyer*); and

1 (b) believes, or ought reasonably to believe, that the dog is
2 6 months old or older.

3 Maximum penalty: 50 penalty units.

4 (2) Strict liability applies to subsection (1) (a).

5 (3) This section does not apply if—

6 (a) the person holds an exemption under section 74E in relation to
7 the dog; or

8 (b) the buyer holds a permit for the dog.

9 *Note* The defendant has an evidential burden in relation to the matters
10 mentioned in s (3) (see Criminal Code, s 58).

11 **74B Offence—selling dog less than 6 months old without**
12 **redeemable de-sexing voucher**

13 (1) A person commits an offence if the person—

14 (a) sells a dog that has not been de-sexed to someone else
15 (the *buyer*); and

16 (b) believes, or ought reasonably to believe, that the dog is less
17 than 6 months old; and

18 (c) does not sell the dog with a redeemable de-sexing voucher.

19 Maximum penalty: 50 penalty units.

20 (2) Strict liability applies to subsection (1) (a).

21 (3) This section does not apply if—

22 (a) the person holds an exemption under section 74E in relation to
23 the dog; or

24 (b) the buyer holds a permit for the dog; or

25 (c) the buyer—

26 (i) is not resident in the ACT; and

- 1 (ii) does not ask the person to give the buyer a redeemable
2 de-sexing voucher for the dog.

3 *Note* The defendant has an evidential burden in relation to the matters
4 mentioned in s (3) (see Criminal Code, s 58).

- 5 (4) In this section:

6 ***redeemable de-sexing voucher*** means a voucher that—

- 7 (a) allows for the de-sexing of a dog free of charge when the dog
8 is old enough to be safely de-sexed; and
9 (b) is provided by a veterinary surgeon or, if the buyer requests, a
10 person qualified in another State to de-sex dogs.

11 **74C Offence—selling cat 3 months old or older if not de-sexed**

- 12 (1) A person commits an offence if the person—

- 13 (a) sells a cat that has not been de-sexed to someone else
14 (the ***buyer***); and
15 (b) believes, or ought reasonably to believe, that the cat is
16 3 months old or older.

17 Maximum penalty: 50 penalty units.

- 18 (2) Strict liability applies to subsection (1) (a).

- 19 (3) This section does not apply if—

- 20 (a) the person holds an exemption under section 74E in relation to
21 the cat; or
22 (b) the buyer holds a permit for the cat.

23 *Note* The defendant has an evidential burden in relation to the matters
24 mentioned in s (3) (see Criminal Code, s 58).

- 1 **74D Offence—selling cat less than 3 months old without**
2 **redeemable de-sexing voucher**
- 3 (1) A person commits an offence if the person—
- 4 (a) sells a cat that has not been de-sexed to someone else
5 (the *buyer*); and
- 6 (b) believes, or ought reasonably to believe, that the cat is less than
7 3 months old; and
- 8 (c) does not sell the cat with a redeemable de-sexing voucher.
- 9 Maximum penalty: 50 penalty units.
- 10 (2) Strict liability applies to subsection (1) (a).
- 11 (3) This section does not apply if—
- 12 (a) the person holds an exemption under section 74E in relation to
13 the cat; or
- 14 (b) the buyer holds a permit for the cat; or
- 15 (c) the buyer—
- 16 (i) is not resident in the ACT; and
- 17 (ii) does not ask the person to give the buyer a redeemable
18 de-sexing voucher for the cat.
- 19 *Note* The defendant has an evidential burden in relation to the matters
20 mentioned in s (3) (see Criminal Code, s 58).
- 21 (4) In this section:
- 22 ***redeemable de-sexing voucher*** means a voucher that—
- 23 (a) allows for the de-sexing of a cat free of charge when the cat is
24 old enough to be safely de-sexed; and
- 25 (b) is provided by a veterinary surgeon or, if the buyer requests, a
26 person qualified in another State to de-sex cats.

