

# Legislating to End Puppy Farming – the Way Forward

Following broad consultation with dog breeding groups, animal welfare organisations, and the veterinary profession, RSPCA Australia developed a strategy report: *End Puppy Farming - The Way Forward*. The report proposed seven key strategies to address the issue of puppy farming in Australia. A number of the strategies require legislative amendment to state and territory animal management and welfare laws to facilitate the stated outcomes.

Broadly, these strategies concern the issues of traceability, in the sense of linking puppies to their breeders and mothers, minimum standards of conduct for dog breeders, and appropriate legislative mechanisms to facilitate enforcement. This document outlines how state and territory governments may seek to implement these strategies within their animal management and welfare legislative regimes. The legislative elements required can be summarised as follows:

Element	Implemented within
<b>1. Traceability</b>	Animal management legislation
1.1 Registration of dog breeders	Animal management legislation
1.2 Compulsory microchipping of all dogs before 12 weeks of age and prior to sale or transfer	Animal management legislation
1.3 Disclosure of breeder registration number or microchip number at the point of sale and in advertisements	Animal management legislation
<b>2. Mandatory standards for dog breeding</b>	Animal welfare and management legislation
<b>3. Monitoring and Enforcement</b>	Animal welfare and management legislation
3.1 Shared enforcement approach between local government and RSPCA	Animal welfare and management legislation
3.2 Effective court orders	Animal welfare and management legislation

It is important to note that while this paper deals specifically with measures to address the breeding of dogs, the legislative framework proposed should also apply equally to the breeding of cats. RSPCA Australia would recommend that state and territory governments include the breeding of cats in the ambit of any such legislative reforms (as is the case with the Gold City Council Pilot Program, discussed below).

It is recommended that responsibility for the administration and enforcement of these initiatives be shared between state and territory departments of local government, local councils, and state and territory RSPCA inspectorate departments to increase monitoring and enforcement capabilities.

RSPCA Australia notes that a number of states are already engaging in legislative reforms that will give effect to many of the strategies proposed. It is important that such amendments are nationally consistent

(or as equivalent as possible) to prevent regulatory “black holes” which may undermine efforts to address puppy farming on a nation-wide basis. The attached tables summarise the current state of relevant legislation in each state and territory.

## 1. Traceability

The ability to trace the origin of puppies to their mothers and breeders is crucial for facilitating appropriate regulation and transparency in dog breeding activities. It will provide local government with a cost-effective mechanism for auditing and monitoring breeders to ensure they are complying with their statutory obligations. It will also give prospective dog owners the reassurance they are seeking to ensure they do not contribute to the perpetuation of puppy farming operations.

To enable traceability, RSPCA Australia advocates for the following three requirements to be implemented in state and territory animal management legislation.

### 1.1 *Registration of dog breeders*

RSPCA Australia believes that all people who wish to engage in breeding dogs should be required to register as a dog breeder with their local government. The application of this requirement should be broad and apply to any person who wishes to keep one or more entire dogs regardless of whether that person has a stated intention to engage in breeding. Different registration requirements can of course apply to individuals seeking to register one breeding dog, as opposed to those seeking registration for the operation of a larger scale commercial breeding establishment, which may consist of 10 or more breeding dogs.

All registration details should be collated in a state-based breeder register maintained by the administering authority. Members of the public should be able to search the register to ensure the accuracy of the breeder registration number provided by a breeder.

State and territory animal management legislation should be amended to provide for these requirements and the associated registration procedure. The legislation should make compliance with a prescribed breeder standard (as outlined below) a condition of registration, with an accompanying inspections regime to verify such compliance.

### 1.2 *Compulsory microchipping*

State and territory animal management legislation should provide for a requirement to microchip puppies before they reach 12 weeks of age and prior to their sale or transfer. The legislation should also require the information recorded on the microchip database to include the microchip ID number for the puppy’s mother, the breeder’s contact details, and the breeder’s registration number. The process of recording such information should be prescribed in legislation and include requirements for the owner to provide evidence of the accuracy of the details to be recorded. Such evidence may include the provision of a driver’s licence or other personal identification, and registration certificate for the breeder bitch for instance. The microchip database should be licensed and regulated by the responsible state or territory government department. The relevant department should have full access to information recorded in the database.

