



Department of  
**Local Government, Sport  
and Cultural Industries**



**Stop Puppy Farming  
Consultation paper:**

# **Development of Dog and Cat Regulations**



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## Having your say

The State Government is committed to the implementation of the provisions in the *Dog Amendment (Stop Puppy Farming) Act 2021* (SPF Act), which will deliver on the following initiatives announced ahead of the 2017 State Government election to:

- introduce a Centralised Registration System (CRS) to identify every dog or puppy;
- transition pet shops into adoption centres; and
- stop puppy farming.

The SPF Act amends the *Dog Act 1976* (Dog Act) to:

- increase the transparency of, and information on, the source of dogs;
- enhance the ability of authorities to identify and detect puppy farms;
- enhance the ability of authorities to prevent irresponsible breeders from breeding dogs;
- decrease the number of puppies and dogs that are bred indiscriminately;
- improve community understanding about responsible purchase and care of dogs; and
- transition pet shops into adoption centres for unwanted dogs.

Local governments will have the tools to deal with irresponsible dog breeders, improve animal welfare and encourage responsible dog ownership through public awareness. This includes the establishment of an online CRS to improve dog management.

Amendments to the *Cat Act 2011* (Cat Act) also ensures that information relating to cats are recorded in the CRS. This will have the effect of merging all cat and dog registers which are currently maintained by local governments, into the CRS.

This Consultation Regulatory Impact Statement will outline proposed amendments to the Dog Regulations 2013 (Dog Regulations) and Cat Regulations 2012 (Cat Regulations) to achieve the policy objectives brought about by the SPF Act and to address current issues in the administration of the legislation. This includes proposed regulations that involve the functionality of the CRS.

Some sections of the SPF Act have already been proclaimed and appear in the Dog Act and the Cat Act, however, those that are not yet proclaimed appear only in the SPF Act at this time. In this Consultation Regulatory Impact Statement, where a reference is made to a section of the Dog Act or the Cat Act, this reference is the section that is amended or introduced by the SPF Act and does not refer to the section of the SPF Act itself.

The Department of Local Government, Sport and Cultural Industries (DLGSC) invites local governments, stakeholders, and members of the community to consider the proposals and provide feedback.

The feedback received will inform the:

- development of draft regulations;
- specifications and functionality needed in the CRS; and
- resources needed by local government to implement and enforce the legislative requirements.

A separate Consultation Regulatory Impact Statement will be published in the coming months to seek feedback on new and existing fees and charges to be prescribed in the regulations.

Submissions can be made through DLGSC's Stop Puppy Farming website:

[www.dlgsc.wa.gov.au/stop-puppy-farming](http://www.dlgsc.wa.gov.au/stop-puppy-farming)

or emailed to [puppyfarming@dlgsc.wa.gov.au](mailto:puppyfarming@dlgsc.wa.gov.au) or posted to:

Stop Puppy Farming - Consultation on regulations

PO Box 8349

PERTH BUSINESS CENTRE WA 6849

## Feedback

### Privacy Statement

Submissions will be treated as public documents unless explicitly requested otherwise. A summary of feedback will be released publicly after the consultation period has closed.

If you do not consent to your submission being treated as a public document, you should mark it as confidential, or specifically identify the confidential information, and include an explanation.

Please note, even if your submission is treated as confidential by the DLGSC, it may still be disclosed in accordance with the requirements of the *Freedom of Information Act 1995 (WA)* or any other applicable written law.

The DLGSC reserves the right to redact any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.

## Background

The SPF Act was passed by Parliament in December 2021.

The SPF Act removed the requirements under the *Dog Act 1976* (Dog Act) for pet or retired racing greyhounds to be muzzled in public places. The muzzling requirement still applies to registered racing greyhounds and all greyhounds are still required to be kept on a lead in public areas.

The SPF Act also brought about the following changes which are yet to commence:

- Dogs must be de-sexed by the age of two years unless exempt to prevent unplanned breeding or over breeding;
- Information on dogs (and cats) are to be held in a CRS to allow for information to be shared between local governments;
- People that wish to breed their dogs will need to apply for an approval to breed from their local government. This will enable breeders to be traced.
- Pet shops that sell dogs will work with rescue organisations to transition to adoption centres which will provide more adoption opportunities for unwanted dogs.

To implement these changes, the DLGSC is undertaking further consultation with local governments to develop amendments to the Dog Regulations and Cat Regulations and inform the functionality of the CRS.

The Consultation Regulatory Impact Statement will outline key issues, proposals for amendment of the Dog Regulations and guiding questions. It will also indicate the level of economic impact of the proposal as outlined in the following key:

**Table: Key – Economic impact assessment**

| No current proposal/<br>unspecified<br>impact   | Low economic<br>impact  | High economic<br>impact  | Economic<br>impact to be<br>assessed   |
|---|---|--|--|
| <ul style="list-style-type: none"> <li>Assessing the impact of the proposal does not apply</li> <li>No proposal for consultation</li> <li>Preliminary proposal not expected to be controversial or have a high economic impact</li> </ul> | <ul style="list-style-type: none"> <li>Identifiable, but minor impacts on business, consumers, and government</li> <li>Small numbers of stakeholders affected</li> <li>Proposals not controversial, or broadly supported</li> <li>Impose limited or minor additional costs</li> <li>No interdependence or broader linkages</li> </ul> | <ul style="list-style-type: none"> <li>New, unique, or bespoke policy design</li> <li>Complex effects on multiple parties or systems</li> <li>Clear groups of winners and losers</li> <li>Applies unequally to different groups</li> <li>Imposes high or onerous costs</li> <li>Proposal controversial and could be contested</li> </ul> | <ul style="list-style-type: none"> <li>Assessment will be undertaken following consultation and when proposal is more settled</li> </ul> |

Note: Where the regulatory proposal relates to a formally announced election commitment and is considered to have economically significant impacts, consultation and assessment will only need to focus on implementation options rather than the policy rationale for the election commitment.

# Topic 1 - Sterilisation of Dogs

Under section 26E of the Dog Act, all dogs must be sterilised by two years of age, unless they are exempt. The registration period for unsterilised dogs will change to annual registrations only. Registration periods for sterilised dogs will remain the same with annual, three-year and lifetime registration options available.

## 1.1 Identifying a dog as sterilised and registration tags

The SPF Act deleted section 20(2) of the Dog Act which provided that regulations may prescribe that a tattoo appearing on a dog may be accepted by a local government as proof that the dog has been sterilised.

Regulation 20(3) of the Dog Regulations provides that the fee payable in respect of the registration of a dog must be assessed at the appropriate concessional rate for a sterilised dog if:

- (a) a registration officer is provided with a certificate signed by a vet, or a statutory declaration stating that the dog has been effectively sterilised; or
- (b) the registration officer is satisfied that there is a sterilisation tattoo on an ear of the dog.

Under regulation 20(4) of the Dog Regulations, a sterilisation tattoo must consist of a broken circle having a diameter of not less than 8mm, with a bisecting broken line not less than 15mm in length.

The SPF Act inserted section 26F of the Dog Act which provides that regulations may deal with any matter in relation to the identification of a dog as sterilised, including prescribing manners in which dogs may or must be identified as sterilised.

Section 18 of the Dog Act outlines the requirements of a dog registration tag, including that the tag must be a colour which corresponds to the registration period for which the dog is registered. Section 18 also provides that the requirements of dog registration tags may also be prescribed in regulations.

Regulation 24 of the Dog Regulations currently requires a registration tag to indicate:

- the registration number;
- the name and telephone number of the local government by which it is issued; and
- the year of expiry of the registration to which it relates.

## Issue and proposal

### Registration tags

#### Issue/system area

Local governments will be required to enforce the mandatory sterilisation provisions.

Strategies are required to assist visual identification of dogs that are sterilised that are not cruel to dogs.

Evidence of sterilisation is required to obtain a concessional rate of registration.

#### Proposal & rationale

Amendments to the Dog Regulations are proposed:

- Delete regulation 20(3)(b) if a tattoo is no longer a means to identify a sterilised dog.
- Regulation 20(3) could provide for veterinarians to have direct input into the CRS that the dog is sterilised (in addition to provision of a sterilisation certificate to owner).
- Regulation 20(4) may need to be amended depending on whether any prescribed manner of sterilisation is drafted under section 26F of the Dog Act.
- Regulation 24 could provide that a registration tag should indicate whether or not the dog is sterilised. This could be done by way of a symbol/letters being inscribed on the registration tag.

### Cost-benefit analysis and economic impact assessment

Low economic impact. Administrative proposal. Evidence of sterilisation is currently required by local governments to receive concessional rates for registration.

### Guiding questions

1. Should regulation 20(3)(b) of the Dog Regulations (application of a tattoo) be deleted? If so, is there a visual way (other than application of a tattoo) to identify a dog as sterilised?
2. Would a requirement for a tattoo affect show dogs?
3. How are dogs in public places currently checked for sterilisation status/registration compliance?
4. Would the proposal assist with monitoring and enforcing the sterilisation of dogs?
5. If yes, how should a registration tag indicate that a dog is sterilised/is not sterilised? e.g., should a symbol, letters or abbreviation of some kind be inscribed on the registration tag?



## 1.2 Classes of dogs exempt from sterilisation

Section 26E(3) of the Dog Act provides that a dog that has reached the prescribed age of two years is exempt from sterilisation if any of the following applies:

- (a) the dog was registered under this Act or the law of another State or a Territory so that its registration was in effect at the time immediately before the section 23 of the SPF Act came into operation;
- (b) a certificate given by a veterinarian stating that sterilising the dog may adversely affect the health and welfare of the dog applies in respect of the dog;
- (c) the dog is owned by a person who holds an approval to breed;
- (d) the dog is a greyhound that is registered under the *Racing and Wagering Western Australia Act 2003* section 41 and the registration is in effect;
- (e) the dog is primarily kept to be used in the droving or tending of stock;
- (f) the dog is sterile;
- (g) the dog belongs to a class of dogs prescribed.

In considering possible classes of dogs that should not be subject to mandatory sterilisation, factors that could be considered include the health and welfare of dogs and the broader public interest.

### Issue and proposal

#### Classes of dogs exempt from sterilisation

##### Issue/system area

Which classes of dogs should be exempt from the mandatory sterilisation provisions, and why?

##### Proposal & rationale

There could be a sterilisation exemption for dogs owned by a breeder who has died. This exemption would provide some time for the executor of the breeder's estate to transfer/sell the dogs.

Dogs in areas that have limited access to vet services could also be exempt.

#### Cost-benefit analysis and economic impact assessment

Low economic impact.

#### Guiding questions

1. Is it advisable to exempt dogs in areas that lack access to vet services, or will this exacerbate the problem in those areas? What alternative solutions are there (e.g. funding for registration, microchip and sterilisation procedures, and guidelines for community based management of dogs)?
2. Are there any other exemptions that should be considered?

## Topic 2 - Pet Shops

The Dog Act requires pet shops that sell dogs to obtain a 'pet shop approval' from their local government.

Approved pet shops must supply dogs sourced from a refuge organisation or dog management facility that has obtained a 'dog supply approval' from the State Government.

Local governments will be responsible for assessing pet shop approval applications from pet shops in their district. Local governments will also be responsible for cancelling pet shop approvals when necessary.