- 1 **74E Exemptions from s 74A to s 74D**
- 2 (1) The registrar may give a licensed breeder an exemption from a
- 3 relevant provision in relation to a dog or cat if satisfied on
- 4 reasonable grounds that the dog or cat—
- 5 (a) will be used for showing or breeding; and
- 6 (b) is registered (however described) with an entity that—
- 7 (i) manages the showing or breeding of dogs or cats; and
- 8 (ii) takes appropriate care to ensure that the dogs or cats
- 9 registered (however described) with the entity are
- 10 legitimately for showing or breeding.
- 11 (2) The registrar may also give a person an exemption from a relevant
- 12 provision in relation to a dog or cat if satisfied on reasonable
- 13 grounds that—
- 14 (a) the person does not breed dogs or cats for sale, or sell dogs or
- 15 cats on behalf of someone else who is not a licensed breeder;
- 16 and
- 17 (b) either—
- 18 (i) the person rescued the dog or cat from mistreatment or
- 19 abandonment; or
- 20 (ii) the dog or cat was born as a result of the pregnancy of a
- 21 dog or cat that the person rescued from mistreatment or
- 22 abandonment while the dog or cat was pregnant; and
- 23 (c) the sale of the dog or cat is on a not-for-profit basis; and
- 24 (d) it would be unreasonably financially onerous for the person to
- 25 have the dog or cat de-sexed or sell the dog or cat with a
- 26 redeemable de-sexing voucher.

- 1 (3) In this section:
- 2 *redeemable de-sexing voucher*—
- 3 (a) for a dog—see section 74B (4); and
- 4 (b) for a cat—see section 74D (4).
- 5 *relevant provision* means any of the following provisions:
- 6 (a) section 74A (Offence—selling dog 6 months old or older if not
- 7 de-sexed);
- 8 (b) section 74B (Offence—selling dog less than 6 months old
- 9 without redeemable de-sexing voucher);
- 10 (c) section 74C (Offence—selling cat 3 months old or older if not
- 11 de-sexed);
- 12 (d) section 74D (Offence—selling cat less than 3 months old
- 13 without redeemable de-sexing voucher).

14 **74F Sale of dogs and cats to be notified if not de-sexed**

- 15 (1) A person commits an offence if the person—
- 16 (a) sells a dog or cat that has not been de-sexed to someone else
- 17 (the *buyer*); and
- 18 (b) does not, within 3 working days after the day the person sells
- 19 the dog or cat, tell the registrar in writing the name and address
- 20 of the buyer.

21 Maximum penalty: 5 penalty units.

- 22 (2) An offence against this section is a strict liability offence.
- 23 (3) This section does not apply if the buyer holds a permit for the dog or
- 24 cat.

25 *Note* The defendant has an evidential burden in relation to the matters

26 mentioned in s (3) (see Criminal Code, s 58).

26 Approval or refusal of applications
Section 76 (2)

substitute

(2) The registrar must issue a permit for a dog or cat if satisfied on reasonable grounds that—

(a) the applicant has a breeders licence to breed from the dog or cat; or

(b) the applicant keeps or uses the dog or cat for show; or

(c) a veterinary surgeon has advised that it would be detrimental to the health of the dog or cat if it were de-sexed; or

(d) for a dog—the dog is a racing greyhound.

27 Section 77

substitute

77 Revocation of permits

The registrar may revoke a permit if satisfied on reasonable grounds that section 76 (2) no longer applies.

28 New division 3.4

after section 80, insert

Division 3.4 Sale of dogs and cats

80A Offence—keeping dog or cat at shop for sale

(1) A person commits an offence if the person keeps a dog or cat at a shop for the purpose of selling the dog or cat.

Maximum penalty: 40 penalty units.

- 1 (2) This section does not apply if the person keeps the dog or cat at a
2 shop for an approved animal welfare organisation during the shop's
3 business hours.

4 *Note 1* The defendant has an evidential burden in relation to the matters
5 mentioned in s (2) (see Criminal Code, s 58).

6 *Note 2* It is an offence to display a dog or cat in a shop window, or to sell a dog
7 or cat at a market (see *Animal Welfare Act 1992*, s 20D and 20E).

8 **80B Offence—selling dog or cat from shop**

- 9 (1) A person commits an offence if—
10 (a) the person sells a dog or cat from a shop; and
11 (b) the dog or cat is not sold on behalf of an approved animal
12 welfare organisation.

13 Maximum penalty: 50 penalty units.

- 14 (2) An offence against this section is a strict liability offence.

15 **80C Offence—selling dog or cat if not authorised seller or**
16 **approved person**

- 17 (1) A person commits an offence if the person—
18 (a) sells a dog or cat; and
19 (b) is not an authorised seller or approved person.

20 Maximum penalty: 50 penalty units.

- 21 (2) In this section:

22 *approved person*, in relation to the sale of a dog or cat, means a
23 person who holds a selling approval in relation to the sale.

1 **80D Offence—advertising sale of dog or cat**

2 (1) A person commits an offence if the person—

3 (a) publishes an advertisement for the sale of a dog or cat by the
4 person; and

5 (b) is not an authorised seller or approved person.