To enable effective monitoring and enforcement, microchip databases should have a mechanism for recognising maximum numbers of puppies that can be recorded to any one breeding bitch or breeder registration number. For instance, if a breeder is registered as having two entire females, the maximum number of pups that can be linked to that breeder’s registration number within one year may be set at 20. If the maximum number is exceeded this should be flagged in the microchip database and an automated notification sent to the relevant local government authority. A local government officer could then

contact the breeder to establish the reason for exceeding the prescribed limit and conduct further investigation if necessary.

For the purposes of facilitating a national approach to breeder registration and companion animal management generally, RSPCA Australia believes a national microchip database should be established to enable centralised microchip data collation and analysis.

### **1.3 Disclosure of breeder registration number or microchip number**

The animal management legislation should also impose a requirement for the breeder registration number to be displayed at the point of sale and in all advertisements for a puppy. This would enable a prospective dog owner to search the relevant breeder register to ensure the breeder number is legitimate. In those states that do not have a breeder registration scheme there should be a requirement to display the puppy's microchip number.

## **2. Mandatory standards for dog breeding**

Each state and territory should adopt mandatory standards for the breeding of dogs under their animal welfare legislation. Compliance with the standards should also be made a condition of registration as a breeder. Breaching the standards could therefore attract punitive penalties under animal welfare legislation, and revocation of the breeder's registration under animal management legislation.

To ensure the welfare of breeding dogs, RSPCA Australia believes the breeder standards should include the following key welfare standards. Breeder standards should be informed by the five freedoms, ensure the animals' physiological, behavioural and social needs are met, and promote positive emotional states.

### **2.1 Exercise**

Animals must be provided with daily opportunities to exercise in safe secure environments outside the area where the animal is normally housed. This provides dogs with a daily opportunity to exercise, play, seek, explore, and urinate and defaecate, outside their housing area. This is necessary to maintain the mental and physical health of animals. Exercise areas should include secure outdoor areas with natural lighting.

### **2.2 Social contact**

Animals must be provided with daily opportunities to socialise with con-specifics (other dogs) and humans. Social interactions with humans and other dogs should be positive and rewarding.

Puppies have a critical socialisation period (from approximately 3 to 17 weeks of age). During this period it is very important to provide puppies with positive and safe experiences with a variety of people, places, other dogs, objects, sights, sounds and other novel stimuli that dogs will likely encounter as they grow older. Experiences during this critical period influence a dog's behaviour throughout its life. Determining where and when it is safe to take puppies to different places in relation to their vaccination status and infectious diseases should be based on veterinary advice.

### **2.3 Environmental enrichment**

Animals must be provided with daily environmental enrichment (such as feeding enrichment) to provide physical and mental stimulation and to allow the expression of natural behaviours such as chewing.

### **2.4 Staff:animal ratios**

The ratio of staff to animals must be sufficient to ensure that each individual animal's physiological, behavioural and social needs are met each day and that a high standard of care is provided. For further details regarding staff:animal ratios please refer to The Association of Shelter Veterinarians (2010) Guidelines for Standards of Care in Animal Shelters.

Staff must be competent to carry out their duties and responsibilities.

## **2.5 Housing**

Housing must meet the physiological, behavioural and social needs of the breeding animals and their offspring. Housing facilities must be designed and maintained to provide a clean, comfortable and safe environment.

The housing space should be as large as possible. At a minimum, the housing area must provide sufficient space to allow animals to walk around freely without obstruction, and to sleep and eat away from areas where they urinate and defaecate. In addition, housing should be designed to make use of natural lighting and to provide animals with access to outdoor enclosures. Animals should be housed as appropriate for the individual animal (individually or in compatible pairs/groups). Dogs are generally very social animals and therefore most dogs can be housed in compatible pairs/groups.