### 2.1 Businesses not considered to be relevant pet shop businesses

Section 8(3)(1) of the SPF Act sets out the definition of 'relevant pet shop business' to mean a business, or part of a business, that is conducted at, in or from a shop and involves supplying, or offering to supply, dogs.

Businesses which are not considered to be a relevant pet shop business include:

- (a) refuge operations;
- (b) operations conducted at, in or from a dog management facility by the operator of the dog management facility; or
- (c) business, or a part of a business, of a prescribed class in the regulations.

#### Issue and proposal

##### Businesses not considered to be relevant pet shop businesses

###### Issue/system area

What classes of business should be prescribed as not being considered a 'relevant pet shop business'?

###### Proposal & rationale

Dog breeders will be a class of business prescribed as not being a 'relevant pet shop business'.

##### Cost-benefit analysis and economic impact assessment

Low economic impact.

##### Guiding questions

1. Are there other classes of business that should not be a relevant pet shop business?

Examples to consider:

- Vets that rehome puppies/dogs from their business
- Individuals that occasionally sell from their home
- Refuge operations that are operating adoption services within the premises of a business.



## 2.2 Application for grant of pet shop approval

Section 38C(1) of the Dog Act provides that a person who intends to conduct, or conducts, a relevant pet shop business must apply to their local government for the grant of an approval for the pet shop or the renewal of the pet shop approval for the pet shop.

An application for the grant (or renewal) of a pet shop approval must comply with the requirements under section 54A, namely, it must be made in a manner and form approved by the local government CEO, contain prescribed information, be accompanied by the prescribed fee (if any) and comply with other prescribed requirements.

### Issue and proposal

#### Application for grant of pet shop approval

##### Issue/ system area

What information should be prescribed in an application for pet shop approval?

##### Proposal & rationale

###### **Part A: Pet shop business details**

- Name of person making the application
- Address of pet shop/premises
- ACN and ABN (if applicable)
- Name and contact details of directors (nominate one as the contact)
- Details about company structure i.e., names of related entities (parent and subsidiary companies), organisational chart.

###### **Part B: Information about dog keeping**

- Description and/or photos of facilities, dog standards within facility including the maximum number of dogs to be kept on the premises for sale, including care/feeding, emergency management e.g., in case of fire
- Whether a particular breed of dogs will be procured for sale and what strategies will be in place to obtain particular breeds through shelters
- Management of pet shop to supply dogs to customers (operational policies, staff numbers and training) including customer vetting process
- Dog mental health care e.g., assessment of stress and anxiety, and how to respond, including being left alone overnight.

###### **Part C: Information about record-keeping**

How records are kept.

###### **Part D: Previous convictions**

Indicate (yes/no, if yes, what) whether any relevant convictions under the Dog Act, Cat Act or *Animal Welfare Act 2002* (Animal Welfare Act), or equivalent convictions from another jurisdiction/the Commonwealth.

###### **Part E: Declaration**

Include declaration not a refuge operation, dog management facility or any other prescribed prohibition regarding pet shop.

Note: this proposal only applies to dogs, not cats.

## Application for grant of pet shop approval

### Cost-benefit analysis and economic impact assessment

Low economic impact.

#### Guiding questions

2. What information should be prescribed for body corporates applying for registration?
3. Is any type of approval required for pet shops not selling dogs/puppies?
4. Should approved pet shops be subject to the requirement to register their dogs with a concessional rate applying?
5. When a pet shop applies for a licence should the premises be inspected:
  - for suitability
  - on an ad hoc/unannounced basis.



## 2.3 Renewal of pet shop approval

An application for the renewal of a pet shop approval must comply with the requirements under section 54A of the Dog Act, namely, it must be made in a manner and form approved by the local government CEO, contain prescribed information, be accompanied by the prescribed fee (if any) and comply with other prescribed requirements.

### Issue and proposal

| Renewal of pet shop approval   |   |
|--|---|
| Issue/system area  | Proposal & rationale  |
| What information should be prescribed in relation to a renewal of a pet shop approval? | <p>Part A: Pet shop business details (as above)</p> <p>Part B: Any changes to information about dog keeping</p> <p>Part C: Any changes to recordkeeping</p> <p>Part D: Update to convictions, process to ensure compliance with conditions (if any)</p> <p>Part E: Declaration</p> <ul style="list-style-type: none"><li>• Include declaration the pet shop has complied with conditions of approval</li><li>• Include declaration the pet shop has complied with and not contravened with the Animal Welfare Act, Cat Act and the Dog Act</li><li>• Include declaration that the information provided by the applicant is true and correct and that they understand that they are required to notify the local government within 7 days on becoming aware of a change to any of the information provided (section 54C of the Dog Act).</li></ul> |

### Cost-benefit analysis and economic impact assessment

No current proposal at this stage regarding other prescribed requirements. Unspecified impact.

### Guiding questions

6. Are there any other requirements that should be prescribed in relation to an application for renewal of a pet shop approval?

## 2.4 Refusing to grant or renew a pet shop approval

Section 38D of the Dog Act sets out the circumstances in which a local government may refuse to grant or renew a pet shop approval. These include where the local government is satisfied that at least one of the following applies:

- (a) the applicant is a convicted person;
- (b) in the case of a renewal – a circumstance in either of the following sections:
  - Section 38E(c): the person has not complied with a condition imposed on the approval;



- Section 38E(d): the person has not complied with a requirement under the Dog Act or the Animal Welfare Act;
  - Section 38E(e): there has been a contravention of the Dog Act or the Animal Welfare Act in relation to the relevant pet shop business conducted by the person or the pet shop to which the approval relates; or
  - Section 38E(f): a circumstance prescribed for the purposes of this section.
- (c) the facilities that the applicant proposes to use, or uses, to keep dogs for the purposes of the relevant pet shop business do not meet the requirements of any relevant written law; or
- (d) a circumstance prescribed for the purposes of this subsection.

## Issue and proposal

### Refusing to grant or renew a pet shop approval

| Issue/system area | Proposal & rationale |
|-------------------|----------------------|
|-------------------|----------------------|

Prescribed circumstances to allow a local government to refuse, grant or renew a pet shop approval.

No current proposal.

### Cost-benefit analysis and economic impact assessment

No current proposal. Unspecified impact.

### Guiding questions

7. Are there any circumstances in addition to those listed above which should be prescribed in which a local government may refuse to grant or renew a pet shop approval?

## 2.5 Cancellation of pet shop approval

Section 38E of the Dog Act provides that a local government may cancel a pet shop approval if the person who has been granted the approval requests the cancellation or if the local government is satisfied that -

- (a) anything set out in the following sections applies in relation to the person:
- Section 38D(2)(a) – the applicant is a convicted person;
  - Section 38D(2)(c) – the facilities that the applicant proposes to use, or uses, to keep dogs for the purposes of the relevant pet shop business do not meet the requirements of any relevant written law; or
  - Section 38D(2)(d) – a circumstance prescribed for the purposes of this subsection;
- (b) the person does not need the approval; or

- (c) the person has not complied with a condition imposed on the approval; or
- (d) the person has not complied with a requirement under the Dog Act or the Animal Welfare Act; or
- (e) there has been a contravention of the Dog Act or the Animal Welfare Act in relation to the relevant pet shop business conducted by the person or the pet shop to which the approval relates; or
- (f) a circumstance prescribed for the purposes of this section applies.

## Issue and proposal

### Cancellation of pet shop approval

| Issue/system area | Proposal & rationale |
|-------------------|----------------------|
|-------------------|----------------------|

What circumstances should be prescribed to allow a local government to cancel a pet shop approval?

No proposal at this stage.

### Cost-benefit analysis and economic impact assessment

No current proposal. Unspecified impact.

### Guiding questions

8. Are there any circumstances which should be prescribed in which a local government may cancel a pet shop approval?
9. How would the death of an individual who is responsible for the day-to-day running of the pet shop be dealt with?

## 2.6 Certificate of pet shop approval

Under section 54D of the Dog Act, if a local government grants an approval to breed or a pet shop approval to a person, the local government must:

- (a) give the person a certificate containing the prescribed information; and
- (b) in the case of a pet shop approval, issue the person with a unique number for the pet shop to which the approval relates (i.e., pet shop number).

If a local government renews a pet shop approval held by a person, the local government must give the person a certificate containing the prescribed information.



## Issue and proposal

### Certificate of pet shop approval

#### Issue/system area

Prescribed information for certificate in relation to a grant of a pet shop approval and renewal of a pet shop.

#### Proposal & rationale

- Name of “person” (or entity) making the application (entity) and include ACN and ABN (if applicable)
- Address of pet shop/premises
- Include the unique number for the pet shop approval
- Conditions
- Name of local government issuing certificate
- Valid until (1 year)
- Propose pet shop certificate to be sent through the CRS.

Note: If conditions are to be included on the certificate, there needs to be a prompt for the issue of a new certificate when/if the conditions are modified outside of renewal.

### Cost-benefit analysis and economic impact assessment

Low economic impact. Administrative in nature.

### Guiding questions

10. What information should be prescribed for a certificate in relation to an:
- approval of a pet shop?
  - renewal of a pet shop?

## 2.7 Record of approval of a pet shop approval

Section 54B of the Dog Act provides that as soon as practicable after a local government makes a decision to grant or refuse to grant an approval to breed or a pet shop approval, or to renew or refuse to renew a pet shop approval, the local government is to enter the decision and the prescribed information in the CRS.

A local government is to ensure that the information recorded is updated to reflect —

- (a) any change to the information notified under section 54C (Notice of change to information);
- (b) any imposition or amendment of conditions on the approval to breed or pet shop approval;
- (c) any expiry or cancellation of the approval to breed or pet shop approval; and
- (d) the outcome of any objection or review under section 54G (Dealing with objection) or 54H (Review of decisions).



## Issue and proposal

### Record of approval of a pet shop approval

#### Issue/system area

Prescribed information for recording in the CRS for the purposes of a pet shop approval.

#### Proposal & rationale

##### **Information required to be recorded in the CRS under section 54B(1) of the Dog Act**

- The decision.

##### **Information required to be recorded in the CRS under section 54B(2) of the Dog Act**

- Conditions/amendment of conditions of approval
- Expiry or cancellation of pet shop approval
- Outcome of objection
- Outcome of review of objection or review of decision e.g., State Administrative Tribunal (SAT) determination that the decision should not be suspended [section 54I(3)].

##### **Proposed prescribed information under section 54B(1)**

- Name of “person” making the application (entity) and include ACN and ABN (if applicable).
- Address of pet shop/premises (if approved)
- Unique number for the pet shop approval (if approved)
- Name of local government issuing certificate (if approved)
- Date of lodgement of objection
- Date of determination of objection
- Date of lodgement of review of objection or review of decision.

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

11. What information should be prescribed for recording in the CRS?
12. How many days does it take for local governments to be notified of applications for a:
  - Review of objection by council
  - Review of original decision by SAT.

## 2.8 Objection to decision relating to a pet shop approval

Section 54F of the Dog Act provides that a person who has been given notice under section 54E of the Dog Act of a decision by a local government (which includes certain decisions relating to pet shop approvals) may, within 28 days after the day on which the person was given the notice, object in writing to the decision.

The objection is made by preparing it in a form approved by the CEO and containing the information prescribed and lodging it with the local government in a manner approved by the local government.

### Issue and proposal

#### Objection to decision relating to a pet shop approval

##### Issue/system area

Prescribed information in the form for a person to object to a decision of a local government in relation to a pet shop approval.