6 Maximum penalty: 10 penalty units.

7 (2) A person commits an offence if—

8 (a) the person publishes an advertisement for the sale of a dog or
9 cat by the person; and

10 (b) if the person is an authorised seller—the advertisement does
11 not contain all of the following information:

12 (i) the person's name and ABN (if any);

13 (ii) if the person is a licensed breeder—the unique
14 identifying number for the breeder's licence;

15 (iii) for each dog or cat advertised—the unique identification
16 number for the identifying microchip implanted in the
17 dog or cat (if any); and

18 (c) if the person is an approved person—the advertisement does
19 not contain the unique identifying number for the approval.

20 Maximum penalty: 10 penalty units.

21 (3) A person commits an offence if—

22 (a) the person publishes an advertisement for the sale of a dog or
23 cat by someone else (the *seller*); and

24 (b) if the seller is an authorised seller—the advertisement does not
25 contain all of the following information:

26 (i) the seller's name and ABN (if any);

- 1 (ii) if the seller is a licensed breeder—the unique identifying
2 number for the breeder’s licence;
- 3 (iii) for each dog or cat advertised—the unique identification
4 number for the identifying microchip implanted in the
5 dog or cat (if any); and
- 6 (c) if the seller is an approved person—the advertisement does not
7 contain the unique identifying number for the approval.

8 Maximum penalty: 10 penalty units.

9 (4) An offence against this section is a strict liability offence.

10 (5) In this section:

11 *advertise* includes to advertise by oral, visual or written means.

12 **Examples**

13 cinema, video, radio, internet, television, brochures or flyers

14 *Note* An example is part of the Act, is not exhaustive and may extend, but
15 does not limit, the meaning of the provision in which it appears (see
16 Legislation Act, s 126 and s 132).

17 *approved person*, in relation to the advertising of the sale of a dog
18 or cat, means a person who holds an advertising approval in relation
19 to the advertising.

20 *publish* means communicate or disseminate information in a way or
21 to an extent that makes it available to, or likely to come to the notice
22 of, the public or a section of the public.

23 *unique identification number*, for an identifying microchip—see
24 the *Domestic Animals Regulation 1991*, dictionary.

1 **80E Selling or advertising approval—application**

2 An individual may apply to the registrar for either or both of the
3 following:

- 4 (a) an approval to advertise the sale of a dog or cat (an *advertising*
5 *approval*);
- 6 (b) an approval to sell a dog or cat (a *selling approval*).

7 *Note 1* If a form is approved under s 147 for an application, the form must be
8 used.

9 *Note 2* A fee may be determined under s 144 for this provision.

10 **80F Selling or advertising approval—decision on application**

- 11 (1) On application by an individual for a selling or advertising approval
12 in relation to a dog or cat, the registrar must—

- 13 (a) issue the approval; or
- 14 (b) refuse to issue the approval.

- 15 (2) The registrar must issue a selling or advertising approval to an
16 individual if satisfied on reasonable grounds that—

- 17 (a) the individual does not breed dogs or cats for sale; and
- 18 (b) the individual does not sell dogs or cats on behalf of someone
19 else who is not a licensed breeder; and

- 20 (c) either—

21 (i) the dog or cat is or was the individual's pet; or

22 (ii) all of the following circumstances apply:

23 (A) the individual rescued a dog or cat from
24 mistreatment or abandonment;

25 (B) the rescued dog or cat was pregnant when rescued;

1 (C) the dog or cat for sale or to be advertised is the
2 rescued dog or cat or a dog or cat born as a result of
3 that pregnancy; and

4 (d) the sale is on a not-for-profit basis.

5 (3) Also, the registrar must issue an advertising approval to an
6 individual who is resident in another State if satisfied on reasonable
7 grounds that the registrar would be able to issue a breeders licence
8 to the individual if the individual were resident in the ACT.

9 **80G Selling or advertising approval—form**

10 A selling or advertising approval must—

11 (a) be in writing; and

12 (b) state the full name and address of the individual to whom the
13 approval is issued; and

14 (c) provide a unique identifying number for the approval.

15 **80H Selling or advertising approval—term**

16 A selling or advertising approval continues in force until the earlier
17 of—

18 (a) the end of the 6-month period for which it is issued; and

19 (b) the day it is revoked.

20 **80I Selling or advertising approval—revocation**

21 The registrar may revoke an individual's selling or advertising
22 approval if no longer satisfied on reasonable grounds of the matters
23 mentioned in section 80F (2) or (3).