Housing standards must cover aspects including temperature, humidity, ventilation, air quality, noise, light, space, surfaces, drainage, cleaning and security etc.

Suitable quarantine areas should be available for disease control management.

## **2.6 Breeding Management**

Breeding animals must be physically healthy, free of disease and inherited disorders. Prior to using an animal for breeding, the breeder must consult with a registered veterinarian to determine whether the animal is suitable for breeding. If deemed suitable, the breeder must develop an appropriate breeding management program for each individual breeding animal based on veterinary advice.

The age at commencement of breeding must be based on veterinary advice. Breeding animals must not be mated during their first oestrous cycle. Breeding animals must have reached full physical development (maturity) prior to breeding based on veterinary advice.

Breeders must screen potential breeding animals under veterinary advice for health problems (inherited disorders, genetic defects and exaggerated physical features) and behavioural problems that compromise animal welfare. If such problems are detected the animal should be excluded from breeding. Breeders should also screen potential breeding animals to identify animals with an 'unaffected carrier' status for inherited disorders and use this information to inform breeding practices and avoid inherited diseases in offspring.

Breeding mates must not be closely related to each other. For example, first degree (e.g. father-daughter) and second degree (e.g. grandfather-granddaughter) matings must be avoided.

The frequency of pregnancies, the number of pregnancies and the appropriate time/age for retirement from breeding must be based on veterinary advice. A breeding bitch must not have more than 5 litters of puppies during her entire lifetime.

Where an animal exhibits or produces offspring with an inherited disorder or characteristic (e.g. exaggerated physical feature or behavioural problem) that has been identified as compromising the animal's quality of life, health or welfare, that animal should be excluded from breeding. These animals should be desexed where this is deemed in the best interests of the animal by a registered veterinarian. These animals must be either provided with a high standard of housing and care at the breeder facility or

re-homed to a suitable owner/carer. These animals should not be euthanased unless it is deemed necessary and in the best interests of the animal's welfare by a registered veterinarian.

The breeder must not euthanase/cull healthy offspring simply because they do not conform to a 'breed standard'.

### **2.7 Veterinary care and General care**

Veterinary care and general care (e.g. grooming, parasite control etc) must be provided as required to ensure the health and welfare of the animal.

All animals must be checked at least twice a day and receive appropriate and sufficient food and water.

Daily records of the animals must be kept to monitor eating, drinking, urination, defaecation, behaviour and general health. Procedures must be in place to ensure medications or other veterinary treatments are given as prescribed.

If an animal displays signs of illness or injury, veterinary care must be provided immediately. Euthanasia must only be performed by a registered veterinarian.

### **2.8 Retirement and re-homing policy**

Retired breeding animals, animals that are unable to breed or animals that are unsuitable for breeding, should be desexed where this is deemed in the best interests of the animal by a registered veterinarian and either provided with a high standard of housing and care at the breeder facility or re-homed to a suitable owner/carer. Any unsold or returned animals must be provided with a high standard of housing and care at the breeder facility either permanently or until they can be re-homed to a suitable owner/carer. Animals should not be euthanased unless it is deemed necessary and in the best interests of the animal by a registered veterinarian.

### **2.9 Training**

Animals should be trained using reward-based training methods involving positive reinforcement (the animal is rewarded when the desired behaviour is performed and unwanted behaviour is ignored). Reward-based positive reinforcement training is the most humane and effective training method, it sets the animal up to succeed, is enjoyable for the animal and positively enhances the relationship bond between the animal and handler.

Training programs based on aversive stimuli, dominance, force or punishment (applying something aversive (painful or unpleasant) to the animal) must not be used as they are inhumane and can cause long-term behavioural problems.

### **2.10 Transfer/transport of animals**

Animals must be transported safely, securely and comfortably. Transportation must be appropriate for the animals' biological needs and must not compromise animal health or welfare.

