



Australian Capital Territory

# **Domestic Animals Amendment Regulation 2008 (No 1)**

## **Subordinate Law SL2008-18**

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The Australian Capital Territory Executive makes the following regulation under the *Domestic Animals Act 2000*.

Dated 30 April 2008.

JOHN HARGREAVES  
Minister

ANDREW BARR  
Minister

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# Domestic Animals Amendment Regulation 2008 (No 1)

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made under the

**Domestic Animals Act 2000**

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## **1 Name of regulation**

This regulation is the *Domestic Animals Amendment Regulation 2008 (No 1)*.

## **2 Commencement**

This regulation commences on the commencement of the *Domestic Animals Amendment Act 2007*, section 3.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## **3 Legislation amended**

This regulation amends the *Domestic Animals Regulation 2001*.

## **4 Section 2, note 1**

*substitute*

*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 '*identifying microchip*—see section 10.' means that the term 'identifying microchip' is defined in that section.

## **5 Section 6 (f)**

*omit*

## **6 New section 6A**

*insert*

### **6A Requirement to be licensed**

- (1) A person commits an offence if—
  - (a) the person keeps 4 or more dogs on 1 residential premises; and

- (b) the person does not hold a multiple dog licence to keep the dogs on the premises.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply to—
  - (a) a dog under 84 days old; or
  - (b) a dog kept by the person for less than 28 days; or
  - (c) a person resident in the ACT for less than 28 days; or
  - (d) a dog that is an assistance animal; or
  - (e) a dog kept on land that is under a lease granted for agricultural or grazing purposes; or
  - (f) a dog kept on land that is under a lease that allows for an animal care facility.

## **7 Section 7**

*substitute*

### **7 How dogs must be identified—Act, s 83**

- (1) A registered dog must be identified by a tag attached to a collar worn by the dog.
- (2) The tag must be the dog's registration tag or another tag that shows the dog's registration number.
- (3) A dog must also be identified by an identifying microchip if the dog—
  - (a) is at least 12 weeks old; or
  - (b) has been sold; or
  - (c) is a dangerous dog.

- (4) The identifying microchip must—
  - (a) be implanted in the dog; and
  - (b) contain a number (the *unique identification number*) by which the identification particulars for the dog can be worked out; and
  - (c) function properly.
- (5) The identification particulars for a dog are—
  - (a) the following information about the dog:
    - (i) the dog's breed;
    - (ii) the dog's date of birth or age;
    - (iii) the dog's colour;
    - (iv) the dog's sex;
    - (v) the dog's reproductive status;
    - (vi) the address where the dog is, or is to be, kept;
    - (vii) the unique identification number of the identifying microchip implanted in the dog;
    - (viii) the identification number of any other microchip implanted in the dog;
    - (ix) the name and business address of the person who implanted the identifying microchip mentioned in subparagraph (vii) and the date it was implanted;
    - (x) whether the dog is a dangerous dog; and
  - (b) the following information about the dog's owner:
    - (i) the owner's name and home address and, if different, postal address;
    - (ii) a contact telephone number for the owner; and

- (c) the name of a person (other than the owner) who can be contacted in relation to the dog and a contact telephone number for the person.
- (6) However, subsection (3) does not apply to a dog if—
  - (a) the dog is less than 6 months old; and
  - (b) a veterinary surgeon certified in writing, before the dog was 12 weeks old or first sold (whichever is the earlier), that identification of the dog by identifying microchip would be a serious health risk to the dog.
- (7) Also, subsection (3) does not apply to a dog if the dog has not been sold since the commencement of this section.
- (8) Subsection (7) and this subsection expire 3 years after the day they commence.

## **8 Part 3 heading**

*substitute*

## **Part 3 Cats**

### **9 Section 9 (1) (b)**

*after*

number

*insert*

(the *unique identification number*)



**10      Section 9 (2)***substitute*

- (2) The identification particulars for a cat are—
- (a) the following information about the cat:
    - (i) the cat's breed;
    - (ii) the cat's date of birth or age;
    - (iii) the cat's colour;
    - (iv) the cat's sex;
    - (v) the cat's reproductive status;
    - (vi) the address where the cat is, or is to be, kept;
    - (vii) the unique identification number of the identifying microchip implanted in the cat;
    - (viii) the identification number of any other microchip implanted in the cat;
    - (ix) the name and business address of the person who implanted the identifying microchip mentioned in subparagraph (vii) and the date it was implanted; and
  - (b) the following information about the cat's owner:
    - (i) the owner's name and home address and, if different, postal address;
    - (ii) a contact telephone number for the owner; and
  - (c) the name of a person (other than the owner) who can be contacted in relation to the cat and a contact telephone number for the person.