##### Proposal & rationale

Prescribed information could include:

- Name
- Contact details.

Questions regarding eligibility:

- Date of notice of decision (to determine when notice deemed given for 28-day minimum time delay [see section 54(2C)(b)])
- Whether application for a review by SAT of the decision lodged under section 54H(1)(a)
- Decision on pet shop approval:
  - Application not granted
  - Renewal not granted
  - Pet shop approval cancelled
  - Conditions imposed or modified.

Questions regarding substance:

- Reasons for requesting the local government review (grounds of objection).

Note: Consider Form 8 of the Cat Regulations.

#### Cost-benefit analysis and economic impact assessment

Low economic impact. Administrative proposal.

#### Guiding questions

13. What information should be prescribed in the form for a person to object to a decision of a local government in relation to a pet shop approval?



## 2.9 Pet shop to provide certain information

Section 38I of the Dog Act provides that a person who conducts a relevant pet shop business must ensure that —

- (a) any person who is supplied with a dog in the course of the relevant pet shop business is provided, before the dog is supplied, with —
- (i) the prescribed information about the person who supplied the dog to the relevant pet shop business; and
  - (ii) the pet shop number for the pet shop;
- and
- (b) any person to whom the supply of a dog is offered in the course of the relevant pet shop business is, if the person requests, provided with —
- (i) the prescribed information about the person who supplied the dog to the relevant pet shop business; and
  - (ii) the pet shop number for the pet shop.

### Issue and proposal

| Pet shop to provide certain information   |   |
|---|---|
| Issue/system area   | Proposal & rationale  |
| <p>What prescribed information about the person who supplied the dog to the pet shop is to be given to the dog purchaser?</p> <p>What prescribed information about the person who is offered the dog to the pet shop is to be given to the dog purchaser?</p> | <p>Prescribed information for person who is supplied a dog (about the person who supplied the dog to the relevant pet shop business):</p> <ul style="list-style-type: none"> <li>• Dog supplier number, how dog was acquired</li> <li>• Dog owner number, if known</li> <li>• Dog registration number/microchip number and microchip database</li> <li>• Sterilisation status – the date that the dog was last bred</li> <li>• Breed, colour, age, gender of dog</li> <li>• If dog is dangerous dog</li> <li>• Vaccination and worming records.</li> </ul> <p>Prescribed information for person who is offered a dog (about the person who supplied the dog to the relevant pet shop business):</p> <ul style="list-style-type: none"> <li>• Dog supplier number, how was dog acquired</li> <li>• Dog's registration number/microchip number and database</li> <li>• Sterilisation status – the date the dog was last bred</li> <li>• Breed, colour, age, gender of dog</li> <li>• If dog is dangerous dog</li> <li>• Vaccination and worming records.</li> </ul> |
| <p><b>Cost-benefit analysis and economic impact assessment</b></p>  |   |

## Pet shop to provide certain information

Low economic impact.

### Guiding questions

14. Should the information provided to the person who is supplied or offered a dog be the same?
15. What balance with privacy should be struck?





## 2.10 Pet shop to keep records

Section 38K(2) of the Dog Act provides that a person who conducts a relevant pet shop business must keep, in relation to each relevant dog, a record that —

- (a) contains the prescribed information about the dog, including information about the person who supplied the dog to the relevant pet shop business; and
- (b) includes any evidence necessary to enable the information in the record to be verified.

Section 38K(4) provides that if the regulations prescribe a time within which a record referred to in subsection (2) must be made, the record must be made within that time.

Section 38K(3) of the Dog Act provides that the person must keep the record, even if the person ceases to conduct the relevant pet shop business —

- (a) in the prescribed way, if any; and
- (b) until —
  - (i) in relation to a dog kept for the purposes of the relevant pet shop business — the end of the period of 5 years after the day on which the relevant dog ceased being kept for the purposes of the relevant pet shop business; and
  - (ii) in relation to a dog that is supplied or offered for supply in the course of the relevant pet shop business — the end of the period of 5 years after the day on which the dog is supplied or first offered for supply.





## Issue and proposal

### Pet shop to keep records

#### Issue/system area

What information will pet shop businesses be required to keep in relation to each dog and in relation to the person who supplied the dog to the business?

#### Proposal & rationale

Prescribed information about the dog:

- Name of dog, age, colour breed, sex, and other distinguishing features
- Sterilisation and vaccination status (including next due date (signed by vet))
- Microchip number and if available, the signed microchip transfer paper
- Parasite prevention and control records, including next treatment date
- Health certificate for the dog (section 38J requires document to be given to purchaser/prospective purchaser and section 38N that requires dog supplier to complete a health assessment) and details of vet who provided it
- Upbringing, rescue history
- Level of training
- Temperament and behavioural issues around children and other animals (if known)
- Date of dog arrival at pet shop, dog supplier number
- Date and customer details, including dog owner number, of person who purchases the dog from the pet shop.

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

16. What information will pet shop businesses be required to keep in relation to each dog?
17. What information should pet shop businesses be required to keep in relation to the person who supplied the dog to the business?

## 2.11 Pet shop to provide information to local government

Under section 38L of the Dog Act, a local government may request a person who conducts or has conducted a relevant pet shop business, the pet shop for which is or was located in the local government's district, to provide the local government with any record, information or evidence the person is required to keep under section 38K of the Dog Act. The local government may take extracts from, or make copies of, any record, information or evidence provided.

A request by a local government to provide information must specify the time within which the record, information or evidence must be provided to the local government.

A person must comply with a request made by local government within the time specified in the request or, if another time is agreed between the local government and the person, within that time.

### Issue and proposal

| Pet shop to provide information to local government   |   |
|---|---|
| Issue/system area   | Proposal & rationale  |
| Should a time be prescribed for the making of a record?<br><br>Should a manner be prescribed for the keeping of a record? | Prescribed information:<br><br>Information about the person who supplied the dog to the pet shop: <ul style="list-style-type: none"><li>• Name, address, and unique number of approved dog supplier</li><li>• Name, address and telephone number and dog owner number of the person who purchased the dog/cat [Regulation 48(1)(i)].</li></ul> Prescribed time (for a record to be made):<br><br>No current proposal.<br><br>Prescribed way:<br><br>The Explanatory Memorandum states the prescribed way in which records must be kept will be determined in consultation with relevant pet shop businesses (and prospective dog suppliers).<br><br>Note: Regulations 46 and 47 of the Domestic Animals Regulations 2015 (Vic). |

## Pet shop to provide information to local government

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

18. Should a manner be prescribed? Could 'prescribed way' include the following:

- a paper based or electronic format that represents the true and fair supply to, and destination of dogs from, the business;
- a system that is accessible to relevant local governments in person or copies provided through the post or in person on request; and
- include a requirement for the pet shop to store the records at a location specified to the local government if the shop goes out of business before 5 years?

19. Should a time be prescribed for the making of a record? If so, how many days (e.g., within x days of the information being made available from the dog supplier)?



## 2.12 Transition period for relevant pet shops

Section 65 of the Dog Act set out below, relates to the transition period for the commencement of the requirement for pet shops to acquire their dogs only from accredited dog suppliers.

(1) In this section —

**application day** means the prescribed date;

**commencement day** means the day on which section 32 of the SPF Act comes into operation;

**pre-existing dog**, in relation to a relevant pet shop business, means a dog that is supplied to the relevant pet shop business (within the meaning of section 38A of the Dog Act) before the application day.

(2) If, immediately before the commencement day, a person conducts a relevant pet shop business —

(a) sections 38B, 38G, 38H, 38I, 38J, 38K and 38L of the Dog Act do not apply to the person in relation to the relevant pet shop business and the pet shop before the application day; and

(b) sections 38G, 38I, 38J, 38K and 38L of the Dog Act do not apply to the person in relation to a pre-existing dog.

(3) Section 38N of the Dog Act does not apply to a person before the application day.

### Issue and proposal

#### Transition period for relevant pet shop

##### Issue/system area

From what date (after commencement) should pet shops be required to acquire their dogs only from accredited dog suppliers?

##### Proposal & rationale

Propose commencement of the requirement for pet shops to exclusively source their dogs from dog suppliers to generally align with the commencement of the approval to breed offence provisions (approximately a year and a half 'grace' period).

#### Cost-benefit analysis and economic impact assessment

Low economic impact.

#### Guiding questions

20. From what date (after commencement) should pet shops be required to acquire their dogs only from accredited dog suppliers?

21. Is any type of approval required for pet shops not selling dogs/puppies?

## Topic 3 - Dog Supply Approval

Section 38N of the Dog Act provides that refuge organisations or dog management facilities must obtain a 'dog supply approval' from the State Government if they wish to supply dogs to approved pet shops.

The State Government will be responsible for assessing dog supply approval applications from refuges and dog management facilities and cancelling dog supply approvals when necessary.

### 3.1 Grant or renewal of dog supply approvals

Section 38O of the Dog Act provides that a person conducting refuge operations or operating dog management facility may apply for dog supply approval.

**Refuge operations** means operations conducted by a non-profit organisation for the purposes of providing temporary shelter or care to, and finding suitable homes for, stray, abandoned, seized or surrendered dogs.

An application for the grant or renewal of a dog supply approval must comply with the requirements under section 38O(2), namely, it must be made in a manner and form approved by the CEO, contain prescribed information, be accompanied by the prescribed fee (if any) and comply with other prescribed requirements.

#### Issue and proposal

##### Grant or renewal of dog supply approvals

| Issue/system area | Proposal & rationale |
|-------------------|----------------------|
|-------------------|----------------------|

|  |                      |
|--|----------------------|
| What further circumstances should be considered in granting or renewing a dog supply approval? | No current proposal. |
|--|----------------------|

##### Cost-benefit analysis and economic impact assessment

No current proposal. Unspecified impact.

##### Guiding questions

1. What circumstances should be prescribed for a CEO to refuse to grant a dog supply approval?

## 3.2 Refusing to grant a dog supply approval

Section 38P(2) of the Dog Act provides that the CEO may refuse to grant a dog supply approval only if the CEO is satisfied that at least one of the following applies –

- (a) the applicant is a convicted person;
- (b) in the case of an applicant who purports to conduct refuge operations – there are reasonable grounds to suspect that the applicant is not conducting genuine refuge operations;
- (c) the dog management facility does not, or the facilities that the applicant uses to keep dogs for the purposes of the refuge operations do not, meet the requirements of any relevant written law;
- (d) a local government objects to the grant of the approval; or
- (e) a circumstance prescribed for the purposes of this subsection.

### Issue and proposal

#### Refusing dog supply approvals

| Issue/system area  | Proposal & rationale |
|--|----------------------|
| What circumstances should be prescribed to allow a Department CEO to refuse to grant or renew a dog supply approval? | No current proposal. |

#### Cost-benefit analysis and economic impact assessment

No current proposal. Unspecified impact.

#### Guiding questions

2. Are there any circumstances in addition to those listed above which should be prescribed in which a Department CEO may refuse to grant or renew a dog supply approval?