Animals must be in good health and fit for the intended journey. The only exception to this requirement is when the animal is being transported to a veterinarian for treatment.

Transport containers should enable the animal to lie down flat, turn around, stand erect and stretch with clearance. They should be robust and escape-proof, sufficiently enclosed to provide a sense of security whilst allowing adequate ventilation, appropriate temperature and the ability to inspect the animal during the journey.

Vehicles and containers must be designed, constructed and maintained as appropriate to the biological needs of the animals.

Animals must be provided with sufficient food, water and rest before, during and after the journey, according to their biological needs.

All animal transport journeys must be as short as possible in terms of the time and distance travelled.

The transport of unaccompanied (not under direct supervision) animals should be avoided wherever possible.

The transporters (for e.g. vehicle drivers, animal handlers etc) must be trained and competent in the transport of companion animals to ensure the health and welfare of the animal. The transporter is responsible for the care of the animal during transportation and must seek immediate veterinary assistance should a problem arise.

### **3. Monitoring and enforcement**

#### **3.1 *Shared enforcement approach between local government and RSPCA***

RSPCA Australia recommends that monitoring and enforcement operations for the new legislative scheme be shared between local government animal management officers and state and territory RSPCA inspectors. A targeted inspections regime that consists of both proactive routine (yet unannounced) inspections, and a reactive inspections strategy that responds to identified data discrepancies (as notified through microchip database systems) and complaints from the general public, should be developed between the relevant government authorities and the RSPCA.

#### **3.2 *Effective court orders***

It is not uncommon for defendants in animal management and welfare prosecutions to challenge enforcement action, and to appeal court decisions resulting in long and drawn-out legal proceedings. When this occurs it is important that the welfare of any seized animals can be appropriately provided for while the matter is before the courts. Often in cases involving puppy farms, the number of animals seized and the ongoing veterinary treatment and care required can result in the incursion of significant costs. In many cases these costs are borne by state and territory RSPCAs.

State and territory animal management and welfare legislation must provide mechanisms for the relevant prosecuting agency to apply for orders with respect to the ongoing ownership of the animals, the costs associated with the ongoing care of the animals, and prohibiting the defendant(s) from continuing to engage in dog breeding activities while the matter is before the courts.

##### **i. Interim Ownership Orders**

Most state animal welfare Acts already have provisions that allow inspectors to apply to a magistrate for an order that any seized animal(s) be forfeited (transfer of legal ownership) to the State while legal proceedings relating to those animals are still before the courts. In most cases, such an application will be decided “in the interests of the animal(s)” concerned. Equivalent provisions should also be inserted into animal management Acts to allow for such applications to be made following enforcement action taken by government departments for breaches of breeder licensing obligations such as non-compliance with mandatory breeder standards.

##### **ii. Interim Costs Orders**

Animal welfare and management legislation should allow the prosecuting agency to apply to a magistrate for an order that the defendant pay for the costs of caring for the seized animals, and if such an order is granted and the defendant fails to comply, legal title to the seized animals is transferred to the prosecuting agency. Currently, only Victoria's *Prevention of Cruelty to Animals Act 1986* provides for such a provision.

iii. Interim Prohibition Orders

It is not uncommon for puppy farming-defendants to continue engaging in breeding activities while legal proceedings are still before the courts. This puts further animals at risk and places additional strain on the resources of enforcement agencies should further enforcement action be required. Animal welfare and management legislation should provide for an application to be made to a magistrate for such defendants to be prohibited from engaging in breeding activities while legal proceedings against them are before the courts.

