



Australian Capital Territory

Domestic Animals Regulation 2001

SL2001-17

made under the

Domestic Animals Act 2000

Republication No 8

Effective: 23 May 2006 – 30 April 2008

Republication date: 23 May 2006

Last amendment made by A2005-57

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Domestic Animals Regulation 2001*, made under the *Domestic Animals Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 23 May 2006. It also includes any amendment, repeal or expiry affecting the republished law to 23 May 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Domestic Animals Regulation 2001

made under the

Domestic Animals Act 2000

Contents

	Page
Part 1	Preliminary
1	Name of regulation 2
2	Dictionary 2
3	Notes 2
4	Offences against regulation—application of Criminal Code etc 3
Part 2	Dogs
5	Dog registration information—Act, s 8 4
6	Information on dog registration certificates—Act s 11 (2) 4
7	Identification of dogs—Act, s 83 4

R8
23/05/06

Domestic Animals Regulation 2001
Effective: 23/05/06-30/04/08

contents 1

	Page
Part 3 Identifying cats	
8 Cats to which compulsory identification applies—Act, s 83	6
9 How cats must be identified—Act, s 83	6
Part 4 Implanting microchips in cats	
10 Meaning of <i>authorised identifier</i>	8
11 Approval of identifying microchip	8
12 Identifying microchip to be implanted only by authorised people etc	8
13 Procedure for identification of cats	9
14 Authorisation of identifiers	10
15 Withdrawal of authorisation	10
16 Review of decisions	11
Part 5 Miscellaneous	
17 Dishonoured cheques	12
Dictionary	13
Endnotes	
1 About the endnotes	14
2 Abbreviation key	14
3 Legislation history	15
4 Amendment history	16
5 Earlier republications	18



Australian Capital Territory

Domestic Animals Regulation 2001

made under the

Domestic Animals Act 2000

Part 1 Preliminary

1 Name of regulation

This regulation is the *Domestic Animals Regulation 2001*.

2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

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

For example, the signpost definition ‘*authorised identifier*, for part 4 (Implanting microchips in cats)—see section 10.’ means that the term ‘authorised identifier’ is defined in that section and applies to part 4.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 **Offences against regulation—application of Criminal Code etc**

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Dogs

5 **Dog registration information—Act, s 8**

If the registrar registers a dog, the registrar must record the following information in the register:

- (a) the name and address of the keeper of the dog;
- (b) if the dog is kept at another address—the address;
- (c) the registration number allotted to the dog;
- (d) if the dog is an assistance animal—a statement to that effect;
- (e) if the dog is a dangerous dog—a statement to that effect.

6 **Information on dog registration certificates—Act s 11 (2)**

A registration certificate for a dog must state the following information:

- (a) the registration number allotted to the dog;
- (b) if the dog is a recognisable breed—the breed;
- (c) the colour of the dog;
- (d) if the dog is an assistance animal—a statement to that effect;
- (e) the name and address of the keeper of the dog;
- (f) the day the registration ends.

7 **Identification of dogs—Act, s 83**

- (1) All dogs must be identified by a registration tag attached to a collar worn by the dog.
- (2) The registration tag must include 1 or more of the following identification particulars:

- (a) the name and address of the dog's keeper;
- (b) the name and address of the dog's carer;
- (c) a contact telephone number for the dog's keeper;
- (d) a contact telephone number for the dog's carer;
- (e) the dog's registration number.

Part 3 Identifying cats

8 Cats to which compulsory identification applies—Act, s 83

- (1) A cat must be identified if the cat—
 - (a) is at least 12 weeks old; or
 - (b) has been sold.
- (2) However, a cat need not be identified if—
 - (a) the cat is less than 6 months old; and
 - (b) a veterinary surgeon certified in writing, before the cat was 12 weeks old or first sold (whichever is the earlier), that identification of the cat as required by section 9 would be a serious health risk to the cat.

9 How cats must be identified—Act, s 83

- (1) The cat must be identified by an identifying microchip that—
 - (a) is implanted in the cat; and
 - (b) contains a number by which the identification particulars for the cat can be worked out; and
 - (c) functions properly.
- (2) The identification particulars for a cat are 1 or more of the following:
 - (a) the name and address of the cat's keeper;
 - (b) the name and address of the cat's carer;
 - (c) a contact telephone number for the cat's keeper;
 - (d) a contact telephone number for the cat's carer.

- (3) However, this section does not apply to a cat if—
- (a) the keeper or carer of the cat does not live in an area for which a declaration under the Act, section 81 is in force; and
 - (b) the cat is identified by a tag attached to a collar worn by the cat; and
 - (c) the tag includes—
 - (i) the identification particulars for the cat mentioned in subsection (2); or
 - (ii) a number by which the identification particulars for the cat can be worked out; and
 - (d) the cat has not been sold since the commencement of this section.
- (4) Subsection (3) and this subsection expire on 30 June 2008.