### 3.3 Cancellation of dog supply approval

Under section 38Q of the Dog Act, the CEO may cancel a dog supply approval granted to a person only if the person requests that the CEO cancel the approval or the CEO is satisfied that —

- a) any of the things set out in section 38P(2) applies (see above) in relation to the person; or
- b) the person does not need the approval; or
- c) the person has not complied with a condition imposed on the approval; or
- d) the person has supplied to a relevant pet shop business a dog which the CEO suspects, on reasonable grounds, is not a stray, abandoned, seized, or surrendered dog; or
- e) the person has not complied with a requirement under this Act or the Animal Welfare Act; or
- f) there has been a contravention of the Dog Act or the Animal Welfare Act in relation to the refuge operations or dog management facility to which the approval relates; or
- (g) a circumstance prescribed for the purposes of this section applies.

#### Issue and proposal

##### Cancellation of dog supply approvals

###### Issue/system area

What further circumstances should be considered in cancelling the registration of dog suppliers, to ensure the genuine supply of stray, abandoned, seized, or surrendered dogs and puppies to pet shop businesses.

###### Proposal & rationale

No current proposal.

##### Cost-benefit analysis and economic impact assessment

No current proposal. Unspecified impact.

##### Guiding questions

- 3. What further circumstance should be prescribed when considering the cancellation of a dog supply approval?
- 4. How would the death of an individual who is responsible for the day-to-day running of the dog supply organisation be dealt with?

### 3.4 Review of decisions about dog supply approvals

Under section 38R of the Dog Act, within 7 days after the day on which the CEO makes one of the following decisions, the CEO is to give to the applicant for, or holder of, the approval to which the decision relates written notice of the decision and the reasons for the decision to:

- (a) refuse to grant a dog supply approval;
- (b) cancel a dog supply approval (other than a decision to cancel the approval at the request of the person who held the approval); or
- (c) impose or amend conditions on a dog supply approval.

The Dog Regulations may provide for the review by the SAT of a decision of the CEO referred to above and may provide for the effect of a decision to be suspended while a right of review exists, or a review is underway.

#### Issue and proposal

##### Review of decisions about dog supply approvals

###### Issue/system area

What review process should be prescribed for a decision about dog supply approvals?

###### Proposal & rationale

Review process:

- Applicant given notice of decision by CEO under section 38R may apply to SAT for review of CEO decision
- The applicant has 28 days from receiving notification to apply for a review of decision by SAT.

In the case of cancellation, or imposing/amending a condition on the approval, the decision is suspended, and the approval continues as if the decision has not been made until the SAT determines the matter, or the SAT orders the effect of the decision should not be suspended.

Note: There is no power for the CEO to hear an objection to a decision regarding a dog supply approval.

##### Cost-benefit analysis and economic impact assessment

Low economic impact.

##### Guiding questions

5. What review process should be prescribed?
6. Should this process mirror the review processes for decisions about dog/cat registrations, approvals to breed and pet shop approvals (see topics 2.8 and 4.6)? If not, why not?



## 3.5 Information about dog supply approvals to be recorded

Under section 38S(1) of the Dog Act, the CEO must, as soon as practicable after the CEO makes a decision to grant or refuse to grant a dog supply approval, enter the decision and the prescribed information in the CRS.

The CEO is to ensure that the information recorded under section 38S(1) is updated to reflect –

- (a) any change to the information notified under section 38T;
- (b) any imposition or amendment of conditions on the dog supply approval;
- (c) any cancellation of the dog supply approval; and
- (d) the outcome of any review provided for under section 38R(3).

Section 38T of the Dog Act requires the holder of a dog supply approval to, within 7 days after the day on which the holder becomes aware of a change to any of the information prescribed under section 38S(1) in respect of the dog supply approval, give notice in writing of the change to the CEO.

### Issue and proposal

| Information about dog supply approvals   |  |
|--|--|
| Issue/system area  | Proposal & rationale   |
| What information is to be prescribed regarding a dog supply approval?  | <p><b>Part A: Dog supplier details</b></p> <ul style="list-style-type: none"><li>• Name of “person” making the application (entity)</li><li>• Address of refuge operations, and any other evidence to support genuine refuge operation</li><li>• ABN and ACN for the organisation</li><li>• Organisational structure.</li></ul>  |
| Consider information that a holder of a dog supply approval will need to advise the CEO when the information changes (section 38T of the Dog Act). | <p><b>Part B: Information about dog keeping</b></p> <ul style="list-style-type: none"><li>• Description and/or photos of facilities, dog standards within the facility, including numbers of dogs</li><li>• Management of operations to supply dogs to pet shops (operational policies, staffing, training)</li><li>• How dogs to be available for sale to pet shops/sources of dogs</li><li>• Strategy for when adoption is unsuccessful (‘secondary’ rehoming policy)</li><li>• Link with broader refuge operations</li><li>• Strategy to link with pet shops (e.g., breed of dogs to be available for sale).</li></ul> <p><b>Part C: Information about record keeping</b></p> <ul style="list-style-type: none"><li>• How records to be kept, and made accessible.</li></ul> <p><b>Part D: Previous convictions</b></p> <ul style="list-style-type: none"><li>• Include declaration regarding equivalent convictions from another jurisdiction/the Commonwealth.</li></ul> <p><b>Part E: Declaration</b></p> <ul style="list-style-type: none"><li>• Include declaration the operation is a not-for-profit entity that is a refuge operation.</li></ul> |

## Information about dog supply approvals

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

7. What information is to be prescribed regarding a dog supply approval?

## 3.6 Certificate of dog supply approval

Section 38U of the Dog Act provides that if the CEO grants a dog supply approval to a person, the CEO must:

- (a) give the person a certificate containing the prescribed information; and
- (b) issue the person with a unique number for the dog supply approval.

The CEO may give a person who holds a dog supply approval a new certificate if the CEO is satisfied that the person's certificate has been stolen, lost, damaged, or destroyed.

### Issue and proposal

#### Certificate of dog supply approval

| Issue/system area   | Proposal & rationale   |
|---|--|
| What information should be prescribed for a certificate of dog supply approval? | <p>Prescribed information:</p> <ul style="list-style-type: none"><li>• Name of person, include ACN and ABN if applicable</li><li>• Name of refuge operations</li><li>• Dog supply approval number</li><li>• Conditions (if any).</li></ul> <p>Note: the certificate could be sent through the CRS.</p> |



### Cost-benefit analysis and economic impact assessment

Low economic impact. Administrative proposal.

### Guiding questions

8. What information should be prescribed for a certificate of dog supply approval?
9. Should a dog supplier's affiliation with a pet shop be recorded on the certificate of approval?

## 3.7 Dog supplier to provide information to approved pet shop

Section 38N of the Dog Act provides that the holder of dog supply approval must not supply a dog to a relevant pet shop business unless the supplier has obtained, in respect of the dog, a certificate issued by a vet regarding the health assessment of the dog and that outlines the prescribed information in relation to the health status of the dog.

### Issue and proposal

| Dog supplier to provide information to pet shop                      |  |
|--|--|
| Issue/system area  | Proposal & rationale   |
| What information should be included in a health assessment of a dog? | <p>Prescribed information:</p> <ul style="list-style-type: none"><li>• The registration number (note: <i>Vet Surgeons Act 1960</i> has been repealed by the <i>Veterinary Practice Act 2021</i>)</li><li>• Microchip number, breed, sex, age</li><li>• The date of the assessment</li><li>• The name, address of the dog supplier that has requested the certificate</li><li>• Details of the health assessment, noting any limitations of the assessment including:<ul style="list-style-type: none"><li>▪ clinical signs of infectious and/or contagious diseases,</li><li>▪ assessment of weight</li><li>▪ the existence of parasites</li><li>▪ the existence of any wounds, swellings, lumps or discharges from eyes, nose mouth or ears</li><li>▪ medical history of the dog (if known).</li></ul></li></ul> <p>Note: information regarding complaints about not providing a health assessment could be collected in the CRS.</p> |

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

10. What information should be included in a health assessment (health certificate) of a dog?

### 3.8 Holder of dog supply approval to keep records

Section 38V of the Dog Act provides that a person who holds a dog supply approval must keep, in relation to each dog supplied by the person to a relevant pet shop business, a record that:

- (a) contains the prescribed information in relation to the source and history of the dog; and
- (b) includes any evidence necessary to enable the information in the record to be verified.

The person must keep the record, even if the person ceases to hold the dog supply approval:

- (a) in the prescribed way, if any; and
- (b) for 5 years after the day on which the dog was supplied by the person.

If the regulations prescribe a time within which a record must be made, the record must be made within that time.

Section 38W of the Dog Act provides that the CEO may request a person who holds or has held a dog supply approval to provide the CEO with any of the following:

- (a) any record, information, or evidence the person is required to keep under section 38V;
- (b) any other information, evidence, or document that the CEO requires to determine if the dog supply approval should remain in force.

The CEO may take extracts from, or make copies of, any record, information, evidence, or document provided. A request made by the CEO must specify the time within which the record, information, evidence, or document must be provided to the CEO.



## Issue and proposal

### Holder of dog supply approval to keep records

| Issue/system area  | Proposal & rationale  |
|--|---|
| <p>What information will dog suppliers be required to keep in relation to each dog?</p> <p>What information will dog suppliers be required to keep in relation to the person who supplied the dog to the business, and the dog's history?</p> <p>Should a manner be prescribed for the keeping of a record?</p> <p>Should a time be prescribed for the making of a record?</p> | <p><b>Prescribed information – about the dog:</b></p> <ul style="list-style-type: none"><li>• Name of dog, age of dog, colour breed, sex, other distinguishing features</li><li>• Sterilisation and vaccination status (including next due date (signed by vet)</li><li>• Microchip number and include signed microchip transfer paper (if available)</li><li>• Parasite prevention and control records, including next treatment date</li><li>• Health certificate for the dog (as per section 38N) and details of vet who provided it</li><li>• Upbringing, rescue history</li><li>• Level of training (certificates of completion)</li><li>• Temperament and behavioural issues, if known around children and other animals, including who has made the assessment</li><li>• Date of dog arrival at rescue organisation.</li></ul> <p><b>Information about the person who abandoned/surrendered the dog:</b></p> <ul style="list-style-type: none"><li>• Dog Owner Number</li><li>• Details regarding circumstances in which the dog is abandoned/surrendered.</li></ul> <p><b>Prescribed way:</b></p> <p>The explanatory memorandum states: The prescribed way in which records must be kept will be determined in consultation with relevant refuge operations and dog management facilities.</p> <p><b>Prescribed time</b> – when a record must be made: This would need to be within the control of the dog supplier, for example within x days of the information being supplied.</p> |

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

11. What information should dog suppliers be required to keep in relation to each dog?
12. What information should dog suppliers be required to keep in relation to the person who supplied the dog to the business, and the dog's history?
13. Should a manner be prescribed for the keeping of a record (note requirements of s38W)?
14. How to treat a dog that is transferred from general rescue operations (would/should this be facilitated)?
15. Should a time be prescribed for the making of a record?

## Topic 4 - Approval to Breed

A dog owner will be required to obtain an approval to breed dogs in the following circumstances:

- They own a dog that is not sterilised by two years of age (and not otherwise exempt).
- They intend to use their dog for breeding (regardless of the dog's age).
- Their dog breeds, (regardless of the dog's age), even if the dog breeds unintentionally.

For example, if a dog is under 2 years of age and unintentionally breeds, the owner must apply for an approval to breed. If the dog gives birth without the owner holding an approval to breed, the owner commits an offence under section 26L of the Dog Act, unless, among other things:

- (a) after the dog gives birth, an approval to breed is granted to the owner by the local government in whose district the dog is ordinarily kept; and
- (b) the application for the grant of the approval was made before the day on which the dog gives birth or within 7 days after that day.