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
<b>Registration of breeders</b>	<p>Yes</p> <p>Section 74 of the <i>Domestic Animals Act 2000</i> requires a person who owns a cat over 3 months or dog over 6 months that is not desexed to have a permit. This applies regardless of whether the person intends for the animal to breed.</p>	<p>No</p> <p>The NSW Government has announced that it will redesign the state Companion Animal Register during 2014 to ensure that breeder details are captured and linked to animals they breed at the point of microchipping. <u>Update:</u> Breeder details still not captured on Register. See <i>Companion Animals Act 1998 No 87</i> [NSW] Pt 8</p>	<p>No</p>	<p>No</p> <p>Division 10 of the <i>Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007</i> (Gold Coast City Council) requires all persons keeping one (or more) entire cat or dog which the person “allows or encourages” to breed to have a breeder permit. (This is part of the Gold Coast pilot study.)</p> <p>The Qld Government released a Regulatory Assessment Statement for a proposed breeder registration scheme in 2012, but all further legislative progress was cancelled after the 2012 state election.</p>	<p>No</p> <p>The state’s Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending the establishment of a breeder licensing scheme that applies to one (or more) entire cat or dog. The SA Government is yet to provide a formal response to the Committee’s recommendations <u>Update:</u> The <i>Animal Welfare (Companion Animals) Amendment Bill 2014</i> was introduced by Hon Michelle Lensink MLC but is not yet passed.</p>	<p>No</p> <p>The Tasmanian Government released a discussion paper on the regulation of dog breeding in November 2013, but did not propose to establish a breeder registration scheme.</p>	<p>Yes</p> <p>Section 45 of the <i>Domestic Animals Act 1994</i> requires breeders to be registered, but only if the breeder is a “domestic animal business”, relevantly defined as “an enterprise which carries out the breeding of dogs and cats to sell” and consists of 3 or more fertile dogs or cats. However, if the breeder is part of a recognised breeding organisation, they will only be subject to registration requirements if they have over 10 fertile female dogs or cats.</p>	<p>Only for cats</p> <p>Division 4 of Part 3 of the <i>Cat Act 2011</i> requires a person who breeds cats to apply to the local government to become an “approved cat breeder”.</p>

<p><b>Compulsory microchipping</b></p>	<p>Yes</p> <p>Section 84 of the <i>Domestic Animals Act 2000</i> and Regulation 7 and 8 of the <i>Domestic Animals Regulation 2001</i> requires microchipping of cats and dogs prior to sale/transfer and by 12 weeks of age.</p> <p>Regulations 7 and 9 of the <i>Domestic Animals Regulation 2001</i> outline what information must be recorded in the microchip database. There is no requirement to record breeder information, or identification of mother.</p>	<p>Yes</p> <p>Section 8 of the <i>Companion Animals Act 1998</i> requires microchipping of cats and dogs prior to sale/transfer and by 12 weeks of age.</p> <p>Regulation 8 of the <i>Companion Animals Regulation 2008</i> outlines what information must be recorded in the microchip database. There is currently no requirement to record breeder information, or identification of mother. However, the NSW Government has stated that it will redesign the Companion Animal Register in 2014 so as to capture breeder details. <u>Update</u>: see note above re the Register</p>	<p>No</p>	<p>Yes</p> <p>Sections 13 and 14 of the <i>Animal Management (Cats and Dogs) Act 2008</i> requires microchipping of cats and dogs prior to sale/transfer and prior to reaching 12 weeks of age.</p> <p>Schedule 2 of the <i>Animal Management (Cats and Dogs) Act 2008</i> and Schedule 4 of the <i>Animal Management (Cats and Dogs) Regulation 2009</i> outline what information must be recorded in the microchip database. There is currently no requirement to record breeder information, or identification of mother.</p>	<p>No</p> <p>Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending that all cats and dogs be microchipped before sale. The Committee did not comment on what information should be recorded to the microchip. The SA Government is yet to provide a formal response to the Committee's recommendations <u>Update</u>: The <i>Animal Welfare (Companion Animals) Amendment Bill 2014</i> was introduced by Hon Michelle Lensink MLC but is not yet passed.</p>	<p>Only for dogs</p> <p>Section 15A of the <i>Dog Control Act 2000</i> requires microchipping of dogs at 6 months of age. There is no requirement to record breeder information, or identification of mother.</p>	<p>Yes</p> <p>Section 10C of the <i>Domestic Animals Act 1994</i> requires cats and dogs to be microchipped as a condition of registration (which is compulsory once the animal is 3 months of age). However the requirement to microchip prior to sale/transfer under section 12A only applies to domestic animal businesses.</p> <p>Regulation 12 of the <i>Domestic Animals Regulations 2005</i> outlines what information must be recorded in the microchip database. There is no requirement to record breeder information, or identification of mother.</p>	<p>Yes</p> <p>Sections 14 and 23 of the <i>Cat Act 2011</i> requires microchipping of cats prior to transfer/sale and by 6 months of age. There is no requirement to record breeder information, or identification of mother. Section 21 of <i>Dog Act 1976</i> requires microchipping of dogs prior to 3 months of age. There is no requirement to record breeder information, or identification of mother.</p>
--	--	--	-----------	--	--	---	---	--