24 **Division 3.5 Cat curfew**

29 New division 3.6 heading

before section 83, insert

Division 3.6 Identification of dogs and cats

**30 Identification of dogs and cats—requirement
New section 84 (2A)**

insert

(2A) A person commits an offence if—

- (a) the person breeds a dog or cat; and
- (b) the person sells the dog or cat to someone else; and
- (c) the dog or cat, after the sale, is required to be identified by a regulation made for section 83; and
- (d) the dog or cat is not identified as required by the regulation.

Maximum penalty: 5 penalty units.

**31 Multiple cat licences—requirement to be licensed
New section 84A (2) (f)**

insert

- (f) a cat kept by a person under a breeders licence.

32 New part 4A*insert***Part 4A Sale of animals to people under 18 years old****94 Offence—selling animal to person under 18**

(1) A person commits an offence if the person—

- (a) sells an animal to a person who is under 18 years old; and
- (b) is reckless about whether the person to whom the animal is sold is under 18 years old.

Maximum penalty: 10 penalty units.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that—

- (a) immediately before the animal was sold to the person, the defendant (or an employee or agent of the defendant) (the *seller*) asked the person to show the seller a document of identification; and
- (b) the person showed the seller a document of identification; and
- (c) the seller had no reasonable grounds for believing that the document was not a genuine document of identification of the person.

Note The defendant has a legal burden in relation to the matters mentioned in s (2) (see Criminal Code, s 59).

- 1 (3) A person may refuse to sell an animal to someone else, or to permit
2 someone else to obtain an animal, if the person—
- 3 (a) is not satisfied that the other person is at least 18 years old; or
- 4 (b) considers that any identification shown by the other person is
5 not genuine, or has been tampered with.
- 6 (4) Subsection (3) does not limit the circumstances in which a person
7 may refuse to sell an animal, or refuse to permit someone else to
8 obtain an animal.
- 9 (5) In this section:
- 10 *document of identification*, of a person, means a document that—
- 11 (a) is—
- 12 (i) an Australian driver licence or a licence to drive a motor
13 vehicle (however described) issued under the law of an
14 external Territory or a foreign country; or
- 15 (ii) a proof of age card issued under the *Liquor Act 2010*,
16 section 210 (Proof of age cards), or a corresponding
17 document issued under the law of a State; or
- 18 (iii) a passport; and
- 19 (b) contains a photograph that could reasonably be taken to be of
20 the person; and
- 21 (c) indicates that the person to whom the document was issued is
22 at least 18 years old.

33 New sections 127 and 127A*insert***127 Entry of premises—decision about issue of breeders licence**

- (1) This section applies if—
- (a) a person applies for a breeders licence; and
 - (b) the application contains the person's written consent for an authorised person to inspect the premises stated in the application.
- (2) For section 73E (Breeders licences—decision on application), an authorised person may enter the premises.
- (3) However, subsection (2) does not authorise entry into a part of the premises that is not used for breeding or housing dogs or cats.
- (4) An authorised person may enter premises under subsection (2) with necessary and reasonable assistance.

127A Entry of premises—licence condition

- (1) For section 73F (2) (Breeders licences—conditions), an authorised person may enter the premises.
- (2) However, subsection (1) does not authorise entry into a part of the premises that is not used for breeding or housing dogs or cats.
- (3) An authorised person may enter premises under subsection (1) with necessary and reasonable assistance.

1 **34 Inspection of premises**
2 **Section 131**

3 *after*

4 under

5 *insert*

6 section 127 (Entry of premises—decision about issue of breeders
7 licence), section 127A (Entry of premises—licence condition),

8 **35 Dictionary, new definitions**

9 *insert*

10 *advertising approval*, for part 3 (Dogs and cats)—see section 73.

11 *approved animal welfare organisation*, for part 3 (Dogs and cats)—
12 see section 73.

13 *authorised seller*, for part 3 (Dogs and cats)—see section 73.

14 *breeders licence* means a licence issued under section 73E.

15 *defined offence*, for part 3 (Dogs and cats)—see section 73.

16 *executive officer*, of a corporation, for part 3 (Dogs and cats)—see
17 section 73.

18 *identifying microchip*, for part 3 (Dogs and cats)—see section 73.

19 *licensed breeder* means a person licensed under division 3.2 to
20 breed dogs or cats for sale.

21 *licensed premises*, of a licensed breeder, for part 3 (Dogs and
22 cats)—see section 73.