Part 4 Implanting microchips in cats

10 **Meaning of *authorised identifier***

In this part:

authorised identifier means a person who is authorised under section 14 as an identifier of cats.

11 **Approval of identifying microchip**

- (1) The Minister may approve a microchip (an *identifying microchip*) to be used for identifying cats.
- (2) An approval is a notifiable instrument.

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

12 **Identifying microchip to be implanted only by authorised people etc**

- (1) A person commits an offence if—
 - (a) the person implants an identifying microchip in a cat; and
 - (b) the person is not a veterinary surgeon or authorised identifier.Maximum penalty: 10 penalty units.
- (2) A person commits an offence if—
 - (a) the person is asked by the keeper or carer of a cat to implant an identifying microchip in the cat; and
 - (b) the person implants a microchip in the cat; and
 - (c) the microchip is not an identifying microchip.Maximum penalty: 10 penalty units.
- (3) An offence against subsection (1) or (2) is a strict liability offence.

- (4) A person who is not an authorised identifier commits an offence if the person represents himself or herself to be an authorised identifier.

Maximum penalty: 5 penalty units.

13 Procedure for identification of cats

- (1) A person must follow the following procedure in implanting an identifying microchip in a cat:
- (a) scan the cat, before the microchip is implanted, to ensure it does not have a functioning identifying microchip properly implanted;
 - (b) scan the microchip, immediately before it is implanted—
 - (i) to ensure the microchip is functioning properly; and
 - (ii) to check that its scanned number is the number shown on supporting documentation applying to the microchip as the unique identifying number for the microchip;
 - (c) implant the microchip under the cat's skin in the dorsum between the scapulae so that the microchip lies at an oblique angle to the plane of the skin;
 - (d) scan the cat, after the microchip is implanted, to confirm the microchip is properly implanted and is functioning properly.
- (2) The Minister may issue guidelines about the procedures to be followed in implanting an identifying microchip in a cat.
- (3) A person implanting an identifying microchip in a cat must comply with subsection (1) and the guidelines.
- (4) A guideline is a disallowable instrument.

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

14 Authorisation of identifiers

- (1) A person may apply to the registrar to be an identifier of cats.
- (2) The registrar must decide to—
 - (a) authorise the person to be an identifier of cats; or
 - (b) refuse to authorise the person to be an identifier of cats.
- (3) The registrar must authorise the person to be an identifier of cats if satisfied that the person—
 - (a) is qualified and competent to be an authorised identifier; and
 - (b) will comply with the requirements of this part in identifying cats.
- (4) The registrar must give the person written notice of the registrar's decision.

15 Withdrawal of authorisation

- (1) This section applies to a person who is authorised to be an identifier of cats under section 14.
- (2) The registrar may, by written notice given to the person, withdraw the person's authorisation to be an identifier of cats if satisfied that the person—
 - (a) is not, or is no longer, qualified or competent to be an authorised identifier; or
 - (b) has been negligent or incompetent in relation to the exercise of the person's functions as an authorised identifier; or
 - (c) has failed to comply with a requirement of this part in identifying cats.

16 Review of decisions

- (1) In this section:

reviewable decision means a decision—

- (a) refusing to authorise a person to be an identifier of cats under section 14; or
 - (b) withdrawing a person's authorisation to be an identifier of cats under section 15.
- (2) A notice of a reviewable decision under section 14 (4) or section 15 (2) must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (3) Application may be made to the administrative appeals tribunal for review of a reviewable decision.

Part 5 Miscellaneous

17 Dishonoured cheques

- (1) If a person pays a fee under the Act by cheque and the cheque is not met on presentation—
 - (a) the person is liable for—
 - (i) any charge imposed by a bank because the cheque is not met; and
 - (ii) the amount of the cheque; and
 - (b) the registrar may suspend the benefit paid for by the cheque until the amount for which the person is liable is paid.
- (2) The registrar may waive liability under subsection (1)(a) for payment of the bank charge in cases of hardship.
- (3) The Minister may issue guidelines about the exercise of the registrar's function under subsection (2).
- (4) The registrar must comply with any guidelines under this section.
- (5) A guideline is a disallowable instrument.

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

- (6) In this section:

benefit means any service under the Act for which a fee is payable, and includes a registration, renewal, licence or permit.

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- penalty unit (see s 133)
- person
- veterinary surgeon.