An 'approval to breed' will be a one-off application. When granted, it will apply to all dogs, current and future, owned by that person while they reside in that district, unless otherwise cancelled.

The 'approval to breed' will enable local governments to:

- identify owners of unsterilised dogs and monitor their compliance with relevant legal requirements
- cancel an owner's 'approval to breed' dogs if they breach the law, trace a dog back to its breeder if issues with puppies or dogs are identified, such as health concerns
- refuse to grant an 'approval to breed' dogs to a person who has been convicted of offences under certain laws.

### 4.1 Approval to breed applications

The owner of a dog that is ordinarily kept in the district of a local government may apply to the local government for the grant of an approval to breed dogs under section 26I of the Dog Act.

Under section 54A of the Dog Act, an application for the grant of an approval to breed must:

- (a) be made in a manner and form approved by the CEO;
- (b) contain the information prescribed;
- (c) be accompanied by the fee, if any, prescribed; and
- (d) comply with any other requirements that are prescribed.

Under section 26J(2), a local government may refuse to grant an approval to breed only if the local government is satisfied that at least one of the following applies —

- (a) the applicant is an individual under 18 years of age;
- (b) the applicant is a convicted person;
- (c) the applicant does not have access to any, or to sufficient, facilities to breed dogs in accordance with the requirements of any relevant written law;
- (d) the applicant is not a fit and proper person to breed dogs;



(e) a circumstance prescribed.

Under section 26J(3), an approval to breed is subject to any conditions the local government –

- (a) considers necessary or desirable to impose; and
- (b) specifies in the approval.

Section 13A(5) of the Dog Act provides that regulations under section 54 may deal with any matter relating to the CRS, including (without limitation) its establishment, maintenance, and accessibility (including its accessibility to the public).



## Issue and proposal

### Approval to breed applications

| Issue/system area   | Proposal & rationale  |
|---|---|
| What information should be prescribed (as opposed to approved information) in an application for approval to breed? | <b>Prescribed information</b><br>Part A: Owners details (note: specify individual) <ul style="list-style-type: none"><li>• Include address: note change of local government district needs to trigger cancellation of approval to breed</li><li>• Include whether member of breeding association for advertising on website.</li></ul>  |
| What other requirements should be prescribed?   | Part B: Dog details<br>Breed of dogs to be bred <ul style="list-style-type: none"><li>• Number of breeding dogs to be kept at the property</li><li>• Name, sex, breed, colour, birth date or age, microchip identification number (or certificate of exemption).</li></ul> Part E: Application for approved breeder<br>Description and/or photos of facilities, including whether access to facilities specify details, including acknowledgement by owner of facilities.<br>Part F: Previous convictions<br>Indicate (yes/no, if yes, what) whether any relevant convictions under the Dog Act, Cat Act or Animal Welfare Act or equivalent convictions from another jurisdiction/the Commonwealth.<br>Part G: Declaration<br>Include declaration: <ul style="list-style-type: none"><li>• To comply with standards (and include link to the standards in sidebar) in lieu of prescribing circumstances under section 26J(1)(e).</li><li>• Consent to information sharing</li><li>• Not affiliated with a pet shop.</li></ul> Other prescribed requirements <ul style="list-style-type: none"><li>• Providing consent for inspection on premises/outline conditions.</li></ul> |



## Approval to breed applications

### Cost-benefit analysis and economic impact assessment

Low economic impact.

#### Guiding questions

1. What information should be prescribed (as opposed to approved information) in an application for approval to breed?
2. What other requirements should be prescribed?
3. Are there any matters that should be included to assist in determining fitness and propriety? E.g., should convictions for fraud be declared?
4. Are there any impediments to the local planning scheme in relation to granting an approval to breed? (e.g., getting approval under the Dog Act and dealing with amenities and impacts in relation to breeding).
5. What type of conditions would local governments place on approvals to breed dogs (e.g., should those conditions be similar to those placed on approvals to breed cats)?
6. When a breeder applies for a licence should the premises be inspected:
  - for suitability
  - on an ad hoc/unannounced basis?



## 4.2 Classes of dogs not subject to approval to breed requirement

Section 26L(1) of the Dog Act provides that if the owner of a dog does not hold an approval to breed, the owner of the dog must ensure that the dog does not give birth.

Section 26L(3)(b) of the Dog Act provides that it is a defence to a charge under section 26L(1) to prove that the dog belongs to a class of dogs prescribed.

Section 6(4) of the Dog Act provides that the provisions of the Dog Act do not apply to or in relation to a dog that is kept for the purposes of the Crown.

### Issue and proposal

#### Classes of dogs not subject to approval to breed requirement

##### Issue/system area

Which class of dogs should be prescribed for the purpose of the owner not being required to hold an approval to breed dogs?

##### Proposal & rationale

Breeders of Crown dogs such as Police dogs could be prescribed as not being required to hold an approval to breed.

#### Cost-benefit analysis and economic impact assessment

No (firm) proposal at this stage. Unspecified impact.

#### Guiding questions

7. Should breeders of Crown dogs such as Police dogs be prescribed as being not required to hold an approval to breed?
8. How are Crown dogs such as Police dogs sourced? Are there specific breeders who supply dogs solely to the Crown (e.g., to the Police force)?
9. Do you support a defence based on a wandering dog impregnating a lawfully unsterilised female dog? What sort of evidence might be required?
10. Are there other exemptions necessary from the approval to breed system, noting this is a potential loophole?

### 4.3 Decisions regarding approvals to breed

Under section 26J(2) of the Dog Act, a local government may refuse to grant an approval to breed only if the local government is satisfied that at least one of the following applies:

- (a) the applicant is an individual under 18 years of age;
- (b) the applicant is a convicted person;
- (c) the applicant does not have access to any, or to sufficient, facilities to breed dogs in accordance with the requirements of any relevant written law;
- (d) the applicant is not a fit and proper person to breed dogs;
- (e) a circumstance prescribed for the purposes of this subsection.

Section 26K provides that a local government may cancel an approval to breed that the local government granted to a person only if the person requests that the local government cancel the approval or the local government is satisfied that:

- (a) any of the things set out in section 26J(2) applies in relation to the person;
- (b) the person has not complied with a condition imposed on the approval;
- (c) the person no longer keeps any dogs in the district of the local government;
- (d) the person has not complied with a requirement under the Dog Act or the Animal Welfare Act;  
or
- (e) a circumstance prescribed for the purposes of this section applies.

Section 54A(2) provides a local government that receives an application may require the applicant to give the local government, within a specified time, any document or information that the local government requires to determine the application and may require the applicant to verify the information by statutory declaration.

Under subsection (3), a local government may refuse to consider an application if the applicant does not comply with a requirement under subsection (2) within the specified time.

## Issue and proposal

### Decisions regarding approvals to breed

#### Issue/system area

What further circumstances should be prescribed in refusing or cancelling an approval to breed?

#### Proposal & rationale

Consider Reg 22 (Cat Regulations 2012):

(1) A local government may refuse an application for the grant (or renewal – n/a) of an approval to breed cats if the local government is satisfied that an infringement notice under the Act has been issued to, and paid by, the applicant within the 12 months prior to the application.

(2) Where a local government is satisfied that an infringement notice under the Act has been issued to the applicant within the 12 months prior to the application, but the matter has not been resolved by either payment or court proceedings, the local government may defer consideration of an approval to breed cats until the matter is resolved.

#### **Further circumstances for refusing an application for an approval to breed could include:**

- Failing to provide dog owner number:
  - on microchips of the puppies they breed
  - when advertising/transferring a dog
- Keeping more than the approved number of dogs on premises
- In the event of a death of the breeder – Propose that approval to breed continues to be held by the estate of the deceased and that it is cancelled upon the sale/transfer of the dog(s). Sterilisation exemption continues to apply until the dog(s) is sold/transferred. Executor is the contact person/owner's delegate.
- A dog owned or acquired by the breeder is declared dangerous
- Breeder sells dogs to an approved pet shop.

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

11. How do local governments currently check for compliance with Animal Welfare Act?
12. Are there any further circumstances that should be prescribed?
13. Is the following example an appropriate way to deal with the death of a breeder:
  - (a) executor notifies death, breeders approval continues (in name of the estate of the deceased), approval to breed is cancelled when puppies are sold/transferred,
  - (b) the executor has an exemption from sterilisation until puppies sold/transferred.

## 4.4 Information regarding dog breeders to be recorded

Section 54B of the Dog Act provides that as soon as practicable after a local government makes a decision to grant or refuse to grant an approval to breed, the local government is to enter the decision and the prescribed information in the CRS.

A local government is to ensure the information recorded is updated to reflect:

- any change to information notified under section 54C
- any conditions on the approval to breed
- any expiry or cancellation of the approval to breed
- the outcome of any objection or review regarding s54G or s54H.

Section 54C provides that notice of change to information the holder of an approval to breed must, within 7 days of becoming aware of a change to any of the information prescribed under section 54B notify the change to the local government.

### Issue and proposal

#### Information regarding dog breeders to be recorded

##### Issue/system area

What information should be prescribed for recording and updating in the CRS?

##### Proposal & rationale

###### Information required under s54B(2)

- Conditions/amendment of conditions of approval (note: non-compliance with conditions will need to trigger cancellation)
- Expiry or cancellation of approval to breed
- Date of lodgement of objection
- Date of determination of objection
- Outcome of objection
- Date of lodgement of review of objection or review of decision
- Outcome of review of objection or review of decision
- SAT determination that the decision should not be suspended regarding section 54(3) (if applicable).

#### Cost-benefit analysis and economic impact assessment

No (firm) proposal at this stage. Unspecified impact.

#### Guiding questions

14. How do local governments become aware of an application for a review of a decision with the SAT?
15. How do local governments currently record decisions on approval to breed cats?
16. Would local governments find the development of guidelines useful to deal with objections regarding approval to breed?

## 4.5 Certificate of approval to breed

Section 54D(a) of the Dog Act provides that if a local government grants an approval to breed or a pet shop approval to a person, the local government must give the person a certificate containing the prescribed information.

### Issue and proposal

#### Classes of dogs not subject to approval to breed requirement

##### Issue/system area

Prescribed information in the certificate for an approval to breed.

Note: applications for approval to breed can only be accepted from individuals, not persons.

##### Proposal & rationale

Prescribed information should include:

- the district within which the approval is granted/valid.
- conditions of approval.

#### Cost-benefit analysis and economic impact assessment

Low economic impact. Administrative in nature.

#### Guiding questions

17. What prescribed information should be included in the certificate for an approval to breed?

## 4.6 Objecting to a decision regarding an approval to breed

Section 54F of the Dog Act provides that a person who has been given notice under section 54E of a decision by a local government may, within 28 days after the day on which the person was given the notice, object in writing to the decision.

The objection is made by preparing it in a form approved by the CEO and containing the information prescribed and lodging it with the local government in a manner approved by the local government.

### Issue and proposal

#### Objecting to a decision regarding an approval to breed

##### Issue/system area

Prescribed information in the form for a breeder to object a local government decision regarding an approval to breed

##### Proposal & rationale

Questions regarding eligibility:

- Question regarding date of notice of decision (person may within 28 days after the day on which the person was given the notice, object in writing to the decision – see sections 54H and 54(2C)(b) of the Dog Act)
- Question about whether application for a review by SAT of the decision lodged under s54H(1)(a)
- Decision on approval to breed –
  - Application not granted
  - Approval to breed cancelled
  - Conditions imposed or modified
- Questions regarding substance: reasons for requesting the local government review.

