



Information for local governments

Proposed new laws and changes to the *Dog Act 1976* *Dog Amendment (Stop Puppy Farming) Bill 2020*

Background

The *Dog Amendment (Stop Puppy Farming) Bill 2020* (the Bill) has been introduced into Parliament after overwhelming support was received from Western Australians for the proposed reforms.

The Bill delivers on the State Government's commitment to Stop Puppy Farming, reform pet shops and improve the traceability of dogs.

What new laws are being proposed?

Currently, dog breeding in Western Australia is not regulated and, over the past few years, the community has raised concerns about the breeding of dogs.

As a result, the State Government is proposing to introduce mandatory dog sterilisation and dog breeder approval to regulate the breeding of dogs in WA.

A centralised registration system will also be introduced to assist local government authorities share information and monitor dog owners and breeders.

The State Government has also proposed to transition pet shops into adoption centres to help rehome unwanted dogs.

How will this benefit local government authorities?

Currently, local government authorities are unable to prevent irresponsible dog breeders from continuing to breed indiscriminately. This creates a burden on local government authorities that must rehome abandoned and surrendered puppies and dogs.

The intent of these provisions is to ensure local government authorities have the tools to deal with irresponsible dog breeders. These provisions will allow a local government to require a person to sterilise their dog or obtain an 'approval to breed' dogs.

If a local government cancels an 'approval to breed', they will be able to require a person to sterilise the dogs in their care.

The centralised database will reduce registration administration for local government authorities and provide accurate information on dogs (and cats) throughout the State to underpin enforcement. It should also facilitate an increase in compliance with registration. The fact that owners will be able to readily update details in the system should improve the accuracy of the information.

Registration fees will be reviewed to cover the ongoing costs of the system, with new fees for approvals to breed or supply dogs through a pet shop. These changes will not increase costs for local governments, and may result in savings.



Mandatory dog sterilisation

Under the new legislation, it will be mandatory for all dog owners to sterilise their dog by the time the dog reaches two years of age, unless it is otherwise exempt.

These provisions will only apply to dogs that are not registered with their local government when the legislation comes into effect. This may have the effect of improving compliance with registration before that date.

Exemptions from sterilisation for dogs will be similar to the existing cat provisions:

- a vet certifying that the procedure will have an adverse impact on the health and physical well-being of the dog and owners with an approval to breed.
- In addition, greyhounds registered with Racing and Wagering Western Australia (RWWA) and livestock working dogs (dogs that are bone fide used in droving or herding livestock) are exempt.

Under the new legislation, the registration period for unsterilised dogs will change to annual registrations only. This will be an annual reminder to owners and will increase revenue to local governments.



Approval to breed dogs

Under the new legislation, dog owners will need to obtain an 'approval to breed' if they wish to breed from or not sterilise their dogs. 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.

An 'approval to breed' is, in effect, an approval to own unsterilised dogs – it has nothing to do with whether the owner is carrying on a business. This is similar to the effect of the existing 'approval to breed' for cat owners.

Dealing with an 'approval to breed' dogs

A local government will be able to refuse an application on the grounds that the applicant:

- is under 18 years of age; or
- is a person convicted of an offence under the *Dog Act 1976*, *Cat Act 2011*, and *Animal Welfare Act 2002* in the previous five years; or
- does not have sufficient facilities, or access to sufficient facilities, to breed dogs in accordance with any standards under the *Animal Welfare Act 2002* or any other written law; or
- is not a fit or proper person to breed dogs.

A local government will be able to attach conditions to the 'approval to breed'.

An 'approval to breed' dogs can be cancelled by a local government if the dog owner who holds the 'approval to breed':

- requests that the approval is cancelled; or
- does not comply with a condition of the approval; or
- does not comply with a requirement under the *Dog Act 1976* or *Animal Welfare Act 2002*; or
- does not keep any dogs in the district of the local government.

The local government can also cancel an 'approval to breed' dogs for the same reasons that they can refuse an application for an 'approval to breed' dogs.

How will requiring people to have an ‘approval to breed’ dogs help stop puppy farming?

The introduction of a requirement for owners to obtain an ‘approval to breed’ dogs from their local government will allow local governments to:

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



Centralised registration system

An online centralised registration system will be established. This aligns with previous requests from the local government sector and will improve the management of both dogs and cats in the State.

Owners will be able to apply to register their cats and dogs, supply documentation and make payment online. Local governments will approve the applications online and confirm the registration. Some people will still choose to do this by visiting their local government office.

The introduction of an online system will not only bring benefits of convenience to consumers but also to the local government.

All existing dog and cat registers in Western Australia that are currently maintained by local governments will be merged into the centralised registration system. The State Government will acquire and maintain the database, and work with local governments on the transfer of the data. More details will become available once the new system is acquired.

New advertising and transfer requirements

Under the new legislation, dog owners will be required to provide their ‘dog owner number’ when advertising a dog and/or transferring a dog to a new owner. This unique number will be available through the centralised registration system.



Pet shop approvals

Under the new legislation, pet shops that would like to supply dogs will need to obtain a pet shop approval from their local government. These pet shops will only be able to supply dogs that they have sourced from a refuge organisation 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 only be able to refuse an application on particular grounds set out in the legislation.
- Local governments will also be responsible for cancelling pet shop approvals when necessary.

The State government will be responsible for:

- assessing dog supply applications from refuges.
- cancelling dog supply approvals when necessary.

A dog management facility will be able to apply for ‘approval to supply’ dogs to an approved pet shop. More information is available in the [Transition of Pet Shops Fact Sheet](#).

Enforcement powers

In addition to the current enforcement powers under the *Dog Act 1976*, local government authorities will have additional investigative and enforcement powers under the *Dog Act 1976*:

- refuse or cancel a dog's registration if the dog is not sterilised and required to be sterilised under the *Dog Act 1976*;
- seize and detain an unsterilised dog in accordance with the *Dog Act 1976*, including obtaining a warrant to enter premises to seize an unsterilised dog;
- cause a dog to be sterilised that is meant to be sterilised in accordance with the process under the *Dog Act 1976*;
- require a holder of a pet shop approval or a dog supply approval to provide their records to the local government.

How can I remain up to date?

For more information on the Stop Puppy Farming Project, visit the Department of Local Government, Sport and Cultural Industries website
www.dlgsc.wa.gov.au/stoppuppyfarming

If you would like to receive regular communications about the Stop Puppy Farming Project, email puppyfarming@dlgsc.wa.gov.au and request to be put on the Stop Puppy Farming email mailing list.