



Mandatory Sterilisation and Dog Breeding

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.

Mandatory Sterilisation

Under the proposed new laws, dogs must be sterilised within two years of birth, unless exempt. They can of course be sterilised earlier as most dogs are.

The Bill also proposes to make changes to dog registration periods.

Currently, dog owners are required to register their dog with their local government by the time their dog is three months of age. Dogs can be registered for:

- an annual period;
- a three-year period;
- a lifetime.

The registration period for dogs that are unsterilised will change to annual registrations only. Three year and lifetime registration options will only be available for dogs that are sterilised.

What dogs will be exempt from sterilisation

- Dogs registered before the commencement of the Amendment Act (new laws);
- Dogs temporarily exempt because a veterinarian has certified that a sterilisation procedure would adversely affect the health of the dog;
- Livestock Working Dogs;
- Greyhounds registered with Racing and Wagering Western Australia (RWVA);
- Dogs owned by a person with an 'approval to breed'.

What is an 'approval to breed' for the purposes of the Stop Puppy Farming Bill?

Under the proposed new laws, a person 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 from being sterilised); or
- They intend to use their dog for breeding (regardless of the dog's age); or
- Their dog breeds, (regardless of the dog's age), even if the dog breeds unintentionally.

Once a local government has granted an approval to breed dogs, the approval continues to be in place indefinitely (unless cancelled) and will not require renewal unless the dog breeder moves to a new local government district.

Currently, dog owners are not required to register with (or notify or obtain permission from) any government authority to breed dogs. The government understands that for many professional breeders who are currently registered with their own organisations this seems unnecessary. However, the introduction of this requirement to obtain an 'approval to breed' with their local government enables the government to cancel owner's approval to breed if they breach the law, thereby shutting down any puppy farms. It also allows government to trace a dog back to its breeder, if health issues are identified. The government will refuse to grant an approval to breed dogs to a person who has been convicted of animal welfare offences.

This requirement is necessary to prevent irresponsible dog breeders from continuing to operate.

Will a person who is registered with a dog association, such as Dogs West, be required to apply for an approval to breed dogs?

A member of a dog association such as Dogs West will be required to apply for an 'approval to breed' dogs on the centralised registration system. This enables monitoring of all breeders by local government authorities for compliance with relevant laws.

When will the new provisions commence?

The Bill must firstly be debated and passed through Parliament. The requirement for a person to obtain an approval to breed dogs will come into effect on a specific date after parliamentary approval.

Dogs registered before the commencement of this Amendment Act will be exempt from the mandatory dog sterilisation requirements.

A public awareness campaign will be launched to inform the community on when the provision will come into effect and how it will affect different stakeholders.

How does a dog owner apply for an approval?

A person will need to make an 'approval to breed' application to their local government online or in person. The local government will consider the application and can only refuse the application in the following circumstances:

- The applicant is under 18 years of age; or
- The applicant is a person convicted of an offence under the *Dog Act 1976*, *Cat Act 2011*, and *Animal Welfare Act 2002*; or
- The applicant 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
- The applicant is not a fit or proper person to breed dogs.

Are there any dog owners who will be exempt from the requirement to get an approval to breed?

Owners of greyhounds that are licensed with Racing and Wagering Western Australia (RWVA) will not be required to obtain an approval to breed dogs. This is because RWVA already regulate and monitor the breeding of racing greyhounds.

An owner is not required to sterilise a dog by the time it is two years old on the following grounds:

- The dog was registered with their local government before the commencement of the new legislation
- A veterinarian has issued a certificate stating that sterilising the dog would adversely affect its health and welfare – until that certificate expires
- The dog is used as a livestock working dog.

However, all dog owners will still need to obtain an ‘approval to breed’ if they intend to breed their dog, or their dog breeds.

For example, a livestock working dog is exempt from the requirement to be sterilised. If the livestock working dog does not breed, then their owner will not need an approval to breed. If the livestock working dog does breed, the owner will need to obtain an ‘approval to breed’.

How long does the approval to breed dogs remain in place?

An ‘approval to breed’ dogs will remain in place indefinitely, unless it is cancelled by the local government or the person moves to another local government district.

Can an approval to breed dogs be cancelled?

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 (see above).

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.

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.