Legislating to End Puppy Farming - the Way Forward

<p><b>Disclosure of breeder ID or microchip numbers</b></p>	<p>No</p>	<p>No The NSW Government has announced that it will work with the state's Animal Welfare Advisory Council in 2014 to "enable a breeder identification number to be used on advertising." <u>Update:</u> No evidence found that this has happened yet.</p>	<p>No</p>	<p>No Standard 37 of the <i>Code of Practice for the Keeping and Breeding of Entire Cats and Dogs</i> (Gold Coast City Council), requires breeder permit numbers to be displayed in advertisements but not at the point of sale.  Qld Government released a Regulatory Assessment Statement for a proposed breeder registration scheme in 2012, which included a requirement for registered breeders to display their breeder identification number at the point of sale and in advertisements. However, all further legislative progress was cancelled after the 2012 Qld election.</p>	<p>No A Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending a requirement that a breeder licence number be included in advertisements and at the point of sale. The SA Government is yet to provide a formal response to the Committee's recommendations <u>Update:</u> The <i>Animal Welfare (Companion Animals) Amendment Bill</i></p>	<p>No The Tasmanian Government released a discussion paper on the regulation of dog breeding in November 2013 proposing that the registration number of the puppy's mother be quoted at the point of sale and in advertisements.</p>	<p>Yes Section 12A (2) of the <i>Domestic Animals Act 1994</i> requires an animal's microchip number to be displayed in any advertisement for the animal, but not at the point of sale. If the seller is a 'domestic animal business' the breeder must display the microchip number or the breeder registration number, and the name of the issuing Council.</p>	<p>No</p>
<p><b>Compulsory registration</b></p>	<p>Only for dogs <i>Domestic Animals Act 2000</i> Pt 2 Div 2.1</p>	<p>Yes <i>Companion Animals Act 1998</i> Pt 2</p>	<p>No</p>	<p>Yes <i>Animal Management (Cats and Dogs) Act 2008</i> Ch 3 (dogs) Ch 10 Div 2,3 (cats).</p>	<p>Only for dogs <i>Dog and Cat Management Act 1995</i> Pt 4.</p>	<p>Only for dogs <i>Dog Control Act 2000</i> Pt 2.</p>	<p>Yes <i>Domestic Animals Act 1994</i> Pt 2.</p>	<p>Yes <i>Dog Act 1976</i> Pt 3 Div 1 and <i>Cat Act 2011</i> Pt 2.</p>

Table 2: Relevant state and territory legislation with respect to breeder standards (as at 28 May 2015)