23 *renewal*, of a breeders licence, for part 3 (Dogs and cats)—see
24 section 73.

25 *sell*, for part 3 (Dogs and cats)—see section 73.

26 *sell by retail*, for part 3 (Dogs and cats)—see section 73.

- 1 *selling approval*, for part 3 (Dogs and cats)—see section 73.
- 2 *shop*, for part 3 (Dogs and cats)—see section 73.

Part 4 Domestic Animals Regulation 2001

36 How dogs must be identified—Act, s 83 New section 7 (3) (d)

insert

(d) is for sale by a licensed breeder.

Note **Sell** means transfer ownership by any means, whether with or without consideration, and includes agree to sell (see Act, s 73).

37 New section 7 (5) (ba) and (bb)

insert

(ba) if the dog was bred by a licensed breeder—the following information about the breeder:

- (i) the breeder's name and home or business address;
- (ii) the breeder's ABN (if any);
- (iii) the unique identifying number for the breeder's licence;
and

(bb) if the dog's owner obtained the dog from a person other than an authorised seller—the following information about the person:

- (i) the person's name and home or business address;
- (ii) the person's ABN (if any);
- (iii) if the person is licensed (however described) to breed or sell the dog in another jurisdiction—details of the licence, including any unique identifying number for the licence;
and

Note **Authorised seller** is defined in the Act, s 73.

38 New part 2A

insert

Part 2A Dogs and cats

7A Breeders licences—conditions—Act, s 73F (1) (a)

(2) The following conditions are prescribed:

- (a) if a breeder sells a dog to a person (the *buyer*) and, under section 7 (6), the dog is not required to be identified by an identifying microchip, the breeder must give the buyer the information mentioned in section 7 (5) (a) (i) to (v) and (ba);
- (b) if a breeder sells a cat to a person (the *buyer*) and, under section 8 (2), the cat is not required to be identified by an identifying microchip, the breeder must give the buyer the information mentioned in section 9 (2) (a) (i) to (v) and (ba).

39 Cats to which compulsory identification applies—Act, s 83
New section 8 (1) (c)

insert

(c) is for sale by a licensed breeder.

Note *Sell* means transfer ownership by any means, whether with or without consideration, and includes agree to sell (see Act, s 73).

40 How cats must be identified—Act, s 83
New section 9 (2) (ba) and (bb)

insert

(ba) if the cat was bred by a licensed breeder—the following information about the breeder:

- (i) the breeder's name and home or business address;
- (ii) the breeder's ABN (if any);
- (iii) the unique identifying number for the breeder's licence; and

(bb) if the cat's owner obtained the cat from a person other than an authorised seller—the following information about the person:

- (i) the person's name and home or business address;
- (ii) the person's ABN (if any);
- (iii) if the person is licensed (however described) to breed or sell the cat in another jurisdiction—details of the licence, including any unique identifying number for the licence; and

Note **Authorised seller** is defined in the Act, s 73.

41 Reviewable decisions
Schedule 1, new items 13A to 13I

insert

13A	Act, 73A	refuse to approve entity as animal welfare organisation	applicant for approval
13B	Act, 73E (1) (a) and 73H	issue or renew breeders licence for period less than 3 years	applicant for licence or renewal
13C	Act, 73E (1) (b)	refuse to issue or renew breeders licence	applicant for licence or renewal
13D	Act, s 73F (1) (b)	put condition on licence	licensed breeder
13E	Act, 73L (1)	amend licence	licensed breeder
13F	Act, 73L (1)	amend licence in way other than way applied for	applicant for amendment
13G	Act, 73L (1)	refuse to amend licence	applicant for amendment
13H	Act, 73P	take regulatory action	licensed breeder
13I	Act, 73Q	suspend breeders licence immediately	licensed breeder

Part 5 Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

42 Domestic animals legislation infringement notice offences and penalties Schedule 1, part 1.1, new items 37A to 37D

insert

37A	80B (1)	person sells dog or cat from shop not on behalf of approved animal welfare organisation	50	220
37B	80D (1)	person other than authorised seller or approved person publishes advertisement for sale of dog or cat by person	10	220
37C	80D (2)	person publishes advertisement for sale of dog or cat by person and advertisement not contain information mentioned in s 80D (2) (b) or (c)	10	220
37D	80D (3)	person publishes advertisement for sale of dog or cat by someone else and advertisement not contain information mentioned in s 80D (3) (b) or (c)	10	220

1 Presentation speech

2 Notification

3 Republications of amended laws

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