#### Cost-benefit analysis and economic impact assessment

Low economic impact. Administrative provision to support a judicial right that is provided for in the Dog Act.

#### Guiding questions

18. What information should be prescribed in the form for a breeder to object to a decision of their local government in relation to an approval to breed?



## Topic 5 - Microchipping

Section 21 of the Dog Act requires that an owner of a dog that has reached 3 months of age must ensure that the dog is microchipped, unless exempt.

### 5.1 Microchip implanter to give information to database company

Under section 24 of the Dog Act, a microchip implanter who implants a microchip in a dog must, within 7 days after the microchip is implanted, give notice in writing in the form, if any, prescribed of the information prescribed to the microchip database company for that dog.

Section 26D of the Dog Act provides that if there is a change to any of the information prescribed under section 24 in respect of a dog, the owner of the dog must, within 7 days after the day on which the owner becomes aware of the change, give notice in writing of the change to the microchip database company for the dog, if the change is to the information prescribed under section 24.

Currently, the information to be given by microchip implanter to a microchip database company includes (regulation 25 of the Dog Regulations):

- (a) the microchip barcode information or sticker;
- (b) the microchip number;
- (c) the microchip implanter's full name;
- (d) if the microchip implanter is a part of a company or organisation, the name of that company or organisation;
- (e) full contact details for the microchip implanter's company or organisation (if applicable);
- (f) the date the dog was microchipped;
- (g) the dog owner's full name;
- (h) the dog owner's residential address;
- (i) the dog owner's contact telephone numbers — home, work and mobile;
- (j) the dog owner's email address;
- (k) the address at which the dog is normally kept;
- (l) the dog's name;
- (m) the date of birth or age, breed (if known), colour, gender and sterilisation status of the dog;
- (n) if the dog is a dangerous dog (declared), dangerous dog (restricted breed) or a commercial security dog.

## Issue and proposal

### Microchip implanter to give information to database company

#### Issue/system area

What information should a microchip implanter give to a microchip database company?

#### Proposal & rationale

To include dog owner number as prescribed information.  
This initiative may increase the possibility of tracing a puppy to its breeder.

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

1. What other information should be prescribed?
2. Do microchip database companies currently share any microchipping information with local governments? If not, is there any ability for microchip database companies to do so?



## 5.2 Upskilling of rangers and local government staff - Microchipping

Dogs that have reached 3 months of age and cats that have reached 6 months of age must be microchipped by a qualified microchipped implanter. The qualifications for microchip implanters are set out in the Dog Regulations and Cat Regulations.

Local governments may see a need within their district and may be interested in upskilling rangers and staff to become qualified microchip implanters. Through being able to provide the microchipping service, local governments could encourage compliance with the microchipping requirements under the Dog Act and Cat Act.

### Issue and proposal

#### Upskilling for rangers and local government staff - Microchipping

##### Issue/system area

Need for local government rangers and/or staff to become qualified microchip implanters.

##### Proposal & rationale

Provide opportunity for rangers and local government staff to become qualified microchip implanters.

#### Cost-benefit analysis and economic impact assessment

Low economic impact.

#### Guiding questions

3. Do any local governments have any rangers or staff members that currently have qualifications that enable them to microchip dogs or cats?
4. Are local governments interested in, and do they see a need for, their rangers and/or staff to become qualified microchip implanters?

## 5.3 Update to microchip implanter qualification provisions

Regulation 9(2) of the Dog Regulations prescribes the qualifications for microchip implanters:

- (i) ACM 40412 Certificate IV in Veterinary Nursing: has been replaced by ACM40418 Certificate IV in Veterinary Nursing
- (ii) LGAREGS404A Undertake Appointed Animal Control Duties and Responsibilities
- (iii) LGA40504 Certificate IV in Local Government (Regulatory Services)
- (iv) ACM30210 Certificate III in Animal Technology
- (v) ACMSS00007 Microchip Implantation for Dogs and Cats Skill Set
- (vi) ACM30410 Certificate III in Companion Animal Services
- (vii) ACM40110 Certificate IV in Animal Control and Regulation
- (viii) ACM 40210 Certificate IV in Captive Animals
- (ix) ACM 40310 Certificate IV in Companion Animal Services

### Issue and proposal

| Update to microchip implanter qualifications                       |   |
|--|---|
| Issue/system area  | Proposal & rationale  |
| Many qualifications for microchip implanters have been superseded. | <p>The following are proposed additions to the qualifications for microchip implanters from the Department of Training and Workforce Development website:</p> <ul style="list-style-type: none"><li>(i) Prescribe ACM40418 in addition to ACM40412</li><li>(ii) No change</li><li>(iii) Also prescribe LGA40120 Certificate IV in Local Government</li><li>(iv) Also prescribe ACM30219 Certificate III in Animal Technology</li><li>(v) No change</li><li>(vi) Suggest adding ACM30417 Companion Animal Services</li><li>(vii) Also prescribe ACM 40217 Certificate IV in Captive Animals</li><li>(viii) Also prescribe ACM40221 Certificate IV in Animal Facility Management</li><li>(ix) Also prescribe ACM 40221 Certificate IV in Animal Facility Management and ACM 40321 Certificate IV in Animal Behaviour Training</li></ul> <p>This proposal would also be relevant for Regulation 7 of the Cat Regulations.</p> <p>Note: the proposed additional qualifications do not replace superseded qualifications. The superseded qualifications will continue to be recognised as acceptable qualifications.</p> |

## Update to microchip implanter qualifications

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

5. Are there any other additional qualifications that should be prescribed for the purposes of obtaining microchip implanter qualification?
6. While the current proposal intends to recognise existing qualifications, is there a need for relevant staff to upskill as microchip implanters?

## Topic 6 - Dog and Cat Registrations

The Dog Act and Cat Act requires the establishment of a CRS.

All existing dog and cat registers in WA that are currently maintained by local governments are to be merged into the CRS.

Owners will be able to apply to register their dogs and cats, supply documentation and make payment online.

Local governments will be responsible for approving applications and confirming the registration.

### 6.1 Local governments to keep record of registered dogs

Section 15 of the SPF Act replaces section 14 of the Dog Act by requiring local governments to keep a record of registered dogs in the CRS.

Section 16(1BA) of the Dog Act requires that the form of application approved must require the applicant to provide certain information. This includes the Dog Owner Number (DON) if the owner of the dog has been issued with a DON.

## Issue and proposal

### Local governments to keep record of registered dogs

#### Issue/system area

What information should be prescribed for recording and updating in the CRS for the purposes of dog registration?

#### Proposal & rationale

Determine prescribed information about each dog registered into the CRS at application, and renewal since section 14 was deleted and replaced.

The prescribed information could include:

- Dog owner's full name
- Dog Owner Number
- Dog owner's residential address:
  - that the dog is ordinarily kept at that address (or explain disparity)
  - if dog is currently at the premises (i.e., not lost/stolen)
  - Or note no fixed abode (i.e., relevant local government based on area most frequented by owner)
- Dog owner's contact details:
  - postal address (if different from residential address)
  - telephone numbers: home, work and mobile
  - email address
- Dog owner's date of birth
- Details of the owner's delegate (if any)
- Dog details:
  - name, sex, breed, colour, birth date or age, microchip identification number (or certificate of exemption), sterilisation status (or details of exemption)
  - registration number
  - details (including DON) of breeder and any previous owners of the dog
  - pet shop number (if dog was obtained through pet shop)
  - whether a dog is dangerous (restricted breed)
  - whether a dog is dangerous (declared)
  - whether dog is a commercial security dog
  - whether dog is assistance dog or livestock working dog.

#### Cost-benefit analysis and economic impact assessment

Low economic impact.

## Local governments to keep record of registered dogs

### Guiding questions

1. How are microchip numbers currently validated?
2. Do local governments get informed about disputed ownership matters under section 16A? If yes, how should the CRS deal with these?
3. How should the CRS deal with district changes regarding registration in terms of apportioning fees/differing local laws?
4. Is there a way to ensure sterilisation certificates issued by a vet (particularly if not through the CRS) are legitimate: note also link to digital certificates of registration e.g., sections 16(6)(a), 54D, 38U of the Dog Act and sections 11(1), 39(1) of the Cat Act.
5. Should the registration form include provision for details of all persons in control of a dangerous dog?
6. Do commercial security dogs normally remain at premises they are guarding, or do they also have 'residential' premises? If both, should the CRS record both locations?
7. Should the registration form note the usual times for commercial security dogs to be at each premises, where known, especially where these might be in different local government districts?





## 6.2 Dog Owner Number (DON)

Section 13B of the Dog Act provides that all dog owners (including a person of a prescribed class) are to be given a 'Dog Owner Number'. This unique number will be available through the CRS.

Regulations made under section 54 may also deal with any matter relating to DONs and may require a person to have a DON before transferring ownership of a dog to another person.

### Issue and proposal

#### Issue of dog owner numbers

##### Issue/system area

##### Transitional issues

The system will need to generate DONs for existing owners migrated into the system that is 'go live' at commencement.

##### Ongoing issues

The system will need to generate DONs that can assist with identifying different users and facilitate dog registrations.

##### Proposal & rationale

##### DONs

For general dog management, DONs need to be generated by CRS when:

- The application form is submitted and dog registration is accepted
- 'new' dog owners who register dogs during the transitional period (section 63 of the Dog Act)
- SPF Act provisions commence regarding data migrated into CRS (owners of registered dogs before commencement).

##### Prescribed class of dog owners

To assist with monitoring, enforcement and/or consumer protection, the following classes of dog owner are proposed:

- approved breeders (note: differentiated DON for example a prefix to denote breeder has undergone approval process)
- that do not yet own dogs
- from overseas/interstate
- individual vs body corporate
- livestock working dogs (DON differentiated by special prefix, which will highlight these dogs are unsterilised, still need approval to breed)
- persons refused registration, including those under section 17A of the Dog Act (no registration application)
- not subject to registration:
  - organisations exempt from registration under section 7(3)(b) of the Dog Act or prescribed under regulation 11 of the Dog Regulations
  - Vets
- The crown (e.g., transferring a retired police dog)
- Executor of an estate.

## Issue of dog owner numbers

### Cost-benefit analysis and economic impact assessment

Low economic impact.

#### Guiding questions

8. Will it be possible for the CRS to generate an expedited DON, if required?
9. Do local governments currently accept registration of entities other than individuals?
10. Is it possible to extract an individual from the entity?
11. How should overseas/interstate breeders who send dogs to WA be dealt with? Are there concerns with potential lack of enforcement?
12. How should persons liable for the control of a dangerous dog, rather than a dog owner (section 33K D Act) be dealt with?
13. Is there a need to record/register dogs that are not subject to the Act e.g., abandoned dogs at vets, Police dogs, refuge organisations?
14. Are there additional refuge organisations that should be prescribed under section 7(3)(b) of the Dog Act (see current list of organisations under regulation 11 of the Dog Regulations)? If so, how can these organisations be identified and what processes should be in place to prescribe them?
15. How should dogs in remote areas or dogs with no specific place of residence be recorded in the CRS?