**11 Section 9 (3) (c)**

*substitute*

- (c) the tag includes 1 or more of the following:
  - (i) the name and address of the cat's keeper;
  - (ii) the name and address of the cat's carer;
  - (iii) a contact telephone number for the cat's keeper;
  - (iv) a contact telephone number for the cat's carer; and

**12 New section 9A**

*in part 3, insert*

**9A Multiple cat licences—requirement to be licensed**

- (1) A person commits an offence if—
  - (a) the person keeps 4 or more cats on 1 residential premises; and
  - (b) the person does not hold a multiple cat licence to keep the cats on the premises.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply to—
  - (a) a cat less than 84 days old; or
  - (b) a cat kept by the person for less than 28 days; or
  - (c) a person resident in the ACT for less than 28 days; or
  - (d) a cat that is an assistance animal; or
  - (e) a cat kept on land that is under a lease that allows for an animal care facility.

**13      Part 4***substitute***Part 4                      Implanting microchips****10              Approval of identifying microchip**

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

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

**11              Selling or supplying fake identifying microchips**

- (1) A person commits an offence if—
  - (a) the person sells or supplies a microchip to someone else; and
  - (b) the person represents to the other person that the microchip is an identifying microchip; and
  - (c) the microchip is not an identifying microchip.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

**12              Information to be given to domestic animals registry services**

- (1) A person who sells or supplies an identifying microchip to a veterinary surgeon or authorised identifier must give the following information to each operator of a domestic animals registry service in the ACT:
  - (a) the name and address of the veterinary surgeon or authorised identifier;

- (b) the unique identification number of the microchip in a 15 character numeric or 10 character hexadecimal format and linked to the manufacturer of the microchip and a distribution batch number;
- (c) an allocation list linking the unique identification number to the veterinary surgeon or authorised identifier to whom the microchip was sold or supplied.

Maximum penalty: 20 penalty units.

- (2) The information mentioned in subsection (1) (b) and (c) must be given in an electronic format suitable for incorporation in the records of each operator of a domestic animals registry service in the ACT.
- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant believed on reasonable grounds that the information mentioned in subsection (1) had already been, or would be, given to each operator of a domestic animals registry service in the ACT by someone else.

### **13 Authorisation of identifiers**

- (1) A person may apply to the registrar to be an identifier of domestic animals.
- (2) The registrar must—
  - (a) authorise the person as an identifier of domestic animals; or
  - (b) refuse to authorise the person as an identifier of domestic animals.
- (3) The registrar must authorise the person to be an identifier of domestic animals 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 domestic animals.

- (4) The registrar must give the person written notice of the registrar's decision.

#### **14        Withdrawal of authorisation**

- (1) This section applies if the registrar is satisfied that a person who is authorised as an identifier of domestic animals—
  - (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 domestic animals.
- (2) The registrar may, by written notice given to the person, withdraw the person's authorisation as an identifier of domestic animals.

#### **15        Identifying microchip to be implanted only by authorised people etc**

- (1) A person commits an offence if the person—
  - (a) implants an identifying microchip in a dog or cat; and
  - (b) 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 dog or cat to implant an identifying microchip in the animal; and
  - (b) the person implants a microchip in the animal; 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.

## **16 Code of practice about implanting identifying microchips**

- (1) The Minister may approve a code of practice about the procedures to be followed by a person who implants an identifying microchip in a domestic animal.
- (2) An approved code of practice is a disallowable instrument.

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

- (3) A person who implants an identifying microchip in a domestic animal must comply with a code of practice approved under this section.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.