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Compulsory breeder standards	No The <i>Animal Welfare Act 1992</i> adopts the <i>Animal Welfare (Welfare of Cats in the ACT) Code of Practice 2007</i> and the <i>Animal Welfare (Welfare of Dogs in the ACT) Code of Practice 2010</i> , which both contain provisions regarding breeding but they are not mandatory Codes.	Yes The standards prescribed in the <i>Animal Welfare Code of Practice - Breeding of Cats and Dogs</i> are mandatory, and apply to 'animal trades'. Animal trades are any 'trade, business or profession' in the course of which animals are bred for fee or reward: r.20 and sch. 2, <i>Prevention of Cruelty to Animals (General) Regulation 2006</i> .	No	No Gold Coast City Council has developed a <i>Code of Practice for the Keeping and Breeding of Entire Cats and Dogs</i> . Compliance with the Standards prescribed in the Code is a condition of the breeder permit: s.52, <i>Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007</i> (Gold Coast City Council).  Biosecurity Queensland developed the <i>Queensland Standards and Guidelines for the Welfare of Animals: Breeding Dogs</i> in 2012 with the intention of incorporating the standards under the <i>Animal Care and Protection Act 2001</i> . However, no further legislative progress was made to incorporate the standards following the change of government in 2012.	No A Parliamentary Select Committee on Dogs and Cats as Companion Animals released its final report in July 2013 recommending the establishment of enforceable breeding standards for cats and dogs. The SA Government is yet to provide a formal response to the Committee's recommendations <u>Update:</u> The <i>Animal Welfare (Companion Animals) Amendment Bill 2014</i> was introduced by Hon Michelle Lensink MLC but is not yet passed.	No The Tasmanian Government released a discussion paper on the regulation of dog breeding in November 2013 proposing the establishment of compulsory breeder standards.	Yes Breeders who are defined as a 'domestic animal business' are required to comply with the provisions of the <i>Code of Practice for the Operation of Breeding and Rearing Establishments: s.63A, Domestic Animals Act 1994</i> . This Code was revised in December 2013 introducing far more comprehensive standards, which will come into force on 11 April 2014.	No

**Table 3: Relevant state and territory legislation with respect to interim court orders (as at 28 May 2015)**

Legislation required	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Interim ownership orders	No	Yes Section 31(4) of the <i>Prevention of Cruelty to Animals Act 1979</i> allows an inspector to apply to a magistrate for an order to sell any seized animal(s).	No	Yes Section 154 of the <i>Animal Care and Protection Act 2001</i> allows the Chief Executive to forfeit seized animals to the State to prevent the animal(s) from becoming the subject of an animal welfare offence.	Yes Section 31C (2) of the <i>Animal Welfare Act 1985</i> allows an inspector to apply to a magistrate for an order to sell any seized animal(s) if it is “impracticable or unreasonable” for the animal(s) to be retained until the proceedings have concluded.	Yes Section 20(5) of the <i>Animal Welfare Act 1993</i> allows an inspector to apply to a magistrate for an order to sell any seized animal(s). The Magistrate may only make the order if it “is in the best interests of the animal.”	Yes Section 24X of the <i>Prevention of Cruelty to Animals Act 1986</i> , and s.84WB of the <i>Domestic Animals Act 1994</i> , allow an inspector to apply to a magistrate for an order to sell any seized animals if the welfare of those animals may be at risk if returned to the owner.	Yes Section 44(8) of the <i>Animal Welfare Act 2002</i> allows an inspector to apply to magistrate for an order that seized animal(s) be forfeited to the State. The magistrate must have regard to the welfare, safety and health of the animal(s) in making the order.
Interim costs orders (failure to comply with which results in ownership transfer)	No	No	No	No	No	No	Yes Section 24X(2)(a)(i) of the <i>Prevention of Cruelty to Animals Act 1986</i> and s.84WD of the <i>Domestic Animals Act 1994</i> , allows an inspector to apply to a magistrate for an order that the defendant pay costs for the care and maintenance of any seized animals, or a bond or security for such, and if any subsequent order is not complied with the animal(s) can be sold.	No

**Table 3: Relevant state and territory legislation with respect to interim court orders (as at 28 May 2015)**

Interim prohibition orders	No	No	No	Yes Section 181A of the <i>Animal Care and Protection Act 2001</i> allows the court to make an order, pending completion of proceedings, prohibiting the alleged offender from possessing or purchasing or otherwise acquiring— (a) any animal; or (b) a stated type of animal; or (c) any animal, or a stated type of animal, for trade or commerce or another stated purpose.	No	No	No	No
----------------------------	----	----	----	---	----	----	----	----