### 6.3 Recording applications that are refused/not renewed

Under section 14(2)(b) of the Dog Act, local governments are to keep record of applications for dog renewal or registration which have been refused by the local government in the CRS.

## Issue and proposal

### Recording applications that are refused/not renewed

| Issue/system area  | Proposal & rationale  |
|--|---|
| To determine prescribed information for input into the CRS about applications for dog registration that have been refused/not renewed. | <p>Proposed prescribed information for each dog registration cancelled</p> <ul style="list-style-type: none"><li>• Name</li><li>• Address</li><li>• DON</li><li>• Date of cancellation</li><li>• Grounds upon which application cancelled:<ul style="list-style-type: none"><li>▪ applicant subject to order banned from owning dogs regarding s16(3A), including date order ends</li><li>▪ convictions regarding s16(3)</li><li>▪ dog destructive/diseased</li><li>▪ premises not suitable to keep dog</li><li>▪ dog not microchipped, but it is required</li><li>▪ dog not sterilised, but it is required</li><li>▪ dog is dangerous</li><li>▪ dog is dead or removed from the State</li></ul></li><li>• Date of notice informing applicant [s16(4)]</li><li>• Date fee refunded, if applicable [s16(2)(b)]</li><li>• Date of notice of SAT appeal regarding s17</li><li>• SAT decision</li><li>• Date of seizure of dog.</li></ul> |

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

16. How do local governments currently deal with unregistered dogs?
17. Do local governments get notified by the courts about court orders banning a person from owning or keeping a dog permanently or for a period specified (see section 46A(2))?
18. Would vets notify contagious or infectious disease? What about notifiable diseases (ehrlichiosis)?

## 6.4 Registration certificate

Section 16(6) of the Dog Act provides that on effecting or renewing any registration, the registration officer shall deliver to the applicant:

- (a) a certificate in the prescribed form acknowledging the fee paid and specifying the registration number allocated to each dog, the term of the relevant registration period (note: cannot be lifetime for unsterilised dogs) and a description of each dog; and
- (b) in respect of each dog so registered, a registration tag of the prescribed kind.

## Issue and proposal

### Registration certificate

#### Issue/system area

What information should be prescribed in the registration certificate?

#### Proposal & rationale

Registration procedure - certificate

As a result of the SPF Act, lifetime registration is not possible for unsterilised dogs and therefore, the current certificate of registration requires updating.

As a result of the SPF Act, the certificate could be delivered via the CRS.

The certificate could include:

- The DON
- Date of registration
- Change “This registration expires on \_/\_/” to provide for lifetime
- Provide for replacement certificate for dogs (as per s11(2) of Cat Act) made under Regulations if digital copy is deleted, or hard copy lost, stolen or destroyed.
- Provide for certificate to be sent through CRS.

Note: CRS needs to provide for lifetime registration for existing unsterilised dogs. The certificate of registration should be recorded on the applicant’s account and/or emailed to the applicant.

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

19. What changes should be made to Form 5 (Registration Certificate) of the Dog Regulations?

## 6.5 Local governments to keep record of registered cats

Section 8 of the Cat Act provides that the owner of a cat that is ordinarily kept in the district of a local government may apply to that local government for the grant or renewal of the registration of the cat.

Section 8(2)(a) of the Cat Act provides that an application for the grant or renewal of the registration of a cat is to:

- (a) be made in a manner and form approved by the Department CEO (i.e. it will no longer be a prescribed form);
- (b) be accompanied by the fee, if any, prescribed; and
- (c) comply with such other requirements, if any, prescribed.

### Issue and proposal

#### Application for cat registration

##### Issue/system area

Amendment to Cat Regulations in relation to registration as a result of SPF Act.

##### Proposal & rationale

As a result of the amendments, Form 1 will become an approved form, which affects other regulations that refer to Form 1. This includes regulation 11 (Application for registration) and regulation 21 (Application for approval to breed cats). The numbering of forms in Schedule 1 of the Cat Regulations will also need to be amended.

Regulation 13 (changes in registration) may be amended to provide further clarification on the process to notify changes given the use of the CRS.

#### Cost-benefit analysis and economic impact assessment

Low economic impact.

#### Guiding questions

20. How are local governments currently notified when cat owners move to another local government area?

21. Are there organisations that should be exempt from registration (i.e., section 5(2)(c) Cat Act), or are the entities prescribed as exempt under regulation 9 of the Cat Regulations sufficient?

## Topic 7 - Miscellaneous

### 7.1 Establishment and maintenance of the Centralised Registration System (CRS)

Under section 13A(4) and (5) of the Dog Act, where anything under this Act is required or permitted to be done in a manner approved by the CEO or a local government, the manner approved by the CEO or the local government may, without limitation, involve the use of the CRS.

Regulations under section 54 of the Dog Act may deal with any matter relating to the CRS, including (without limitation) its establishment, maintenance, and accessibility (including its accessibility to the public).

Section 54(2C) of the Dog Act provides that the regulations may:

- (a) require or permit any notice, information or document required or authorised to be given under this Act to be given in a certain way or ways, including –
  - (i) by using the CRS; or
  - (ii) by any other means by which the notice, information or document can be accessed electronically; and
  - (iii) make provision for or in relation to the time at which the notice, information or document is taken to have been given.

Note: section 62 of the Dog Act and 88 of the Cat Act have already been proclaimed. These sections describe the transitional provisions for the CRS. This includes that the CEO may establish and maintain the CRS before commencement day and may record any information the local government is required to record in a register and may cause or permit information to be transferred to the CRS.

## Issue and proposal

### Maintenance, and accessibility of the CRS

#### Issue/system area

Matters to be prescribed regarding the maintenance and accessibility of the CRS (including accessibility to the public/third parties).

#### Proposal & rationale

##### **Maintenance of CRS**

- Temporary disruption to system for routine and patch maintenance
- Authorised upgrades on any related software.

##### **Accessibility of CRS (including third parties)**

- Accessibility, transparency, and accountability needs to be balance with privacy for users of the CRS, which may include:
  - Local governments, specifically rangers and authorised officers
  - Police
  - Veterinarians, in relation to dog deaths, wandering dogs, dog diseases, microchipping details, vet certificates, and evidence of injury from attacks
  - Microchip implanters in relation to microchipping details
  - Community
  - Other Government agencies (e.g., for identity checks
  - RSPCA and other animal welfare organisations).

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

1. Who should be able to access the CRS and what information should they have access to read and record?
2. What other items/matters should be prescribed in the regulations in relation to the maintenance and accessibility of the CRS?



## 7.2 Information to be recorded to facilitate the management of cats

Under section 41A of the Cat Act, the Department CEO must establish and maintain an electronic database or system in which information relating to cats can be recorded (the CRS). The Department CEO and each local government is to:

- (a) record in the CRS any information that is prescribed; and
- (b) ensure that the information recorded by it in the CRS is accurate and kept up to date.

Regulations may deal with any matter relating to the CRS, including (without limitation) its establishment, maintenance, and accessibility (including its accessibility to the public).



## Issue and proposal

### Maintenance, and accessibility of the CRS

#### Issue/system area

What information should be prescribed for recording in the CRS to facilitate the management of cats?

#### Proposal & rationale

Proposed information to be recorded in the CRS to facilitate the management of cats at premises:

- Local law requirements relating to the standard number of cats at least 6 months old permitted on premises (section 79(1) of the Cat Act)
- Whether the cat owner is a member of a cat organisation (where the number of permissible cats is 3 times the standard) as per regulation 7 of the Cat (Uniform Local Provisions) Regulations 2013 (Uniform Regulations)
- Whether a local government has approved more than the standard number of cats at a premises, or premises of a particular type (regulation 8 of the Uniform Regulations)
  - any conditions imposed by local government on additional cat approvals (regulation 9(3) of the Uniform Regulations)
  - duration of approvals (regulation 10 of the Uniform Regulations)
- Date and outcome of review of local government decisions to keep more than the standard number of cats at premises by SAT (regulation 11 of the Uniform Regulations)
- Date of an objection to a local government registration decision (if any)(section 69 of the Cat Act)
- Date of local government's decision on an objection (if any)(section 70 of the Cat Act).
- Date and outcome of SAT review of local government registration decision or local government objection decision (section 71 of the Cat Act) (if any)
- Date of application, grounds for, warrant to seize cat (section 56 of the Cat Act) (if any).

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

3. What information should be prescribed for recording into the CRS that balances the time required to provide information (and update information) with maximising compliance in cat management in the public interest?
4. How is the local government informed about a review of a LG decision/objection in the SAT regarding cat registration?

## 7.3 Information to be recorded in CRS to assist with dog management

Section 13A(2)(a) of the Dog Act provides that the CEO of each local government is to:

- (a) record in the CRS any information that is prescribed; and
- (b) ensure that the information recorded by it in the CRS is accurate and kept up-to-date.

Section 13A(5) of the Dog Act allows for regulations (under section 54 of the Dog Act) to deal with any matter relating to the CRS, including (without limitation) its establishment, maintenance, and accessibility (including its accessibility to the public).



## Issue and proposal

### Information to be recorded in CRS to assist with dog management

#### Issue/ system area

#### Proposal & rationale

What information should be prescribed for recording into the CRS that balances the time required to provide information (and updated information) with maximising compliance in dog management in the public interest?

Information to be recorded in CRS to facilitate the management of dogs at premises:

- Local law requirements relating to the number of dogs permitted on premises (section 26(1) and 26(4) of the Dog Act)
- Any limits on keeping of dogs per approved kennel establishment licence (sections 27(2) and 29(4A)(d) of the Dog Act)
- Local government exemptions, any conditions on the grant of the exemption (section 26(3) of the Dog Act) including the dogs specified in the exemption (if any)
- Date of revocation of the exemption (if applicable)
- Date of review of decision by SAT (if applicable) (section 16A or 17 of the Dog Act)
- Outcome of review of decision by SAT (section 16A or 17 of the Dog Act)
- Date of application of, grounds for, warrant to seize dog (section 17 of the Dog Act)
  - Date, and outcome, regarding a warrant to seize dog (if any)
  - Date of disposal of dog (relating to seizure action, if any)
  - Date dog sent to Dog Management Facility (relating to seizure or detention, if any).

Information to be recorded in CRS to facilitate the management of dangerous dogs:

- Incidents and attacks relating to dangerous dogs, or potentially dangerous dogs
- Whether a dog is a dangerous dog (commercial security/restricted breed/declared): (section 33E of the Dog Act) and if so:
  - Date of the notice of dangerous dog declaration and reason: notice takes effect after 7 days (section 33F(2) and (3) of the Dog Act)
  - Date of revocation of dangerous dog declaration (section 33J of the Dog Act)
  - Notice by person liable for control of dangerous dog: attack, details (section 33K(2)(a) of the Dog Act).
  - Notice by person liable for control of dangerous dog: if the dog is missing, particulars (section 33K(2)(b) of the Dog Act).
  - Notice by person liable for control of dangerous dog: if ownership changes, particulars (section 33K(2)(c) of the Dog Act)
  - Notice by person liable for control of dangerous dog: if dog to be kept different location, same district, details (section 33K(2)(d) of the Dog Act)
  - Notice by person liable for control of dangerous dog: if change in district (section 33K(3) of the Dog Act)
  - Notice by owner of dangerous dog that the dog is to be kept in another district (section 33K(5)(a) of the Dog Act)
  - Notice by owner of dangerous dog: death of dog (section 33K(5) of the Dog Act)
  - Notice by owner of dangerous dog: dog living interstate
  - date of lodgement of an objection and outcome (dangerous dog declaration): (section 33F(6) of the Dog Act)
  - Date of lodgement of SAT review of objection (dangerous dog declaration): section 33F(6)(a)
  - Date of lodgement of SAT review of decision (dangerous dog declaration): section 33F(6)(b)
  - Date of notice of SAT review of decision regarding dangerous dog declaration: section 33F(6) (a) or (b) and outcome.