Note 3 Terms used in this regulation have the same meaning that they have in the *Domestic Animals Act 2000* (see Legislation Act, s 148.) For example, the following terms are defined in the *Domestic Animals Act 2000*, dict:

- carer
- keeper
- registrar
- registration tag.

authorised identifier, for part 4 (Implanting microchips in cats)—see section 10.

identifying microchip—see section 11.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally the *Domestic Animals Regulations 2001*. It was renamed under the *Legislation Act 2001*.

Domestic Animals Regulation 2001 SL2001-17

notified 12 June 2001 (Gaz 2001 No S32)
s 1 and s 2 commenced 12 June 2001 (IA s 10B)
remainder commenced 21 June 2001 (s 2)

as amended by

Domestic Animals Amendment Regulations 2001 SL2001-30

notified 30 August 2001 (Gaz 2001 No 35)
commenced 30 August 2001 (s 1)

Domestic Animals Amendment Regulations 2002 (No 1) SL2002-15

notified LR 19 June 2002
commenced 19 June 2002 (s 2)

Statute Law Amendment Act 2002 A2002-30 pt 3.19

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.19 commenced 17 September 2002 (s 2 (1))

Domestic Animals Amendment Act 2002 A2002-44 pt 3

notified LR 2 December 2002
s 1, s 2 commenced 2 December 2002 (LA s 75)
pt 3 commenced 3 December 2002 (s 2)

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.17

notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
sch 3 pt 3.17 commenced 12 November 2005 (s 2 (2) and LA s 79)

Domestic Animals (Cat Containment) Amendment Act 2005 A2005-57 pt 3

notified LR 23 November 2005
s 1, s 2 commenced 23 November 2005 (LA s 75 (1))
pt 3 commenced 23 May 2006 (s 2 and LA s 79)

Endnotes

4 Amendment history

4 Amendment history

Preliminary

pt 1 hdg ins A2005-57 s 18

Name of regulation

s 1 am R6 LA

Dictionary

s 2 om R1 (IA s 43 (4))
ins A2002-30 amdt 3.241
sub A2005-57 s 19

Notes

s 3 sub A2002-30 amdt 3.241; A2005-57 s 19

Offences against regulation—application of Criminal Code etc

s 4 sub A2002-30 amdt 3.241; A2002-44 s 23; A2005-57 s 19

Dogs

pt 2 hdg ins A2005-57 s 19

Dog registration information—Act, s 8

s 5 sub A2002-30 amdt 3.241; A2005-57 s 19

Information on dog registration certificates—Act s 11 (2)

s 6 om A2005-20 amdt 3.140
ins A2005-57 s 19

Identification of dogs—Act, s 83

s 7 om A2005-20 amdt 3.140
ins A2005-57 s 19

Identifying cats

pt 3 hdg ins A2005-57 s 19

Cats to which compulsory identification applies—Act, s 83

s 8 om A2005-20 amdt 3.140
ins A2005-57 s 19

How cats must be identified—Act, s 83

s 9 om A2005-20 amdt 3.140
ins A2005-57 s 19
(3), (4) exp 30 June 2008 (s 9 (4))

Implanting microchips in cats

pt 4 hdg ins A2005-57 s 19

Meaning of *authorised identifier*

s 10 om A2005-20 amdt 3.140
ins A2005-57 s 19

Approval of identifying microchip

s 11 om A2005-20 amdt 3.140
ins A2005-57 s 19

Identifying microchip to be implanted only by authorised people etc

s 12 om A2005-20 amdt 3.140
ins A2005-57 s 19

Procedure for identification of cats

s 13 om A2005-20 amdt 3.140
ins A2005-57 s 19

Authorisation of identifiers

s 14 sub A2005-57 s 19

Withdrawal of authorisation

s 15 ins A2005-57 s 19

Review of decisions

s 16 ins A2005-57 s 19

Miscellaneous

pt 5 hdg ins A2005-57 s 19

Dishonoured cheques

s 17 ins A2005-57 s 19

Offences and penalties

sch 1 sub SL2001-30 s 3
am SL2002-15 s 4; items renum R3 LA (see SL2002-15 s 5)
om A2005-20 amdt 3.141

Dictionary

dict ins A2005-57 s 20
def **authorised identifier** ins A2005-57 s 20
def **identifying microchip** ins A2005-57 s 20

Endnotes

5 Earlier republishings

5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	1 July 2001
2	SL 2001 No 30	30 August 2001
3	SL 2002 No 15	19 June 2002
4	Act 2002 No 30	17 September 2002
5	A2002-44	3 December 2002
6	A2002-44	2 November 2004
7	A2005-20	12 November 2005

© Australian Capital Territory 2006