## **17 Requirement to scan for identifying microchips**

- (1) A person who operates an animal shelter or pound commits an offence if—
  - (a) a dog or cat enters the shelter or pound; and
  - (b) the person does not, within 3 days after the day the animal enters the shelter or pound, scan the animal to find out whether it is implanted with an identifying microchip.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

- (3) In this section:

***animal shelter*** means premises maintained for providing shelter to, or finding new homes for, stray, abandoned or unwanted dogs or cats.

***pound*** means premises maintained for impounding dogs or cats.

## **18 Operation of domestic animals registry services**

- (1) A person commits an offence if the person operates a domestic animals registry service in the ACT and the person—
- (a) is not licensed (however described) to operate a domestic animals registry service under a corresponding law; or
  - (b) is prohibited from operating the service in the ACT under a notice under section 19.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

## **19 Prohibition of certain operators**

- (1) This section applies if the registrar is satisfied that a person who is licensed under a corresponding law to operate a domestic animals registry service is not operating, or will not operate, the service in accordance with a code of practice approved under section 22.
- (2) The registrar may, by written notice given to the person, prohibit the person from operating the service in the ACT.

## **20 Operator to provide information**

- (1) A person who operates a domestic animals registry service in the ACT commits an offence if—
- (a) the registrar asks the person to give the registrar information about the registry service; and

- (b) the person does not give the registrar the information within 7 working days after the day the person receives the request.

Maximum penalty: 5 penalty units.

*Note* The Legislation Act, s 170 and s 171 deal with the application of the privilege against selfincrimination and client legal privilege.

- (2) An offence against this section is a strict liability offence.

## **21 Notification of ceasing to operate domestic animals registry services**

- (1) This section applies to a person who—
  - (a) is licensed (however described) to operate a domestic animals registry service under a corresponding law; and
  - (b) operates a domestic animals registry service in the ACT under the licence.
- (2) The person commits an offence if—
  - (a) the person's licence to operate the service is suspended or cancelled under the corresponding law, or the person discontinues operating the service in the ACT for any other reason; and
  - (b) the person does not give the registrar written notice of the suspension, cancellation or discontinuation within 3 working days after the day it happens.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

## **22 Code of practice about operation of domestic animals registry service**

- (1) The Minister may approve a code of practice about the operation of domestic animals registry services in the ACT.



- (2) An approved code of practice is a disallowable instrument.

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

- (3) A person who operates a domestic animals registry service in the ACT must comply with a code of practice approved under this section.

Maximum penalty: 20 penalty units.

- (4) An offence against this section is a strict liability offence.

## **23 Review of decisions**

- (1) In this section:

***reviewable decision*** means a decision—

- (a) refusing to authorise a person as an identifier of domestic animals under section 13; or
  - (b) withdrawing a person's authorisation as an identifier of domestic animals under section 14; or
  - (c) prohibiting a person from operating a domestic animals registry service in the ACT under section 19.
- (2) A notice of a reviewable decision 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.

## **14 Section 17**

*renumber as section 24*

## **15 New section 25**

*insert*

### **25 Incorporation of documents**

A statutory instrument under this regulation may apply, adopt or incorporate an instrument as in force from time to time.

*Note 1* The text of an applied, adopted or incorporated instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

*Note 2* A notifiable instrument must be notified under the Legislation Act.

## **16 Dictionary**

*substitute*

## **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
- dangerous dog
- incorporated document
- keeper
- registrar

- registration tag.

***authorised identifier*** means a person who is authorised under section 13 as an identifier of domestic animals.

***corresponding law*** means any of the following:

- (a) *Companion Animals Act 1998* (NSW);
- (b) *Companion Animals Regulation 1999* (NSW);
- (c) *Domestic (Feral and Nuisance) Animals Act 1994* (Vic);
- (d) *Domestic (Feral and Nuisance) Animals Regulations 2005* (Vic).

***domestic animals registry service*** means a service of keeping records relating to domestic animals that, in relation to each animal about which records are kept—

- (a) contain identifying information about the animal and its owner; and
- (b) are referenced to the animal through information contained in an identifying microchip implanted in the animal.

***identifying microchip***—see section 10.

***unique identification number***—

- (a) for a microchip implanted in a dog—see section 7 (4) (b); and
- (b) for a microchip implanted in a cat—see section 9 (1) (b).

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## Endnotes

### 1 Notification

Notified under the Legislation Act on 30 April 2008.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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