## Information to be recorded in CRS to assist with dog management

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

5. How is the local government informed about a review of a LG decision/objection in the SAT regarding a dangerous dog declaration?
6. Should historic information about dog attacks and incidents be migrated into the CRS?

## 7.4 Issuing infringement notices through the CRS

Section 45A(1) provides that regulations may provide for a modified penalty for an offence:

- (a) against a provision of the Dog Act, other than the regulations, for which the maximum penalty does not exceed \$10 000; or
- (b) a regulation made under section 48 or 54.

Section 54(2C) of the Dog Act provides that the regulations may:

- (a) require or permit any notice, information or document required or authorised to be given under this Act to be given in a certain way or ways, including –
  - (i) by using the CRS; or
  - (ii) by any other means by which the notice, information or document can be accessed electronically; and
- (b) make provision for or in relation to the time at which the notice, information or document is taken to have been given.

The current offences to which a modified penalty applies are specified in column 2 of the Table under regulation 33 of the Dog Regulations. Notices are currently served to the alleged offender by way of Form 8 (infringement notice) of the Dog Regulations.

## Issue and proposal

### Infringement notices

#### Issue/ system area

#### Proposal & rationale

Identify new offences for which infringement notices could be issued;

Provide for infringement notices to be issued via the CRS

Provide for the re-drafting of infringement notices to link digitally to dog owners, pet shops or dog suppliers, to impact decision making

Review existing modified penalties for adequacy

Amendments to regulations 34 and 35 of the Dog Regulations are proposed to:

- Provide for infringement notices to be given through the CRS
- To allow the CRS to include:
  - DON/approval to breed number
  - Pet shop approval unique number
  - Dog supply approval unique number.

The regulations will provide for modified penalties for the following additional offences:

Requirement to sterilise a dog:

- Failure to ensure a dog aged 2 years and over is sterilised/ Owning an unsterilised dog without a valid exemption (s26E – penalty is \$5,000)
- Identifying a dog as sterilised when it is not sterilised (s26F – penalty is \$5,000)
- Failure of a vet to give a certificate of sterilisation to the owner of the dog (s26G – penalty is \$5,000).

Approval to breed/sterilisation:

- Owning an unsterilised dog without an exemption (s26E – penalty is \$5,000)
- Breeding a dog without an approval to breed (s26L – penalty is \$5,000)
- Failing to notify the local government of any change to information regarding approval to breed within 7 days (s54C – penalty is \$5,000).

Advertising material

- Failing to display in advertising material a dog owner number and other prescribed info, including microchip number (s26H(1) – penalty is \$5,000).

Transfer

- A person must not transfer dog ownership unless provide dog owner number and other prescribed info (s26H(2) – penalty is \$5,000).

Pet shop approval

- Failing to provide a person supplied with a dog a pet shop number and other prescribed info [s38I(a) – penalty is \$5,000]
- Failing to provide a person who is offered a dog from a pet shop – the pet shop number and other prescribed info [s38I(b) – penalty is \$5,000]
- Failing to notify the local government of any change to information regarding pet shop approval within 7 days (s54C – penalty is \$5,000).

Dog supply approval

- Failing to provide a pet shop with a dog a health certificate with prescribed information [s38N(2) – penalty is \$5,000]
- Failing to notify the CEO of any change to information regarding dog supply approval within 7 days (s38T – penalty is \$5,000)
- Failing to keep records or failing to make a record within a prescribed time (s38V – penalty is \$5,000)
- Failing to provide information to the CEO or failing to provide information to the CEO within the specified time (s38W – penalty is \$5,000)
- Failing to provide information to the local government or failing to provide information to the local government within the specified time (s38W – penalty is \$5,000).



## Infringement notices

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

7. How are contraventions/non-compliance/offences under the Dog Act or the Cat Act currently recorded?
8. Should other changes be made to prescribed infringement notices?
9. Are existing modified penalties adequate? If not, should they be reviewed?





## 7.5 Form for appointment of owner's delegate

Section 16AA of the Dog Act provides that an appointment of an owner's delegate must be in a prescribed form.

Regulation 22 of the Dog Regulations provides for an appointment to be in the form of Form 4; however, the prescribed Form 4 is to be deleted and become an approved form.

Note: A dog owner may provide details of an owner's delegate during the application of a dog registration (see Topic 6.1). However the proposed separate form is to allow dog owners the option of appointing a delegate at a later date.

### Issue and proposal

#### Appointment of owner's delegate

##### Issue/system area

The owner's delegate form, which is prescribed, will need to be separate from the registration form.

##### Proposal & rationale

Modify the prescribed form to provide for an owner's delegate appointment form

###### Part A

- Owner details and DON (to enable a local government to know if the owner is a breeder)
- Owner's delegate contact details, DON for delegate, registered breeder declaration
- Declaration that the owner has consented to the delegation

###### Part B – Dog details

- Include whether the dog is a dangerous dog or commercial security dog

###### Part E

- Previous convictions, relevant orders, to avoid dog owner's delegate being used as a loophole for registering dogs to owners that are convicted persons

###### Part F – Declaration

- Owner's delegate form to be available to be sent through the CRS.

#### Cost-benefit analysis and economic impact assessment

Low economic impact.

#### Guiding questions

10. What other details should be included in the prescribed form for the appointment of an owner's delegate?

## 7.6 Form for change in ownership

Section 16A of the Dog Act provides that if the ownership of a dog, other than a dangerous dog, is transferred to another person, the registered owner must, within 28 days after the transfer, notify the local government with which the dog is registered, in a manner and form approved by the CEO of:

- (a) the name and residential address of the new owner; and
- (b) if the new owner has been issued with a dog owner number, that number.

### Issue and proposal

| Form for change in ownership  |  |
|---|--|
| Issue/system area   | Proposal & rationale   |
| To provide for the notification of a change in dog ownership to assist with dog management. | Delete regulation 23 of the Dog Regulations.<br>Notification of a change in ownership is to be in an approved form.<br>Include an email address for the new owner. |

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

- 11. What other details should be included?

## 7.7 Advertising material for the transfer of dogs

Section 26H(1) of the Dog Act provides that a person who offers a dog as being for sale or otherwise available for transfer of ownership must include the following information in the offer or in any advertising material in respect of the dog:

- (a) If the owner of the dog has been issued with a dog owner number – that number; and
- (b) Any information prescribed.

Section 26H(2) of the Dog Act also provides that a dog must not be transferred to another person unless the transferor provides the transferee with:

- (a) Information referred to in subsection (1); and
- (b) Any information prescribed.

Section 26H(3) provides that this section does not apply to a greyhound that is registered under section 41 of the *Racing and Wagering Western Australia Act 2003* while the registration is in effect.

## Issue and proposal

### Advertising material for the transfer of Dogs

#### Issue/system area

Matters to be prescribed regarding advertising material for the transfer and sale of dogs.

#### Proposal & rationale

##### Information in advertising material

- Dog owner number (attached to address details – if applicable).

##### What (additional) information should be included in advertising material offering a dog for sale?

- Age of dog
- Microchip number
- Sterilisation and pregnancy status
- The date that the dog last bred
- How the seller acquired the dog: bred/bought/other? (This will determine the status of the seller – shelter/owner/breeder).

Note: consider RSPCA Guidelines for the Online Advertising of Pets

##### What (additional) information should be given to a purchaser?

- Has been to vet in last 12 months – yes/no
- Sterilisation certificate
- Medication dog taking/taken in last 12 months (e.g., diabetes)
- If obtained from an approved pet shop, pet shop number.

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

12. What other details should be included?

## 7.8 Licensing of approved kennel establishments

Section 27(4) of the Dog Act provides that a licence to keep an approved kennel establishment may be granted by a local government on an application made in a manner and form approved by the local government, which may be required to be supported by evidence that due notice of the proposed use of the land has been given to persons in the locality, and where notice is required to be given the local government shall have regard to any objections raised.

Subsection (5) states that a licence under this section has effect for a period of 12 months, and is renewable upon payment of the prescribed fee, but may be cancelled at any time by the local government if the local government is dissatisfied with the conduct of the establishment.

## Issue and proposal

### Licensing of approved kennel establishments

#### Issue/system area

Approved kennel establishments require time for data integration and consideration for the CRS as these licenses appear to be determined by council on a district basis and depend on local laws.

#### Proposal & rationale

Not proposing to include the licensing assessment for approved kennel establishments within the CRS currently.

Matters for inclusion in the CRS:

- The decision
- End date before renewal
- If the local government refuses the grant of a licence, the reason and whether the review lodged with SAT s. 27(7)
- Cancellation of licence – reason and whether review lodged with SAT regarding: s.27(7).

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

13. How are local governments notified of the review of decisions in SAT regarding approved kennel establishment decisions?

## 7.9 Warrants

Section 29(4AA) of the Dog Act provides that an authorised person may enter premises and seize and detain a dog that is required to be, but is not sterilised if the entry is under a warrant issued under subsection (5C).

Section 29(5C) provides that if a justice of the peace is satisfied that there are reasonable grounds to believe that a dog is required under the Dog Act to be sterilised but is not, the justice of the peace may issue a warrant authorising any authorised person to enter any premises and seize and detain the dog.

### Issue and proposal

| Warrants   |  |
|--|--|
| Issue/system area  | Proposal & rationale   |
| Amendments to regulation 15, Form 2 and Form 3 of the Dog Regulations. | <ul style="list-style-type: none"><li>• Regulation 15 of the Dog Regulations should be amended to refer to section 29(5C) of the Dog Act</li><li>• Proposed amendments to 'Form 2' and 'Form 3' (if required)</li><li>• Provide for option that warrants could be recorded in the CRS (e.g., a digital warrant with an electronic signature of the JP or a scanned copy of the original hard copy).</li><li>• Prepare guidelines to assist rangers to ensure that they follow the correct procedure/meet their obligations under the Dog Act and Cat Act regarding warrants.</li></ul> |

### Cost-benefit analysis and economic impact assessment

Low economic impact.

### Guiding questions

14. How are warrants currently issued to local governments?
15. How do local governments keep record of warrants issued?

## 7.10 Investigations and enforcement

As part of the implementation phase to comply with the changes to the legislation, the DLGSC will provide educational material and further engagement with local governments to assist local governments with enforcement and compliance with the requirements under the legislation. Engagement activities will provide insights on support and materials that may be required during this phase.

### Issue and proposal

#### Upskilling for rangers and local government staff – Training

| Issue/system area  | Proposal & rationale   |
|--|--|
| Training, upskilling or enforcement assistance for rangers and local government staff. | Local government alerts, factsheets, and guidance notes to be provided to stakeholders advising of the of changes to legislation and stakeholder responsibilities. |

#### Cost-benefit analysis and economic impact assessment

Low economic impact.

#### Guiding questions

16. What other training, upskilling or enforcement assistance do rangers and local government staff need to administer and enforce the requirements under the legislation?